

INITIAL READING ASSIGNMENTS – FALL 2006
UPPER-LEVEL COURSES

Revised: August 23, 2006

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. This list may be updated again if we receive additional assignments.

New assignments added 8/12/06:

Civil Procedure 2 (Prof. Laser)

Copyright Law (Prof. Piatt)

Taxation of Financial Products (LL.M.) (Prof. Kimball)

New assignment added 8/23/06:

Public Interest & the Law (Prof. Staudt)

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.

American Legal History - Prof. Hamilton

For the first day of class, please read pp. 78-87 in Hall, Finkelman & Ely, *American Legal History* (3d ed.), available for purchase in the Bookstore.

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. I look forward to seeing you at the end of August!

Business Organizations (day section) – Prof. Birdthistle

The casebook for this course will be Klein, Ramseyer & Bainbridge, *Business Associations: Cases and Materials on Agency, Partnerships, and Corporations* (6th ed. 2006), and we will also be using its supplement, *2006 Statutes and Rules*. For the first class, please read pp. 1-13 of the casebook.

Business Organizations (evening section) – Prof. P. Hablutzel

The casebook is Eisenberg's Concise Ninth Edition, 2005, Foundation Press. For the first class on Tuesday, August 29, we will cover a lot of introductory material, not in the casebook. Some of this will refer to the Instructor's paper on Entities, in the "Basic Tool Kit," available in the Bookstore.

In addition, read most of Chapter One, pp. 1-20 (two cases on Agency). Read all the portions of the Restatement (Second) of Agency, about pp. 1-40 of the paperback statutes booklet, and look over (skim for what is there) the portions of the Restatement (Third) of Agency in the statutes booklet.

For the second class on Thursday, August 31, skim over the rest of Chapter One, pp. 20-26. We may not do a lot of this material in class. Start Chapter 2 on Partnerships, pp. 27 – 49 (four cases).

Children and the Law (LL.M.) - Prof. N. Hablutzel and Levin

Look at the Illinois Marriage and Dissolution of Marriage Act (IMDMA) and the Abused and Neglected Child Reporting Act (ANCRA), concentrating on the sections dealing with custody of children, who gets it and how, and with the representation of children in the court proceedings. Compare the similarities and the differences, and look particularly for potential conflicts. Be prepared to begin the discussion of them at the first class.

Civil Procedure - Prof. Perritt

Look at the syllabus on the course webpage, <http://www.kentlaw.edu/perritt/courses/civpro> and follow the instructions for the first day's assignment. Come to class prepared to participate.

Civil Procedure 2 - Prof. Laser

For Monday, August 28, read Marcus, Redish & Sherman, *Civil Procedure: A Modern Approach* (4th ed. 2005), Chapter VII, Judicial Supervision of Pretrial and Promotion of Settlement, Section A, Pretrial Conference (pp. 465-483). For Wednesday, August 30, read Section B, Settlement Devices Using Intervention By Third Parties (pp. 483-496). Also read the Federal Rules mentioned in the assigned materials in *Federal Rules of Civil Procedure* (2006-2007 Educational Edition).

Comparative Law - Prof. Cho

Schlesinger, Baade, Herzog & Wise, *Comparative Law: Cases-text-Materials* (6th ed. 1998), pp. 2-21 (except for footnotes).

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

Review the Constitution, in the Appendix.

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 initially – and this is important – on the different theories of government and the Federalist Papers, and then on *Marbury v. Madison* (this foundational case will surely spill over into the next class). I look forward to learning constitutional law with you.

Constitutional Law - Prof. Rosen

As of the date by which I had to provide the first assignment, the newest edition of our casebook (Charles Shanor's *Constitutional Law*, 3d edition) had not yet been published; it is due out the first week of August. Though I accordingly could not have provided you page numbers, for first class please read the introduction as well as the case of "Marbury v. Madison." Please also carefully read Handout 1, which can be purchased in the Bookstore.

Consumer Health Benefits - Prof. Kraus

The readings for the course will come from two sources: (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. For the first day of class, August 30, 2006, 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.

(continued next page)

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 textbook 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.

Copyright Law - Prof. Piatt

The casebook for the class is *Copyright*, by Ralph S. Brown and Robert C. Denicola (Foundation Press, 9th edition). There is a statutory supplement available that contains additional reading (some of which we will cover in class), but it is optional for the class. There is no assignment for the first class, but it is imperative that you attend because we will have a written assignment based on the class discussion that will count as part of the grade for the class.

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

Casebook: David S. Rudstein, *Criminal Procedure: The Investigatory Process* (2006) (photocopied materials).

Monday, August 28: Please read p. v (Fourth Amendment) and pp. 1–8 (Introduction, Introduction to the Fourth Amendment, and *Katz v. United States*).

Wednesday, August 30: Please read pp. 8-46 (*United States v. White*, *Smith v. Maryland*, *United States v. Knotts*, Note, *California v. Ciraolo*, *Oliver v. United States*, Notes, *California v. Greenwood*, and Notes).

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

The texts will be Kamisar, LaFare, Israel & King, *Modern Criminal Procedure* (10th ed. 2002) and the 2006 Supplement. The reading assignment for the first class is pp. 12-29, 30-35, 439-48, and 576-85 in the main text (not the Supplement).

Employment Discrimination (day section) - Prof. Eglit

Review Title VII, in Appendix.

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

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

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

Please read pp. 1-30 of the Dukeminier casebook (latest edition), and be especially prepared to discuss the meaning of “donative freedom” and the potential policies underlying the concept, as well as appropriate government limitations thereon.

Evidence (day section) - Prof. Godfrey

Please read pp.1-76 of Allen et al., *Evidence: Text, Cases and Problems* (4th ed.). Please make sure you buy the 4th edition – it just came out. 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. 1-38, 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. R. Kling

For the first day of class, please read *Evidence*, pp. 1-64 (up to Hickman).

Federal Courts - Prof. Stewart

Welcome to Federal Courts! For the first *class*, please read Low & Jeffries, *Federal Courts and the Law of Federal-State Relations* (5th ed.), pp. 2-20, the focus of which is Erie Railroad Company v. Tompkins and the use of state law in federal court.

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

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

Forensic Psychology (LL.M.) - Prof. Klepak and Star

Galatzer-Levy, R., Baerger, D.R., Gould, J. & Nye, S. (2003) Evaluating the evaluation: How to understand and critique custody evaluations. In *2003 Family Law Update* (Brown, R., Morgan, L.W. Eds), New York, Aspen Publishers, pp. 140-162.

Martindale, D.A. (2001) Cross-examining mental health experts in child custody litigation. *The Journal of Psychiatry and Law*, pp. 29, 483-511.

International Commercial Arbitration – Prof. P. Hablutzel

The casebook is the new: Varady, Barcelo & von Mehren (2006 ed.). For the first day, Monday, August 28, read pp. 1-12. Also read the United Nations Convention on the Recognition and Enforcement of Arbitral Awards in the Documents Supplement, pp. 1-6 and its list of signatories, pp. 6-11. We will particularly discuss Article V. This Convention and its Article V are the keys to the course.

For the second day, Tuesday, August 29, read pp. 12-29 (two cases, Frydman and American Almond Products).

International Law (day section) - Prof. Cho

Dunoff, Ratner & Wippman, *International Law: Norms, Actors, Process*, (2002), pp. 1-12.

Labor Law (day section) - Prof. Malin

Cox, Bok, Gorman & Finkin, *Labor Law: Cases and Materials* (Foundation Press, 14th ed.): please read pp. 1-16, 30-67. Consider problem 1 on page 66. 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?

Land Use - Prof. Tarlock

Please read pp. 47- 59 in Mandelker et al., *Planning and Control of Land Development*, as well as a second case which will be emailed to you before classes begin. A syllabus will be distributed at the first class meeting and emailed to you as well.

Legal Aspects of Startups - Prof. J. Thomas

For the initial assignment, students should read the following law review article: Mann, O'Sullivan, Robbins & Roberts, *Starting From Scratch: A Lawyer's Guide to Representing A Start Up Company*, 56 Ark. L. Rev. 773 (2004).

Legal Rights of Children - 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.

Legislative Process - Prof. Hamilton

We will be using Eskridge, Frickey & Garrett, *Cases and Materials on Legislation* (3d ed). For our first class, please read pp. 1-38 in the casebook. A syllabus will be distributed at the first class meeting.

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 in the Bookstore) 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 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 - Prof. Chapman

The syllabus and supplementary materials will be posted by August 15 on the class website: <http://www.kentlaw.edu/classes/hchapman>. The assignments for the first week are in the syllabus.

Practice Before the Federal Circuit - Profs. Hulbert & Cavan

The first class will be held on August 28. Before that class, please think about the considerations that form the basis for choosing an issue for appeal. On August 28, in addition to appellate strategy generally, we will discuss the course "ground rules" and the timing of further classes.

Pretrial Litigation - Prof. R. Gonzalez

There is no initial reading assignment. Please do *not* purchase the photocopied materials from the bookstore until after our first few classes.

Professional Responsibility (day section) - Prof. Shapiro

Welcome to Professional Responsibility. For the first class, please read in Rhode & Luban, *Legal Ethics* (4th ed.): pp. 136-41 (through problem 1); pp. 146-51. For the second class, please read pp. 174-88 and 196-208 from the same casebook.

Professional Responsibility (4:00 section) - 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

Public Interest Law and Policy - Prof. Staudt

For August 29, read the indicated pages from following three law review articles on the meaning and history of public interest law. The hyperlinks will take you to the law school's HeinOnline data base of law review page images. You can read on line or download a PDF file or print the indicated pages from HeinOnline.

The New Public Interest Lawyers, [79 Yale L. J. 1069](#), 1069-1072 (1969-70).

Robert L. Rabin, Lawyers for Social Change: Perspectives on Public Interest Law, [28 Stan. L. Rev. 207](#) 224-231 (1975-76).

Ann Southworth, Conservative Lawyers and the Contest Over the Meaning of "Public Interest Law," [52 U.C.L.A. L. Rev. 1223](#)-1231, 1234-1245 (2004-2005).

Remedies (evening section) - Prof. Cavanaugh

For the first class, please read Sections 1.01 – 1.03 of the casebook.

Science and Law - Prof. Andrews

For the first class, read pp. 3-32 in Coleman et al., *The Ethics and Regulation of Research with Human Subjects*.

Securities Regulation - Prof. Batlan

The casebook is Choi & Pritchard, *Securities Regulation* (Foundation 2005). You should also purchase the Statutory Supplement. The assignment for the first class is pp. 1-17 of the casebook (ignore hypothetical on p.9).

Securities Regulation - Prof. P. Hablutzel

The casebook is Coffee & Seligman, *Securities Regulation: Cases and Materials* (9th ed. 2003). During the first class on Monday, August 28, we will cover a lot of general, introductory materials. It would be useful for students to have skimmed over Chapter 1 (pp. 1-80) 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, Wednesday, August 30, read over the Introduction to Part II of the casebook, pp. 91-100, 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. We will spend a LOT of time reading Section 5 of the 1933 Securities Act (Statutes book, p. 10). Section 5 is the key to the first half of the course – try not to miss this second class.

Securities Regulation (LL.M.) - Prof. Tucker

Although the class is intended to be more of a practical than theoretical approach to securities transactions and the applicable regulations, we will be using the Coffee and Seligman, *Securities Regulation* (9th ed. 2003) casebook. It would be useful if, prior to the first class, students flipped through (not read in full) pp. 1-80 and 241-271 for a general understanding of the regulatory framework and issues we will be discussing.

Seventh Circuit Honors Seminar - Prof. Morris

Welcome to the Seventh Circuit Honors Seminar. The required texts for the seminar are *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers* (3rd ed.) and the *Bluebook*. There are also two recommended books that are mainly supplemental in nature. For our first class, please read pp. 1-13 in the *Scholarly Writing* book. Consider: what area of the law you are sufficiently interested in to focus on for your seminar paper and come to class prepared to indicate why. It would be helpful if you brought your laptop to the first class. Please call me at 312/876-7185 with any questions. I look forward to having you in 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.

Taxation of Financial Products (LL.M.) - Prof. Kimball

In the first class we will discuss the fundamental divide between debt and equity. In preparation for the class, review the following introductory material from Keyes, *Federal Taxation of Financial Instruments and Transactions* (Warren, Gorham & Lamont, 1997). Most of this

material should be familiar. I note the pages in the main text, but you should also read the additions in the 2005 Cumulative Supplement, which is included in the back of the book and now constitutes almost as many pages (in the supplement) as there were in the original 1997 text.

- 1.01 Stock Distributions: Historical Background (1-2 to 1-6)
- 1.02 Stock Distributions: Overview of Current Scheme of Taxation (1-7 to 1-15)
- 2.01 Intercorporate Dividends: Introduction (2-2 to 2-4)
- 2.02 Intercorporate Dividends: Computing the Dividends Received Deduction (2-4 to 2-15)
- 3.01 Debt Instruments: Introduction (3-3 to 3-4)
- 3.02 Debt Instruments: Treatment of Interest (3-4 to 3-32)
- 3.06 Debt-Equity Considerations (3-87 to 3-101)
- 3.07 True Sale or Loan (3-101 to 3-107)

Trademarks and Unfair Competition - Prof. Holbrook

For the first class, please read pp. 1-27 of the text and skim pp. 30-43. The syllabus will be posted online by mid-August (with a link available through my biography page at <http://www.kentlaw.edu/faculty/tholbrook>), so you will be able to check in advance what the assignment for the second class will be. For the first class, begin to think of examples of trademarks that you are aware of and why you think companies spend so much money developing (and protecting!) them. In what ways do you think trademarks impact your life as a consumer? Are trademarks like copyright (which, among other things, protects written works and music) or like patents (which protects inventions)? We will begin to explore these themes as an introduction to various issues that will present themselves throughout the course.

Workers' Compensation Law - Prof. Eagle

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