

INITIAL READING ASSIGNMENTS – FALL 2007
UPPER-LEVEL COURSES

Revised: August 10, 2007

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.

Assignments added 8/10/07:

American Legal History (Hamilton)
Business Organizations (Batlan)
Evidence (Kling)

Advanced Evidence - 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 80% of your grade; class participation and attendance will cover 20%. You will be expected to participate.

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

Advanced Property: Real Estate Finance & Transfers - Prof. Tarlock

The casebook is Nelson and Whitman, *Real Estate Transfer, Finance and Development* (7th ed.). The first assignment is Chapter 1, pp. 2- 43. A complete course syllabus will be distributed at the first class meeting.

American Legal History - Prof. Hamilton

For the first class, an initial reading assignment will be emailed to you. For those of you who have not pre-registered for the course, please email Ms. Rosa Mustari (rmustari@kentlaw.edu) for a copy of the assignment. A syllabus will be handed out in class.

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. Batlan

The casebook we are using is: Klein, Ramseyer, Bainbridge, *Business Associations* (6th ed., Foundation Press 2006). For the first class, read pp. 1-13 (Nature of Agency); and skim the Supplement, *Restatement of the Law of Agency* (2d), and refer back to it as we study different aspects of agency law.

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 RICO - Prof. Foster

Read the statute and these three cases: *Cedric Kushner v. King*, *Williams v. Mohawk Industries, Inc.*, and *Emery v. American General Finance*. Our first class will focus on the concept of the RICO enterprise.

Commercial Law: Payment Systems - Prof. D. Spak

Two books for the course are available in the bookstore: (1) a reasonably current version of the Uniform Commercial Code, as available in *Selected Commercial Statutes*. (2) *Understanding Negotiable Instruments and Payment Systems*. Your initial assignment is to look at a check.

Commercial Law: Secured Transactions - Prof. S. Harris

The casebook (CB) is Harris & Mooney, *Security Interests in Personal Property* (4th ed. 2006). You also will need a current version of the Uniform Commercial Code and the Bankruptcy Code. They are included in Warren & Walt, *Commercial Law: Selected Statutes* (2007-2008 ed.).

At the first class, we will discuss the Problems in Chapter 1, Sections 1 and 2 (CB 15-24; omit Problem 1.2.6). Please prepare the answers before you come to class. For background, please read the General Introduction (CB 1-14), UCC 1-103, and UCC 1-304.

For the second class, please prepare the problems in Chapter 1, Section 3A (CB 25-34).

Comparative Law - Prof. Cho

For the first class, read Schlessinger et al., *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.

Conflict of Laws - Prof. Yonover

For the first class, please read and be prepared to discuss the two "cases" in the Conflict of Laws single page Handout available outside Dean Sowle's office, Rm. 320C. Our textbook is Currie, Kay & Kramer, *Conflict of Laws* (6th ed. 2001). For the second class, read pp. 2-17.

Constitutional Law - Prof. Nahmod

For our first class, please look at the Constitution and its structure, and then carefully read (twice) and be prepared to discuss pages 1-12 in the 2d edition of Chemerinsky's *Constitutional Law* casebook, which includes the seminal decision in Marbury v. Madison. I very much look forward to learning constitutional law with you.

Constitutional Law - Professor Rosen

Welcome to Constitutional Law! For our first class, please read Shanor, *American Constitutional Law: Structure and Reconstruction* (3d ed.), pp. 4-9, 17-31. Please also look at Handouts 1 and 1a, both of which should be available on this course's TWEN site.

Constitutional Law - Prof. Stewart

For the first class, please read Marbury v. Madison in Stone, Seidman, Sunstein, Tushnet & Karlan, *Constitutional Law* (5th ed. 2005), at page 29.

Copyright Law - Prof. Dinwoodie

The casebook for the course is Robert A. Gorman and Jane C. Ginsburg, *Copyright: Cases and Materials* (7th ed. 2006, Foundation). You should also purchase Robert A. Gorman and Jane C. Ginsburg, *Copyright: 2007 Statutory Appendix* (Foundation). This has some new cases that we will read but, perhaps more importantly, has a copy of the Copyright Act. Of all the intellectual property statutes, copyright law's statutory framework is arguably the most significant; we will make constant reference to the statute.

I expect to assign approximately twenty to twenty-five pages for each class. For the first class, please read pp. 1-12 and 37-49 of the casebook. For the second class, please read pp. 71-74 and 12-28 of the casebook.

By the time of the first class, there should be a class web site available (under "Copyright Law Fall 2007") at <http://www.kentlaw.edu/faculty/gdinwoodie/classes/> with a full syllabus, assignments, and other relevant course information posted.

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

Casebook: David S. Rudstein, *Criminal Procedure: The Investigatory Process* (2007) (photocopied materials). (continued next page)

Monday, August 27: Please read Introduction, Introduction to the Fourth Amendment, and *Katz v. United States*.

Wednesday, August 29: Please read *United States v. White*, *Smith v. Maryland*, *United States v. Knotts*, Note, *California v. Ciraolo*, *Oliver v. United States*, Notes, *Kyllo v. United States*, and Notes; and be prepared to discuss the problems I will hand out the first day of class.

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

For the first class, please read the introductory chapter and pages 1-17 of the course book, *Criminal Procedure: Constitutional Constraints upon Investigation and Proof* by Tomkovicz and White. Also, look at problems 1-1, 1-2, and 1-3 on pp. 48-49. Please give special focus to the Katz case. While it is much criticized, it is still the touchstone we all must revert to. I look forward to discussing this material with you.

Employee Benefits Law - Prof. Sherman

Read in Langbein, Stabile & Wolk, *Pension and Employee Benefit Law* (4th ed. 2006): pp. 23-34; 89-109 (up to but not including item 7); 40-45; 355-58; and 363-67.

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

As of the date I am submitting this assignment, the new edition of the Friedman & Strickler casebook is not yet out. Assuming it begins with the same case, please read Kerr v. Enoch Pratt Free Library, or else the first case in the casebook. Also, please read Summers v. State Farm and Wallace v. Dunn in the photocopied materials.

Energy and Climate - Prof. Bosselman

We will be using *Global Climate Change and U.S. Law*, published by the American Bar Association Section of Environment, Energy and Resources. Please read the first chapter and look over the table of contents. It is not too early to begin thinking about a seminar paper topic.

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 the appropriate government limitations thereon.

Evidence (day section) - Justice Erickson

For the first week of class, please read Friedland et al., *Evidence: Law and Practice* (2d ed.), chapters 1 and 2; and Mauet & Wolfson, *Trial Evidence* (3d ed.), chapters 1 and 2. Be prepared to discuss Federal Rules of Evidence, 101-106, 611, 614 and 615, found at pp. 847 in Friedland. In this course we will deal with the rules of evidence as they are in practice in a courtroom. The

class will be interactive with the goal of an intense exploration of the rules, issues and challenges of mastering evidence in both theory and practice.

Evidence (evening section) - Prof. Kling

The book is: Imwinkelreid, et al., *Evidence: Teaching Materials for and Age of Science and Statutes* (Lexis 2007), to be released this month. Read pp. 1- 95. Concentrate especially on the problems. The reading for the balance of the semester will not be as voluminous.

Family Wealth Management - Prof. Chapman

The initial assignment will be posted at:

<http://www.kentlaw.edu/faculty/hchapman/classes/!%20FWMF07/index.htm>

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

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

First Amendment - Prof. Nahmod

For our first class, please study the language of the First Amendment and then carefully read (twice) and be prepared to discuss pages 1-28 in the 4th edition of the Shiffrin and Choper's *First Amendment* casebook. These are some of the seminal First Amendment decisions. I very much look forward to learning the First Amendment with you.

Food and Drug Law - Prof. E. Greenberg

Please note: The class will not meet the first week of the semester. Our first class session will be Tuesday, September 4. An initial reading assignment may be emailed prior to that class.

Illinois Civil Procedure - Judge Preston

Class 1: Michael, Vol. 3 - Introduction; Chapters 1 and 2 (including *Pocket Part*); Illinois Code of Civil Procedure: 5/1-101 through 5/1-109; and Illinois Constitution, Article VI (The Judicial Article).

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 IP licensing. Chapter 2 is either a refresher on IP (in which case you can skim it) or a jump start, for those of you who do not yet have a background in IP. This should give you enough of a foundation in IP to build some licensing skills in the course.

International Commercial Arbitration - Prof. P. Hablutzel

The casebook is: Varady, Barcelo & von Mehren (3d ed. 2006).

For the first class on Monday, August 27, 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. (continued next page)

For the second class on Tuesday, August 28, read pp. 12 - 29 (two cases: Frydman and American Almond Products.)

International Intellectual Property - Prof. Harding

For the first class, please read pp. 1-14; 17-19; 23-34 (27 pages total) in the text, Dinwoodie, Hennessey & Perlmutter, *International Intellectual Property Law and Policy* (2001).

International Intellectual Property Litigation - Prof. Dinwoodie

The course materials consist of American Law Institute, *Intellectual Property: Principles Governing Jurisdiction, Choice of Law, and Judgments in Transnational Disputes*, Proposed Final Draft (March 30, 2007) (the “ALI Principles”), and photocopied case materials (“Supplementary Materials”) that will be available in the bookstore the week prior to classes.

I expect to assign the equivalent of approximately twenty casebook pages for each class. (One page of the ALI Principles contains a lot less text than a casebook page, so if the readings are out of the ALI principles, the pages count will be higher, but the actual amount of reading will be the equivalent of 20 casebook pages).

For the first class, please read pp. xix- xxii of the ALI Principles; pp. 1-8 of the ALI Principles; and pp. 1-14 of the Supplementary Materials. Be prepared to discuss the issues that would be raised by the E-POD problem on pp. 1-2 of the ALI Principles. If you were representing E-POD, what strategic considerations might inform how you would wish to resolve any potential intellectual property disputes?

For the second class, please read pp. 39-66 of the ALI Principles.

By the time of the first class, there should be a class web site available with a full syllabus, assignments, and other relevant course information posted.

Note: if, as you read the materials, you see terms of art that are unfamiliar to you, you may find the Glossary at pp. 301-319 of the ALI Principles extremely useful.

International Law (evening section) - Prof. Cho

For the first class, read Dunoff et al., *International Law: Norms, Actors, Process* (2002), pp. 1-12.

Labor Law (evening section) - Prof. Malin

We will not be using a published casebook this semester. Instead we will be using the draft of a casebook on which I am co-author: Dau-Schmidt, Malin, Corrada, Cameron & Fisk, *Labor Law for the Contemporary Workplace*. The draft will be posted on the class website. I will provide you with a username and password to access the draft. I will e-mail the user name and password to you as soon as it is set up. We welcome your comments on the draft as the semester progresses. Your comments will assist us in improving the final version before it is sent to the publisher, Thomson/West. (continued next page)

For the first day of class, please read Chapter 1, The Evolution of the Contemporary Workplace, pp. 1-57. (Please note that these are manuscript pages, which are shorter than published casebook pages.) Also consider the following problem (you will want to consult the Norris-LaGuardia Act, 29 U.S.C. §§ 101 - 115):

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

For the first class, please read pp. 1- 25, 47- 59; and Rose v. Chalkin, which will be emailed to you. A complete syllabus will be emailed before the first class.

Legal Rights of Children - Prof. N. Hablutzel

The syllabus and reading materials for the first week will be in the bookstore a week before classes begin. You **MUST** read the material and come prepared to discuss it. At the first class, we will assign topics for your seminar papers, and suggested topics are in the syllabus, so read it and be prepared to choose your topic that day.

If you have any questions, you may reach me by email at NancyZH@aol.com. I do not have an email address on the Kent system.

Legislative Process – Prof. Sowle

For the first class, please read Eskridge, Frickey & Garrett, *Cases and Materials on Legislation* (3d ed.), pp. 1-47.

Negotiations (4:00 section) - Prof. Davis

For the first class, please read Chapters 1 and 12 in the Gifford text.

Negotiations (evening section) - Prof. Schoenfield

For the first class, read Chapters 1, 2, and 12 in the text.

Nonprofit Law - Prof. Brody

The syllabus for the course is the first document in the photocopied materials available from the Bookstore. As indicated in the syllabus, the assignments are numbered for each of our 85-minute classes, so for the first week, please prepare the first two assignments.

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. You will find a complete copy of the course outline in the supplemental materials in the school's bookstore.

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 hour is numbered, so for the first week, please prepare the first three assignments.

Pretrial Litigation - Prof. R. Gonzalez

There is no first day reading assignment. Please DO NOT purchase any photocopied material from the bookstore until later in the semester.

Public Interest Law & Policy - Prof. Staudt

The Assignment for the first class on August 28, 2007 is as follows:

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](#), 1234-1245 (2004-2005).

The links will take you to the HeinOnline versions of these documents in our Library's electronic collection. You need read only the excerpts indicated.

School Law - Prof. N. Hablutzel

The syllabus and reading assignment for the first week will be in the bookstore a week before classes begin. You should have read the assignment and be prepared to discuss it at the first class meeting. We will meet for the entire two hours, so be prepared, please.

Securities Regulation - Prof. P. Hablutzel

The casebook is: Coffee, Seligman, & Sale, *Securities Regulation: Cases and Materials* (10th ed. 2007).

During the first class on Monday, August 27, we will cover a lot of general, introductory materials. It would be useful for students to have skimmed over Chapter 1 (pp. 1 - 67) on The Institutional and Regulatory Framework 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 on Wednesday, August 29, read over the Introduction to Part II of the casebook (pp. 67 - 87) and also prepare the material at the beginning of Chapter 2 - pp. 88 to about 93. We will spend a LOT of time reading Section 5 of the 1933 Securities Act [Statutes booklet, about page 10]. Section 5 is the key to the first half of the course - try not to miss this second class.

Seventh Circuit Review Honors Seminar - Prof. H. Morris

The required text for this course is the *Bluebook*. In addition, there are two recommended texts that are mainly supplemental in nature: *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers* and *Scholarly Writing*.

For the first class, please come prepared to discuss what area of the law you are sufficiently interested in to focus on for your seminar paper and why. We will be working on topic selection during this class. Before coming to class, you should have considered and have an idea as to the area of law or even a specific case(s) that were decided within the last 6 to 8 months on which you want to concentrate. For background, you can refer to *Scholarly Writing for Law Students*, pp. 1-13. Also, please bring your laptop to class. Please call with any questions: 312/876-7185. I look forward to having you in class and am sure you will find the process of creating Volume 3, Issue 1 exciting.

Sexual Orientation and the Law - Prof. Samar

For the first class: *Cases and Materials on Sexual Orientation and the Law*, pp. 1-28; *Census Data on Same-Sex Couples*, 1-18.

Trademarks & 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 2d ed. 2007). In addition, you should purchase Graeme B. Dinwoodie and Mark D. Janis, *Trademarks and Unfair Competition: Law and Policy: Statutory Supplement* (2007); this contains (as the title would suggest) all the relevant statutory materials we will use.

I expect to assign approximately twenty-five pages for each 85-minute class. However, the number of pages to be read for the first class is somewhat greater than usual. Please read pp. 3-40 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 pp. 43-63. This is a more typical length of reading assignment.

By the time of the first class, a class web site will be available at <http://www.kentlaw.edu/faculty/gdinwoodie/classes/> (under "Trademark and Unfair Competition Law Fall 2007") with a full syllabus, assignments, and other relevant course information posted. I update my class web site periodically, and will be doing so substantially in mid-August.

Trial Advocacy 1 - Prof. L. Wolfson

1. Please prepare for our class sessions as follows:
 - a. Obtain a copy of the latest edition of *Trials*, by Thomas Mauet (Aspen).
 - b. Obtain a copy of the latest edition of *Materials in Trial Advocacy*, by Mauet & Wolfson (Aspen).
 - c. Review and be ready to execute *Materials in Trial Advocacy* problems as assigned weekly. For the first class, prepare problems 3.1, 4.1, and 4.8.
 - d. Read Rule 3.3(a)(10), Illinois Supreme Court Rules of Professional Responsibility.
2. The course in 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*, by Mauet & Wolfson (Aspen).
3. Our class will meet promptly at 6:00pm on Tuesdays in the assigned courtroom at the Daley Center. **Attendance is required each week.** Due to the nature of the course, matters covered in class cannot be repeated.
4. The grade for this course will be determined by three factors of equal weight: class participation, the mid-term trial, and the final trial.
5. If you need to contact me, my telephone number at work is 312/603-2600.

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.).