

INITIAL READING ASSIGNMENTS – SPRING 2004
December 22, 2003

Administrative Law (day section) - Prof. Perritt

Pick up materials: Mashaw, Merrill & Shane, *Administrative Law: The American Public Law System* (5th ed. 2003). Get syllabus from website: <http://www.kentlaw.edu/perritt/courses/admin>. Download Inspection Problem and other materials from the “First Day Problem” link on the syllabus, and be prepared to discuss.

Administrative Law (evening section) – Prof. Bauer

Welcome to Administrative Law. Please do not purchase a casebook for this class. Because of a favor owed to me by the publisher, everyone in the class will get a free book. Your assignment for the first class is to read a section of the book that I have copied and is available outside my office (Room 811). During the first class we’ll be discussing the origins of and need for a system where bodies – that are neither legislatures nor courts – make decisions affecting all of us.

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 pp. 1-26 in *Trial Evidence*.
3. Please read and consider pp. 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 the 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.

Advanced Property: Real Estate Transactions - Prof. De Armond

For the first class, read Madison, Zinman & Bender, *Modern Real Estate Finance & Land Transfer: A Transactional Approach* (2d ed.), pp. 1-16.

Advanced Torts - Prof. Brill

For the first class, prepare: Misuse of Legal Procedure, Ch. XX, 996-1012, in Prosser, Wade & Schwartz, *Cases and Materials on Torts* (9th ed.).

Bankruptcy - Prof. Harris

For the first week of class (Tuesday and Thursday), please study pp. 1-19 of the casebook. Be sure to work the Exercises. For pp. 18-19, use the sections of Revised Article 9 and not the bracketed sections.

Biodiversity Conservation seminar - Prof. Tarlock

In the first class, we will discuss pp. 13- 47 in *The Law of Biodiversity and Ecosystem Management*. A syllabus will be distributed during the first class.

Civil Procedure (Section A) - Prof. Steinman

Welcome to Civil Procedure! For the first class, please read Marcus, Redish & Sherman, *Civil Procedure* (3d ed.), Chapter IX, Choosing the Forum, pp. 666-78, the focus of which is *Pennoyer v. Neff*, and the “power” theory of jurisdiction.

In addition, early in the course you should read the following as background, for your general information. We will not discuss it in class as an initial matter, but will draw upon it throughout the course, as it becomes pertinent:

Chapter 1, Choosing a System of Procedure, pp. 1-26 (*but omit* the cases and accompanying notes at pp. 3-12 and 19-21, through n.2); Chapter 2, The Rewards and Costs of Litigation (read *only* pp. 27-29, up to *Fuentes*); p. 67 intro paragraph re: Post Judgment Remedies; bottom of p. 80 through top of p. 85 on Enforcing Money Judgments and Equitable Remedies (up to *Smith*); pp. 91-94 on Justiciability and Enforcing Equitable Decrees--Contempt (up to Notes and Questions); and pp. 106-17 on Alternatives to Litigation.

I look forward to seeing you on Tuesday, January 20th.

Civil Procedure (Section B) - Prof. Laser

Text: Marcus, Redish & Sherman, *Civil Procedure: A Modern Approach* (3d ed. 2000). For Wednesday, January 21, read Chapter IX, "Choosing the Forum - Geographical Location," pp. 666-686. For Thursday, January 22, read pp. 686-704. For Monday, January 26, read pp. 704-721. Also read the Federal Rules mentioned in the assigned materials in *Federal Rules of Civil Procedure* (2003-2004 Educational Edition).

Civil Procedure (Section C) - Prof. Perritt

Pick up materials: Marcus, Redish & Sherman, *Civil Procedure: A Modern Approach* (3d ed. 2000); Federal Rules of Civil Procedure (2003-2004 Educational Edition), to be read in conjunction with the Marcus, Redish & Sherman text. Get syllabus from website: <http://www.kentlaw.edu/perritt/courses/civpro>. Read pp. 667-686 and be prepared to discuss.

Conflict of Laws - Prof. Rosen

We'll be using Cramton, Currie, Kay & Kramer, *Conflict of Laws* (5th ed). For the first class,

please read pp. 1-30. See you then!

Constitutional Law - Prof. Heyman

Please purchase the Brest, Levinson, Balkin & Amar casebook, the 2003 Supplement, and the photocopied Additional Materials in the bookstore. The first assignment may be found at p. 1 of the Additional Materials.

Contracts - Prof. Hill

Knapp, Crystal & Prince, pp. 2-15.

From "Rules of Contracts Law": Restatement 2d sections 1, 2, and 4 (page 174); U.C.C. Section 1-201(3) (page 8).

Hawkins v. McGee, 84 N.H. 114, 146 A. 641 (1929).

Copyright Law - Prof. Piatt

The casebook is Brown & Denicola, *Copyright* (8th ed.), which should be available in the bookstore. There is a statutory supplement that is also available – a very small portion of that supplement updates the text and we will use it, but the purchase of the supplement is not required. There is no reading assignment for the first day. However, attendance at the first class session is imperative since it gives rise to a written assignment that is required and is part of the overall grade computation.

Criminal Procedure: The Adjudicative Process (day and evening sections) – Prof. Greenberg

Both sections will use the same textbooks:

Dressler & Thomas, *Criminal Procedure: Prosecuting Crime*; and Dressler & Thomas, *2003 Supplement to Criminal Procedure: Principles, Policies, and Perspectives*.

Day Section:

For Wednesday, January 21:

Weaver et al., *Criminal Procedure: Cases, Problems and Exercises*, pp. 2-15 (on reserve). This reading provides a general overview of the criminal procedure process at both the state and federal level. It touches on a large number of the issues and practices that we will be discussing throughout the course.

For Thursday, January 22:

Dressler & Thomas casebook, pp. 1-22 note 4.

Evening Section:

For Wednesday, January 21:

Dressler & Thomas casebook, pp. 1-22 note 4; Weaver et al., *Criminal Procedure: Cases, Problems and Exercises*, pp. 2-15 (on reserve). The Weaver reading provides a general overview of the criminal procedure process at both the state and federal level. It touches on a large number of the issues and practices that we will be discussing throughout the course.

Disability Law - Prof. Steenson

For the first class meeting, please read pp. 1-29 and 279-287 in Rothstein, *Disability Law: Cases*,

Materials and Problems. Also read pp. 321-345 of the article, William N. Eskridge, Jr, and Philip P. Frickey *Statutory Interpretation as Practical Reasoning*, 42 Stan. L. Rev. 321 (1990), which is available in the bookstore. (I would recommend that you read the entire article, but it is not required.) When you read the cases *City of Cleburne v. Cleburne Living Center* (pp. 25-27 in the casebook) and *Heller v. Doe* (pp. 28-29 in the casebook), please also read the full text versions (available online at <http://www.findlaw.com>), as the versions in the casebook are so abridged. As you read this material, consider the ways in which disability discrimination is different from other kinds of discrimination you may have studied, including race, gender and age discrimination, and how those differences may impact legal protections for disabilities.

Emerging Technologies - Prof. Piatt

Read pp. 1-30 of the photocopied materials by Piatt, available in the bookstore.

Employment Discrimination - Prof. Gonzalez

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

Energy Law - Prof. Bosselman

Please read pp. 1-22 in the casebook.

Environmental Law and Policy 2 - Prof. Bosselman

Please read pp. 329-337 in the casebook.

Estates and Trusts (day section 001) - Prof. Sherman

(1) Read in Dukeminier & Johanson, *Wills, Trusts, and Estates* (6th ed. 2000): pp. 34-38; 86-96 (top).

(2) Read through section 2-1 of the Illinois Probate Act: 755 ILCS 5/2-1.

Estates & Trusts (day section 002) - Prof. Strubbe

For our first class, please read:

Unit # 1 – Background

Dukeminier & Johanson, pp. 1-13 (through note 5); p. 14 (beginning with the excerpt from Oliver et al.) through top of p.16; pp. 20 (beginning with Langbein excerpt) through p. 34. What is the difference between the right found to be protected by the Constitution in *Hodel v. Irving* and the right found not protected in *Shapira*? Does the distinction make sense? Why or why not?

Dukeminier, pp. 34 – 38. Who has “standing” to challenge a will?

Estates and Trusts (evening section) - Prof. Decatorsmith

The casebook for the course is Dukeminier & Johanson, *Wills, Trusts and Estates* (6th ed.). For the first class, please read Chapter 1, pp. 1-23, and be especially prepared to discuss the cultural and legal framework underlying the policy of donative freedom and appropriate governmental limitations thereon.

Family Law - Prof. Aamot

Welcome to Family Law! For our first meeting, please read *Willey v. Springs* and *Boreli v. Brusseau*, pp. 1-11 in the Supplemental Reading Packet.

First Amendment - Prof. Heyman

Please purchase the Shiffrin & Choper casebook, the 2003 Supplement, and the photocopied Additional Materials in the book store. The first assignment may be found at p. 1 of the Additional Materials.

Hot Topics in Business/Corporate Law seminar - Prof. Hill

Please read the following:

<http://www.oag.state.ny.us/press/2002/apr/MerrillL.pdf>

Read pages 3-4; page 7-top of page 8; page 13.

http://www.oag.state.ny.us/investors/merrill/merrill_exhibits_part1.pdf

Read any 10-15 pages of the exhibits – you’ll find that they read like a book you’d read at the beach.

[http://www.law.uchicago.edu/Picker/Enron/PowersReport\(2-2-02\).pdf](http://www.law.uchicago.edu/Picker/Enron/PowersReport(2-2-02).pdf)

Read the executive summary's Background section (pages 8-11 of the pdf document, 2-5 of the actual report) *plus* pick and read about **one** transaction of your choosing within the "Summary of Transactions and Matters Reviewed" section of the Executive Summary (for instance, Chewco, LJM, etc.).

Follow link to interactive show “corporate crimes.”

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

You are only required to read **two** of the timelines links from that page (but if you're interested, you can of course read more).

Immigration Law and Policy - Prof. Adams

Please read pages 1-14 in *Immigration and Citizenship: Process and Policy* (5th ed.).

International Law – Prof. Cho

Welcome to International Law! Today is high time that we studied and even agonized over international law. This course will cover numerous important aspects and implications of international law, ranging from Saddam Hussein to the Giant Sucking Sound. The casebook for the course is Damrosch, Henkin, Pugh, Schachter & Smit, *International Law* (4th ed. 2001). For the first class, please read the Historical Introduction (pp. xxvii-xxxvi). Also please start thinking about the following questions: What is international law? Is it really "law"? Do we need it? If so, why? I look forward to meeting and working with each of you during the semester.

International Law and Global Corporate Social Responsibility seminar - Prof. Oliviero

Welcome to a work in progress: the law concerning global corporate social responsibility. As this seminar covers a topic that is still evolving, there is no single textbook, but rather a selection of

readings from diverse sources. For the first class, please read:

- (1) What Globalization is Not, Chapter 3 in John Gray, *False Dawn* (1998), pp. 55-77.
- (2) Rajesh Tandon, Aspirations for Advancing Corporate Citizenship in the Next Millennium, Chapter 10 in *Promoting Corporate Citizenship* (CIVICUS), pp. 115-120.
- (3) *United Nations Norms on the Responsibility of Transnational Companies*, Q & A Session with Experts, October 2003: <http://www.csreurope.org/>. Scroll down to October 2003, in the item: "Find out more about the new United Nations' draft Norms on the Responsibilities of Transnational Corporations - read our briefing sheet and expert opinions from our special Q&A session - feedback and position papers are welcome"; click and read the Q & A session (17 pages).

Internet Law -Prof. Staudt

The assignment for the first class is posted on the course web site. The course home page is http://www.kentlaw.edu/classes/rstaudt/intnt_law01/index.html and the Syllabus with assignments is located at http://www.kentlaw.edu/classes/rstaudt/intnt_law01/assignments/index.html. Please check these pages again in January to make sure that you have all the most recent changes.

Justice and the Legal System (Section A) - Prof. Malin

Read and prepare to discuss the following situation.

You are a partner in a small law firm that specializes in representing employers in labor and employment matters. Your partner has come to you with the following problem.

XYZ Insurance Agency is one of your firm's largest clients. XYZ sells insurance to consumers. Its sales staff engages in a great deal of cold calling. XYZ operates in a major metropolitan area that contains a great deal of residential racial segregation. The company harbors no racial animus. Its hiring and promotions are free from racial discrimination. However, the company has concluded that it makes good business sense to assign its African American sales representatives to areas inhabited predominantly by African Americans and to assign its white sales representatives to areas inhabited predominantly by whites. It believes that, to the extent that the race of the sales representative will influence a sale, customers may be less likely to buy from a sales representative of a different race. Therefore, segregation of the sales force is likely to maximize sales and maximize profits.

Your partner correctly advised the client several years ago that such action would violate Title VII of the 1964 Civil Rights Act. Title VII makes it illegal for an employer to:

1. fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race . . . or
2. limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race . . .

XYZ has always considered the Title VII violation as a business risk to be weighed against the probable benefits of the proposed action. In calculating the risk, XYZ has considered the likelihood that an employee will discover the practice and take action to challenge it, the expense and resulting adverse publicity in the event it is sued, and its vulnerability to punitive damages for such a willful violation of the statute. Thus far, it has concluded that the risks outweigh the benefits and has not segregated its sales force.

XYZ's president told your partner that its primary concerns have been the adverse publicity that would result from a law suit and the possibility that a jury might get extremely angry at it and award a huge amount in punitive damages. XYZ's president said he realizes that such jury awards are not typical but they are out there. Furthermore, if the company were sued, the case file would be a public record for anyone to go through. The damage to the company's reputation could be extreme.

Justice and the Legal System (Section B) - Prof. Wright

Readings and assignments will be posted on the web before the beginning of classes. You will be notified by e-mail when the website is accessible.

Justice and the Legal System (Section C) - Prof. Sowle

The texts for the course are Nance, *Law & Justice: Cases and Readings on the American Legal System* (2d ed. 1999), and a Supplement prepared by me. Both the casebook and the Supplement will be available in the bookstore. For the first class, please read The Case of the Speluncean Explorers, the first item in the Supplement.

Law of Trade Secrets - Prof. Parkhurst

Read pp. 1-30 of the photocopied materials by Piatt and Parkhurst, available in the bookstore.

Legal Writing 2 - Prof. Adams

Please review your statutory research assignment and read Neumann, Chapters 20 and 21.

Mergers and Acquisitions - Prof. Haynes

The text for the course is Bainbridge, *Mergers and Acquisitions*. For the first class, please read the first chapter, "Introduction," including the glossary of takeover terms.

Negotiations (4:00 section) - Prof. Davis

Read Chapters 1 and 12 in the Gifford text.

Negotiations (evening section) - Prof. Schoenfield
Read Chapters 1 and 12.

Nonprofit Law - Prof. Brody

The assignments can be found in the syllabus that will be available from the bookstore as part of the Supplemental Materials.

Patent Office Practice - Prof. Hulbert

For the first class, read Adelman et al., *Cases and Materials on Patent Law* (SECOND Edition), pp. 12 -19, 525-533; Becker, *Patent Applications Handbook*, §§1.00-1.02. Please also think about what presumption of correctness, if any, should attach to a Patent Examiner's determinations. Consider how such a presumption does, or should, change over time: e.g., during the prosecution of a patent application, during an appeal of an Examiner's final determination of nonpatentability, during a lawsuit alleging infringement of an issued patent, and during the reexamination of, or a reissue proceeding for, an issued patent.

Personal Income Tax (day and evening sections) - Professor Chapman

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

1. Burke & Friel, *Taxation of Individual Income* (6th ed. 2002).
2. Lathrope, *Selected Federal Taxation Statutes and Regulations* (2004 ed.).
3. The syllabus and supplementary materials you will download from the Internet at <http://www.kentlaw.edu/classes/hchapman/>. The materials will be available on the web page by January 5; the assignment for the first week is in the syllabus.

Professional Responsibility (day section 001) - Prof. Gross

Course Material: Sutton & Dzienkowski, *Cases and Materials on the Professional Responsibility of Lawyers* (2d ed. 2002); Dzienkowski, *Professional Responsibility Standards, Rules & Statutes* (2003-2004 Abridged Edition).

For the first class, 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: 2003 ABA Model Rules, pp. 7-12.
- B. Preamble and Preliminary Statement of ABA Code of Professional Responsibility, pp. 555-558.

Professional Responsibility (day section 002) - Prof. Shapiro

For the first day of class, read pp. xiii-xlv, which is the introduction to the Rhode & Luban casebook.

Property (Section A) - Prof. Tarlock

Please read pp. 3-4 of Casner et al., *Property*, and prepare the cases and notes on pp. 22- 33. A syllabus will be distributed during the first class.

Property (Section C and Evening section) - Prof. Baker

Please read *Peirson v. Post*, pp. 78-81 in the Singer casebook.

Property in American Law and Literature seminar - Prof. Haynes

The seminar will not meet on January 22 because I will be out of town teaching a continuing legal education course. Our first meeting will be the following week, January 29, and you should have read Nathaniel Hawthorne's *The House of the Seven Gables* by that time. You should also pick up from my assistant, Cheryl Dean, a copy of supplemental readings for our first meeting. Those readings will be available the first week of classes.

Public Sector Employees seminar - Prof. Malin

Book: Grodin, Weisberger & Malin, *Public Sector Employment: Cases and Materials*. For the first class, read Chapter 1 - Introduction.

Remedies - Prof. Penrose

Please read pp. 1-4 and pp. 9 (beginning at section B) to 33 in the Schoenbrod casebook.

State and Local Government Law - Prof. Rosen

We'll be using Frug, Ford & Barron, *Local Government Law* (3rd ed.). For the first class, please read pp. 1-3; skip Calvino excerpt; pp. 3-25 (skip Frug excerpt); 31-40.

Taxation of Business Enterprises - Prof. Brody

The assignments can be found in the syllabus that will be available from the bookstore as part of the Supplemental Materials.

Tax Procedure - Prof. Decatorsmith

There is no casebook for the course. For the first class, please read *Wenz v. Commissioner*, T.C. Memo. 1995-277 (reported opinion from the U.S. Tax Court). If you have any problems locating the case, please send me an e-mail and I will help you. Also, bring to class and be prepared to present any personal anecdotes or horror stories relating to the IRS you may have.

Trademark & Unfair Competition Law - Prof. Renner

Casebook: Ginsburg, Litman & Kelvin, *Trademark and Unfair Competition Law: Cases and Materials* (3d ed. 2001), and the 2003 Statutory Appendix.

Class 1: Functions, Concepts and Policy: Who Benefits from Trademarks and Why? Casebook, pp. 44-82.

Class 2: Trademark Formats: Words, Shapes, Color, Sound and Scents. Casebook, pp. 83-108. Does the Qualitex website (www.qualitexco.com) support its trademark rights?

Trial Advocacy 2 - Prof. Fletcher

Class will begin promptly each Saturday at 9:00 a.m. Attendance and preparation are essential elements of the course. A syllabus will be available at the first class session. The first three weeks will briefly review Trial Advocacy 1, which is a prerequisite for the course. Please be prepared to execute the following problems in Mauet & Wolfson, *Materials In Trial Advocacy* (5th ed.): 3.3, 3.7, and 3.9. It may be helpful to review sections 5.4 through 5.6 in *Techniques in Trial Advocacy*. I look forward to meeting each of you on January 24, 2004. Have a wonderful holiday season.

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 3003, 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.