INITIAL READING ASSIGNMENTS
UPPER-LEVEL COURSES
FALL 2003

August 6, 2003

Advanced Evidence - Prof. W. Wolfson
1. We will be working from Trial Evidence, Mauet & Wolfson (2d edition); the text and the
problems disc at the back of the book; and the Materials packet I have compiled (available in the
bookstore).
2. Please read pages 1 - 26 in Trial Evidence.
3. Please read and consider pages 1 - 20 in the Materials packet and problem #5.7.

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

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

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

Appellate Courts and Procedure - Prof. Steinman
For the first day of class, please read Meador, Rosenberg & Carrington, Appellate Courts,
Preface, Prologue, and Chapter 1, but omitting pp. 18-21, 29-31 (Shapiro) and 39-40 (Meador);
and Marcus, Redish, Sherman, Civil Procedure (3d ed.), Chapter XII A., ”The Value of Appellate
Review” (pp. 1032-35).

Business Organizations (day section) - Prof. Haynes
The casebook for the course is Allen & Kraakman, Commentaries and Cases on the Law of
Business Organization. For the first class, please read the first chapter (pp.1-12). A syllabus will
be distributed at the first class meeting.

Business Organizations (evening section) - Prof. Morrissey
Welcome to Business Organizations! Business Organizations is the basic course that will teach
you the fundamentals of the laws surrounding the formation and regulation of business entities in
the United States. This course is a crucial one for any successful professional. It can help you
begin your career as a business lawyer, lay the foundations for how to get started as an
entrepreneur, help you understand the partnership at your law firm or simply help you better
understand your investments. As business transactions are a part of every professional's life, so
too Business Organizations should be a part of every law student's basic curriculum. For our first class you should read Chapter 1 of Hamilton's casebook, pp 1-19. When considering the notes contained in those pages, please refer to the materials related to agency principles set forth in Appendix I (pp. 1191-1203) of the casebook and Hamilton's Statutory Supplement for the Uniform Partnership Act (1914) and the Model Business Corporations Act (1984). I look forward to working with you over the coming months.

**Civil Procedure** - Prof. Stewart
The casebook for the course is Marcus, Redish and Sherman, *Civil Procedure: A Modern Approach* (3d ed.) and the 2003 Supplement by Cound, Friedenthal, Miller, Sexton and Hershkoff. For the first class, please read pp. 666-679 in the text.

**Civil Procedure 2** - Professor Laser

**Civil RICO** - Prof. Foster
For the first class on August 25th, read the RICO statute, 18 U.S.C. sec. 1961-1968; pp. 1-1 through 1-9 in the course materials (Legislative History); and *U.S. v. Turkette*, both the First Circuit and Supreme Court opinions.

**Commercial Law: Secured Transactions** - Prof. D. Spak
The first class will introduce the course, the UCC, and the rights of unsecured creditors. The casebook is Epstein, et al., *Nine Questions*. The preferred statute book is the 2003 version of *Commercial and Debtor-Creditor Law Selected Statutes*, although prior versions may be used if they have the new UCC Articles 1, 2, and 9. Please read the Introduction to *Nine Questions* for the first class.

**Comparative Constitutional Law** - Prof. Harding
The first assignment will be available outside my office, room 745, a week before our first class.

**Complex Litigation** - Prof. Steinman

**Conflict of Laws (day section)** - Prof. Greenberg
Please see the following web page for the initial assignments: http://www.kentlaw.edu/classes/sgreenbe/Conflicts/week1_fall03.htm
Conflict of Laws (evening section) - Prof. Tsesis
For the first day of class, please read pp. 1-17 in Currie, Kay & Kramer, Conflict of Laws: Cases—Comments—Questions (6th ed. 2001). These pages contain important information that we will be referring to throughout the semester.

Constitutional Law - Prof. Nahmod
For our first class, please carefully read (and re-read) Marbury v. Madison, pp. 1-9 in the Chemerinsky casebook. This would also be a very good time for you to recall what you know about Chief Justice Marshall, Thomas Jefferson and the political situation during the Washington, Adams and Jefferson administrations at the founding of the United States. I look forward to studying Constitutional Law with you. We will have a great time.

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

Constitutional Law - Prof. Stewart
The casebook for the course is Stone, Seidman, Sunstein & Tushnut, Constitutional Law (4th ed.), and the 2003 Supplement. For the first class, please skim the Constitution (pp. 1v-1xx), but read carefully Article III, Section 1 and 2. Also read Marbury v. Madison, pp. 22-45.

Constitutional Torts/Section 1983 seminar - Prof. Nahmod
Please carefully read pp. 1-16 in the Nahmod-Wells-Eaton casebook, with special emphasis on the seminal decision in Monroe v. Pape, which deserves two readings. After you have read this material, please also read my article on section 1983 and tort concepts at pp. 14-18 of the Section 1983 Anthology. I look forward to studying section 1983—which is constitutional law in action—with you. We will have a great time.

Copyright Law - Prof. Staudt
The text for the course is Gorman & Ginsburg, Copyright Cases and Materials (6th ed. 2002) and its 2003 Statutory Appendix. Please read pp. 1-29 in the casebook for the initial class. By the time this assignment is published, there should be a class web site at http://www.kentlaw.edu/classes/rstaudt/copyright_fall2003 with course information, grading policy, and the assignments for the semester.

Criminal Procedure: The Investigatory Process - Prof. Rudstein
Employee Benefits Law - Prof. Sherman
Read pp. 23-34 and pp. 89 (bottom) to 110 (up to but not including item 6) in Langbein & Wolk, Pension and Employee Benefit Law (3d ed. 2000). Be sure to check the 2003 Supplement to see if any of the assigned casebook pages have been updated.

Employment Relationships - Prof. Bisom-Rapp
The casebook for the course is Willborn, Schwab & Burton, Employment Law: Cases and Materials (3d ed. 2000). The assignment for the first week’s classes (August 25, 26 and 28) is:

I. INTRODUCTION TO EMPLOYMENT LAW: Casebook 3-11
II. THE RISE AND FALL OF EMPLOYMENT AT-WILL
   A. Historical Foundations: Casebook 75-90
   B. Contract Erosions of Employment At-Will: Casebook 95
      1. Express Modification of At-Will Contracts, Written & Oral: Casebook 96-101; 104-113
   C. Reliance and Implied-in-Fact Contracts Casebook 113-115; 120-128

Environmental Law and Policy 1 - Prof. Tarlock
The texts are Glicksman, et al., Environmental Protection: Law and Policy (4th ed. 2003), and West’s Selected Environmental Statutes (2003). For the first class, please read pp. 1-16. The focus of the class will be Scenic Hudson Preservation Council v. FPC, page 5. A complete course syllabus will be distributed at the first class meeting.

Estates and Trusts - 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.

Evidence - 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.

Family Law - Prof. Baker
The assignment for the first class is to read Wildey v. Springs and the Proposed Tort of Seduction, pp. 1-7 of the supplementary materials (available in the bookstore).
**Gift and Estate Tax** - Prof. Sherman

In the photocopied supplementary materials entitled "Gift Tax -- What Constitutes a Gift?", read pp. 1-6 (omit the two paragraphs headed "Payment of donor's obligation by donee as consideration" on page 4) and pp. 13-14 (up to but not including Section B). In the casebook, read paragraph 1033.

**International Employment Law** - Prof. Bisom-Rapp

Assignment for Week 1:


1. William Twining, *GLOBALISATION AND LEGAL THEORY*, 4-10 (2000). (Course Reader 1-4)


**International Intellectual Property Law (LL.M. Graduate Seminar)** - Prof. Dinwoodie

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 times 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 Spring, and Professor Holbrook’s *International Patent Law* seminar in the Fall.

I expect to assign an average of approximately 40 pages for each class. I will post the assignments for the first class on the second floor bulletin board the week before class. For the
first class, please also be prepared to discuss your existing knowledge of intellectual property (if any), and the topics you are considering researching for your masters’ thesis. We will focus our discussion on why intellectual property law arguably requires to be addressed at the international level.

The course web site at 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.

**International Patent Law** - Prof. Holbrook

Please read (1) pp. 1-20; 24-29 of the text, and (2) Section II of *Territoriality Waning? Patent Infringement for Offering in the United States to Sell an Invention Abroad* (approximately pp. 7-27), which will be emailed to the class and which is available on the class web page: www.kentlaw.edu/classes/tholbroo/intpatent. The idea behind the reading is to give a basic introduction to patent law in the international context, which likely is a brand new concept to many of you. Discussion the first day will include the ways in which international norms are already reflected in U.S. law and the increasing role that intellectual property rights play in the global arena.

**International Trade** - Prof. Cho

The course materials are posted on the web at http://www.jeanmonnetprogram.org/wto/Units/index.html

For the first class, students should read Unit 1, Ch. 1 (The Economics of Free Trade), Ch. 2 (Philosophical Debate), and Ch. 5 (Teleology of International Trade Law).

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

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

Your client is a trucking company which transports new cars from factories in and around Detroit, Michigan to new car dealers across the country. Your client has been party to a contract with other new car transport companies and the International Brotherhood of Teamsters, Local 299. The contract has a provision prohibiting strikes during its terms.

The contract was about to expire. Negotiations were progressing but a new agreement had not been reached. Your client and the other trucking companies agreed with the union to extend the old contract, including its no strike clause, and to make any increases in wages and benefits that might ultimately be agreed to in a new contract retroactive to the date the old contract was scheduled to expire. Eventually, the parties agreed on a new contract. However, the Local 299 membership rejected it in a ratification vote.

Your client and the union leadership returned to the bargaining table. They again agreed to extend the old contract and to make increases in wages and benefits that might ultimately be agreed to in a new contract retroactive. When this agreement was announced, the members of Local 299, against the directives of the local's leadership, struck your client and the other trucking companies. Their picket signs complain of sweetheart deals between the local officials and the
employers, corrupt local officials, failure to prosecute grievances vigorously, and a general lack of leadership. Your client's entire operation has been shut down, as have the operations of the other new car transport companies. The auto manufacturers' inventory is piling up and they have threatened to move as much of the work as possible to the railroads. What advice can you give your client regarding its legal options?

**Land Use** - Prof. Tarlock
The casebook is Ellickson & Bean, *Land Use Controls* (Aspen 2000). There will be occasional supplements of recent Supreme Court and other important cases. For the first class, please prepare pp. 603- 619 and read pp. 37- 48. A complete course syllabus will be distributed at the first class meeting.

**Legal Rights of Children** - Prof. N. Hablutzel
Please read the first chapter in the casebook. Also read *Abused & Neglected Child Reporting Act* (Illinois).

**Negotiations** - Prof. Davis
The assignment for the first class is to read Chapters 1 and 12 in the Gifford textbook.

**Negotiations** - Prof. Schoenfield
Read Chapters 1 and 12 in the casebook, available in the bookstore.

**Patent Law (day section)** - Prof. Holbrook
For the first class, please read: (1) 35 U.S.C. § 154(a) in the statutory supplement (under the Patent Act); (2) pp. 3-8, 26-39, and 40-47 of the Adelman text. Be prepared to discuss what rights are afforded under a patent, why as a matter of policy we have a patent system, and how patents differ from other forms of intellectual property (such as copyrights, trademarks, and trade secrets). The syllabus is contained in your supplemental materials and is available on-line at [www.kentlaw.edu/classes/tholbroo/patent](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 (2d ed.): 1-13, 18-26, and 40-43.

**Personal Income Tax** - Professor Chapman
Welcome to the study of Personal Income Tax. We will use the following materials in the course:
3. The syllabus and supplementary materials you will download from the internet at [http://www.kentlaw.edu/classes/hchapman/](http://www.kentlaw.edu/classes/hchapman/). The materials will on the web page during the week of August 11; the assignment for the first week is in the syllabus.
**Pretrial Litigation (both sections)** - Profs. Gonzalez, Leader, Kraus
For the first class, please read Chapter One of Heydock text.

**Professional Responsibility** - Prof. Gross

For the first class, read the following:

Text:

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

Supplement:

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

**Securities Regulation (both day and evening sections)** - Prof. P. Hablutzel

During the FIRST CLASS (Tuesday, August 26), 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 of it as you can absorb now; we will return to it several times during the semester.

For the SECOND CLASS (Thursday, August 28), read carefully Sec. 5 of the 1933 Securities Act (page 10 of the "statutes book") and prepare the material in Chapter 2 (pp. 101-103 and 107-123 for the Day Section; pp. 101-103 and 107-136 for the Evening Section). Note that we skip the LONG problem, pp. 103-107.

**Trademark and Unfair Competition Law** - Prof. Dinwoodie
The casebook for the course is Graeme B. Dinwoodie and Mark D. Janis, *Trademarks and Unfair Competition: Law and Policy* (August 2003 edition), which will be available in photocopied form in the bookstore in the week before classes start. As you can tell from the edition date, this will be very up to date. A revised version of this casebook will be published by Aspen Publishers in December 2003.

You should also possess a copy of the current trademark statute (the Lanham Act), which you can obtain for free (it is quite short) by downloading a copy from the Patent and Trademark Office web page, at [http://www.uspto.gov](http://www.uspto.gov). Alternatively, if you are taking other Intellectual Property
courses, you might purchase a collection of intellectual property materials, such as the one entitled *Unfair Competition, Trademark, Copyright and Patent: Selected Statutes and International Agreements* (2002 ed.) published by Foundation Press.

I expect to assign approximately twenty-five pages for each class. I will post the assignments for the first two classes on the second floor bulletin board the week before class.

By the time of the first class, there should be a class web site available at [http://www.kentlaw.edu/classes/gdinwood/trademark_fall2003](http://www.kentlaw.edu/classes/gdinwood/trademark_fall2003) with a full syllabus, assignments, and other relevant course information posted. If you have questions, I can be reached at gdinwoodie@kentlaw.edu.

**Trial Advocacy 1** - Prof. Fletcher  
3. Read, prepare, and be ready to execute problems 3.1 and 3.3 in *Materials in Trial Advocacy*. Each student will execute both problems during the first session.  
4. Read sections 4.4, 4.5, and 4.6 in *Fundamentals of Trial Techniques*. These sections will assist you in preparing the above problems.  
5. An Evidence course is a prerequisite for Trial Advocacy 1. If you need to review Evidence, please purchase the latest edition of Mauet & Wolfson, *Trial Evidence*. Sections 4.1 and 4.11 will help you prepare for the first session.  
6. Our class will meet promptly at 9:00 a.m. on Saturdays in the Daley Center, Courtroom 2503. As matters covered in class cannot be repeated, attendance is required each and every week.  
7. I may be reached during work hours at (773)869-2842.

**Workers’ Compensation** - 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.).