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NOTE: All of the 4 First-Year Electives are offered for 3 credits but several of the upper-year courses are offered for 4 credits.
LAW AND CONTEMPORARY SOCIETY (L6177)

Professor Eben Moglen

For most of the last thousand years English-speaking lawyers have completed their educations, gotten a license to practice, and set out to acquire clients. For the last few decades, graduates of a few “elite” law schools have traded their licenses for jobs in large law firms, where young lawyers earned large salaries doing socially unproductive work on behalf of a few wealthy corporations and individuals, often to the explicit disadvantage of the rest of society.

Now that system is breaking down. The availability of socially parasitic, highly remunerated employment not making justice can no longer be taken for granted. Many people are frightened and upset by this fact. You shouldn’t be. The early 21st century is a wonderful time to be getting a law license and building a law practice, if you’ve been well trained to take advantage of your opportunities.

The problem is that you’re paying a great deal of money but you’re not certain to be well-trained. People can’t teach what they do not know. You require teachers who understand how to build law practices under 21st-century conditions, and who can help you overcome the fear of non-conformity, to find a path for yourself in a school where the majority of your classmates, and a majority of their teachers, are still living in the past.

In this course, I attempt to offer you what a first-year student who wants to have her own practice, steer his own boat, do well by doing good, ought to be taught. Our focus is on two questions: how to think creatively in law school, and how to think creatively about your future as a lawyer. The two topics are directly related: understanding how to create in the medium of the law is essential if you are to create agile, socially beneficial, economically prosperous law practices, in partnership with others or on your own. We don’t study doctrine, we study lawyering: what it’s about, how it is changing, how to find your own voice in the profession you are joining, rather than signing up as a cog in a failing machine.

The course wiki is at
http://moglen.law.columbia.edu/wiki/LawContempSoc

There you can read the writing of past students, see what we read and discuss, judge whether it might be helpful to you. I’m happy to answer your questions; email moglen@columbia.edu.
LAWYERING FOR CHANGE (L6369)

Professor Susan Sturm

This course will explore how lawyers advance social and institutional change both using the traditional model of litigation and moving beyond it. By linking theory and practice, the class will explore innovative roles and strategies for addressing pressing social problems and advancing social justice in challenging times. Over the course of the semester, we will explore a variety of theories of change currently in use, and link theory to practice by (1) systematically pairing ideas and research with concrete decisions, actions, and strategies; (2) forming working groups organized around issue or problem areas to collaboratively assess and apply the theories of change explored, (3) meeting with thoughtful practitioners involved in advancing change and (4) conducting several workshops designed to build knowledge and skills needed to put that theory of change into practice.

The class will cultivate the strategic capacity lawyers need to effectively collaborate and address difficult and complex problems. The course will introduce a systems approach to addressing complex problems, and a variety of cutting edge change frameworks and strategies for advancing change through law. It will address strategies for collaborative change as well for addressing intractable change and the backlash that predictably accompanies transformational change. We will consider the role of judicial intervention in producing mobilization and counter-mobilization. By developing practical tools informed by theory, students will be enabled to produce their own theories of change and plans for their roles as change agents.

The class is a first year elective. One-third of the class will include upper level students, and LLM students, to build a “cross-generational” learning community and allow for different perspectives reflecting students at different points in their professional development.
Although most of the first-year curriculum is devoted to understanding the development of common law, today's world is shaped to a large extent by the work of Congress and administrative agencies. This course is designed to introduce you to a critical part of our legal landscape: the ways in which laws are made by Congress and administrative agencies, and interpreted by courts and agencies, in the modern administrative state.

Part I will cover statutes and their interpretation by courts. We will focus primarily on statutory interpretation by federal courts, but we will also briefly examine the work of state courts in this arena. Part II will cover the structure and function of the regulatory state, including the constitutional position of administrative agencies. Part III will cover the regulatory process, judicial review of agency action, and agency statutory interpretation. Throughout the course, we will consider how the power to make, interpret, implement, and enforce laws is allocated among the branches of government; the relative strengths and weakness of each institution; and the checks imposed on each branch of government. Interpreting statutes and understanding agency rulemaking is a skill, just like learning to read and distinguish cases. To that end, we will look at primary source materials - statutes, legislative history, agency rules, and executive orders - in addition to cases and secondary sources. We will also consider, from a practical perspective, how lawyers use these materials in a courtroom setting.

Grades will be based on your performance on a final 3.5-hour exam; I will also take class participation into account.

NOTE: Students taking Legislation & Regulation cannot register for the upperyear Legislation course.
THE UNITED STATES AND THE INTERNATIONAL LEGAL SYSTEM
(L6183)

Professor Matthew Waxman

Summary: This course explores some of the many ways in which the United States and the U.S. legal system operate within a broader, international legal system. The course will introduce students to key concepts and debates in areas such as public international law; U.S. foreign relations law; and the use, application or enforcement of international law in U.S. courts. This course is not meant to substitute for upper-level survey courses in public international law, foreign relations law, or human rights law. Rather, it seeks to introduce students to each of them, in hope of sparking interest in studying them more thoroughly, or, for those students who don’t take the upper level courses, at least equipping them with some basic analytic tools.

Tentative Outline

PART I. International Law

(A) What Is International Law? Theory and Methodology
(B) Treaty Law and Customary Law
(C) Is IL Really Law?
(D) Legal Regulation of the Use of Force and the UN Charter
(E) International Law and the Global Economy

PART II. Foreign Relations Law

(A) Constitutional Allocation of Foreign Relations Powers
(B) The Treaty Power
(C) Treaty Interpretation and Termination

PART III. International Law in U.S. Law and Courts

(A) The United States and Human Rights
(B) International Law and Interpretation of U.S. Law
(C) Medellin Litigation: Tying It All Together
Appendix A

SPRING 2017 1L ELECTIVES SCHEDULE

<table>
<thead>
<tr>
<th>Course ID</th>
<th>Course Title</th>
<th>Pts</th>
<th>Instructor</th>
<th>Days Offered</th>
<th>Start-End Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW -L6177 -001</td>
<td>Law and Contemporary Society</td>
<td>3</td>
<td>MOGLEN, EBEN</td>
<td>RF</td>
<td>R 1:20PM-2:40PM</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>F 1:20PM-2:50PM</td>
<td></td>
</tr>
<tr>
<td>LAW -L6369 -001</td>
<td>Lawyering for Change</td>
<td>3</td>
<td>STURM, SUSAN</td>
<td>MW</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW -L6169 -001</td>
<td>Legislation and Regulation</td>
<td>3</td>
<td>HALLIGAN, CAITLIN</td>
<td>MW</td>
<td>4:20 PM – 5:40PM</td>
</tr>
<tr>
<td>LAW –L6183 -001</td>
<td>The United States &amp; the International Legal System</td>
<td>3</td>
<td>WAXMAN, MATTHEW</td>
<td>MW</td>
<td>1:20 PM- 2:40PM</td>
</tr>
</tbody>
</table>

A Note to First Year Students

The Faculty has approved opening a limited number of seats to 1L students in the nine (9) upper-level courses listed below. These courses were selected because they present alternative perspectives or methodologies of the sort the First Year Electives are intended to offer. When pre-registering you must rank all 13 elective offerings (the 4 1L Electives and the 9 upper-level courses listed below). If you are interested in any one of these upper-level offerings, you should give them very high priority as only a limited number of seats will be available for 1L’s. If you are not interested in the upper-level courses, assign them low priority.

<table>
<thead>
<tr>
<th>Course ID</th>
<th>Course Title</th>
<th>Pts</th>
<th>Instructor</th>
<th>Days Offered</th>
<th>Start-End Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW- L6204 -001</td>
<td>Administrative Law Constitution and Foreign Affairs</td>
<td>4</td>
<td>KESSLER, JEREMY</td>
<td>MTW</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW -L6410 -001</td>
<td>Corporations, Sec 1</td>
<td>3</td>
<td>DAMROSCH, LORI</td>
<td>TR</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW -L6231 -001</td>
<td>Empirical Analysis of Law</td>
<td>4</td>
<td>JUDGE, KATHRYN</td>
<td>TWR</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW –L6172 -001</td>
<td>Gender Justice</td>
<td>3</td>
<td>FRANKE, KATHERINE</td>
<td>MW</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW –L6506 -001</td>
<td>Ideas of the 1st Amendment</td>
<td>4</td>
<td>BLASI, VINCENT</td>
<td>TWR</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW –L6229 -001</td>
<td>Labor Law</td>
<td>4</td>
<td>BARENBERG, MARK</td>
<td>MTW</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW –L6473 -001</td>
<td>Law and Development Law and Legal Institutions in China</td>
<td>3</td>
<td>PISTOR, KATHARINA</td>
<td>TR</td>
<td>1:20 PM-2:40 PM</td>
</tr>
<tr>
<td>LAW –L6271 -001</td>
<td></td>
<td>3</td>
<td>LIEBMAN, BENJAMIN</td>
<td>TR</td>
<td>1:20 PM-2:40 PM</td>
</tr>
</tbody>
</table>
ADMINISTRATIVE LAW (L6204)

Professor Jeremy Kessler

Administrative agencies play a critical role in determining the obligations, entitlements, and quality of life of the American public. This course will introduce students to the constitutional and statutory frameworks that regulate administrative agencies in their exercise of this power. Focusing on the major federal agencies, we will consider the forms of agency action (e.g., rulemaking and adjudication) and the procedures required by the Administrative Procedure Act; the constitutional constraints that limit agency action; and the means used by Congress, the President, and the courts to control and review what agencies do.

CONSTITUTION AND FOREIGN AFFAIRS (L6410)

Professor Lori Damrosch

In this course we address the division of executive and legislative powers in foreign affairs, the different checks and balances applicable, and the relevance of federalism. We cover both the particular applications in foreign affairs of general issues (such as executive privilege) and special foreign affairs issues, including: the scope of the treaty power and the role of the Senate; the power of the President to make executive agreements on his own authority and their status as law in the United States; the authority of the President to deploy the armed forces of the United States and Congressional efforts to control such Presidential deployment. We also consider the special role of the courts, as reflected in applying international law and in the development of doctrines like "Act-of-State" and the political question doctrine. Issues of individual rights in foreign affairs include the application of the Bill of Rights when the national security is implicated, applicability of the Constitution abroad, and the rights of aliens.

Take-home examination, or, upon consultation with the instructor, a research paper in lieu of an examination.
CORPORATIONS (L6231)

Professor Kathryn Judge

This is the basic course in U.S. corporate law. The course considers the role of law in structuring the relationships among shareholders, management, and other stakeholders in modern business corporations. It also considers alternatives to the corporate form and the reasons entrepreneurs may prefer a particular form. The course accordingly starts by covering the principles of agency law and partnerships. These concepts serve as the foundation upon which the rest of the course builds.

A major part of the course is examines the fiduciary obligations of directors and controlling shareholders, with an emphasis on the law of Delaware. The course addresses general fiduciary obligations in addition to considering the role of management and directors in particular contexts, such changes in corporate control. The course also provides an introduction to the laws governing the proxy process, securities fraud, and insider trading. The materials include state corporate codes, judicial decisions, and federal regulations.

In addition to introducing students to the relevant bodies of law, the course addresses the business and policy considerations at stake in various contexts. Throughout, there is an emphasis on the role of transactional attorneys in advising clients facing particular challenges and decisions.
EMPIRICAL ANALYSIS OF LAW (L6172)

Professor Jeffrey Fagan

From its earliest appearance in American courts in 1655, when one Dr. Brown offered his "scientific" opinion that a group of crime victims had been bewitched by the accused, scientific evidence of all types has been used as a tool in legal analysis. Contemporary issues in constitutional law, public policy and regulation, and the adjudication of a wide range of civil and criminal questions have relied extensively on empirical evidence. Empirical methods also are widely used in formulating litigation strategy. Despite its now common use in several domains of legal analysis, scientific evidence poses fundamental issues for the law. What is its role in adjudicating factual claims? When and how can behavioral science be applied to adjudicate constitutional questions? When is this evidence reliable and under what standards? When are these facts relevant and how shall they be weighed by fact finders? Does legal analysis using the tools of empirical analysis lead to different conclusions than might a doctrinal analysis? This course will address these challenges.

Empirical analysis is a methodological alternative to doctrinal analysis in law, requiring skills that often are distinct in legal education. We examine the role of empirical evidence in law as a tool for legal analysis, litigation, and the development of legal theory. As a discipline within law, the course focuses on the interactions of substantive law, legal analysis, scientific evidence, and scientific methods.

The course develops in five sections. First, we briefly review origins and history of scientific evidence in the law, and analyze cases that have had significant impacts on the federal rules of evidence and state law. Next, we review basic concepts of empirical analysis through examples students will recognize as common questions in law and policy. This includes perspectives on causal inference, and the elements of scientific inquiry that determine the reliability of empirical evidence. We conclude this section with an analysis of the standards for scientific evidence in the courtroom.

In the third section, we analyze the applications of scientific evidence in specific domains of law, from damages and trademark disputes through complex torts to constitutional analyses of equal protection, criminal procedure, voting, housing and First, Second, and Eighth amendment cases. For example, we consider how empirical analysis informs issues such as school desegregation instruments or the validity of syndrome evidence in criminal cases. Finally, we review how science can be used in planning and conducting litigation: choosing a venue, selecting jurors, assessing the potential contributions and weaknesses of experts, and creating jury instructions. The 2014 syllabus is available here.
This course will provide an introduction to the concrete legal contexts in which issues of gender and justice have been articulated, disputed and hesitantly, if not provisionally, resolved. Readings will cover issues such as Workplace Equality, Sexual Harassment, Sex Role Stereotyping, Work/Family Conflict, Marriage and Alternatives to Marriage, Compulsory Masculinity, Parenting, Domestic Violence, Reproduction and Pregnancy, Rape, Sex Work & Trafficking.

Through these readings we will explore the multiple ways in which the law has contended with sexual difference, gender-based stereotypes, and the meaning of equality in domestic, transnational and international contexts. So too, we will discuss how feminist theorists have thought about sex, gender and sexuality in understanding and critiquing our legal system and its norms.

For more information, go to: http://web.law.columbia.edu/gender-sexuality/faculty/katherine-franke/gender-justice
IDEAS OF THE 1ST AMENDMENT (L6229)

Professor Vincent Blasi

This course is not organized along conventional doctrinal lines and does not aspire to cover the full range of contemporary doctrines. Rather, each segment of the course (usually two weeks, sometimes one) is devoted to a close examination of an historically important and rhetorically sophisticated argument that developed a rationale for and vision of the freedom of speech. We study John Milton's Areopagitica, James Madison's Virginia Report challenging the Alien and Sedition Acts, John Stuart Mill's On Liberty, the landmark First Amendment opinions of Learned Hand, Oliver Wendell Holmes, and Louis Brandeis, and Alexander Meiklejohn's Free Speech and its Relation to Self-government. The course concludes with a study of various recent efforts to ground the freedom of speech in a notion of individual autonomy or flourishing.

Throughout the course, we test the general ideas developed in the classic essays and judicial opinions by exploring how they might help one to think about various contemporary issues. For this purpose we read Supreme Court decisions, many of them recent, on the advocacy of revolution, the publishing of classified documents, flagburning, libel, obscenity and profanity, hate speech, funding for the arts, speech on the internet, nude dancing, commercial advertising, labor picketing, discriminatory membership practices by expressive associations, campaign spending by corporations, violent video games, depictions of animal torture, targeted protests at abortion clinics and funerals, and teaching foreign terrorist organizations how to engage in peaceful petitioning. The cases so examined are studied in depth, the opinions much more lightly edited than is common in modern casebooks.

The luxury of devoting one or two weeks to a single argument provides an opportunity to examine in a systematic fashion how some of the masters of the craft went about trying to persuade the doubters of their day. We compare the different types of arguments employed: from consequences, from commitment, from coherence, from distrust, from experience, from institutional design, from necessity, from nature, from identity, etc. We study the art of making concessions, choosing illustrations, delimiting contentions, ordering one's arguments, rationing rhetoric, and not overreaching. In part, this is a course in the skills of argumentation.

In lieu of a traditional examination, students are required to write a closely reasoned ten-page critique (not a research paper) comparing two of the classic essays or opinions, due during the twelfth week of the semester. In addition, to demonstrate basic familiarity with each of the authors studied, students have the choice either to take a one-hour multiple-choice exam during the regularly scheduled examination period or to write a one-page paper on each major thinker in the course, due immediately after the class sessions devoted to the particular thinker, identifying what the student considers the classic essay's best idea, weakest claim, or largest gap.
LABOR LAW (L6071)
Professor Mark Barenberg

The United States working class is in crisis, accounting in part for the recent populist political movements of the far right and left. This course examines the role that law has played in the long-term transition from the economic and political "organization" of working people to their "disorganization;" the shift in bargaining power from labor (wages and salaries) to capital (profit and executive compensation); increased economic inequality; corrosion of workers' family and community life; and reconfiguration of the New Deal and Great Society partisan coalitions. The core legal subject of the course is the regulation of workers' and employers' collective organization, bargaining, economic leverage, and political participation. The course considers other fields of law insofar as they affect workplace relations and labor markets, including social insurance, financial regulation, taxation, regulation of consumption, constitutional regulation of economic and political speech, macroeconomic legal-policy, international trade law, and others. Finally, the course discusses options for fundamental re-working of workplace law, broadly conceived in this way.

This course has been offered to 1Ls in several past years. The 1L students have performed as well as upper-year students. The course presupposes no special prior knowledge -- that is, the legal, political, economic, and historical concepts that students must master are fully contained in the course materials and discussion.

LAW AND DEVELOPMENT (L6071)
Professor Katharina Pistor

This course will examine the various roles that law and legal institutions play in economic, social, and political development in both theory and practice. Its goal is to introduce students to some of the canonical writings on the subject and to critically examine ongoing debates in policy circles and academia by questioning their theoretical foundations and practical implications. While much of the law and development literature focuses exclusively on developing countries, this course seeks to place the debate about the role of law in development into a broader context and serves as an introduction to comparative legal institutional analysis. The course will discuss the meaning of development, and use examples from developed economies, emerging markets, and developing countries for illustration. Materials will be drawn from law and the social sciences and will be selected to give students a comprehensive overview of different perspectives. This is not a class on how to do development, but a class designed to deepen our understanding of development and how law relates to it.
LAW AND LEGAL INSTITUTIONS IN CHINA (L6271)

Professor Benjamin Liebman

This course is a survey of contemporary Chinese legal attitudes and institutions in historical and comparative perspective. The course begins with a brief examination of certain key themes and practices in China's traditional legal order and an appraisal of China's early-twentieth-century effort to import a Western legal model. The major portion of the term is devoted to a study of formal and informal legal institutions and procedures in the criminal and civil processes of the People's Republic of China and China's contemporary legal reform efforts. Topics will include an examination of the roles of the legal profession and the judiciary, the sources of law in contemporary China, the criminal justice system, efforts to use law to address China's growing environmental problems, and the development of China's legal framework governing financial markets. There are no prerequisites; no prior knowledge or study of China is expected or required. There is an eight-hour take home exam. For a copy of the syllabus or if you have any specific questions, please feel free to email Professor Liebman at bl2075@columbia.edu.
Dear First Year Students:

Pre-registration for the Spring 2017 First-Year Electives will open at 12 pm (Noon) EST on Monday, October 31, and will close promptly at 5 pm EST on Friday, November 4. During this period you will be able to select from a list of 13 courses: 4 First-Year Electives and 9 upper-level courses.

The upper-level courses present alternative perspectives or methodologies of the sort the 1L electives are intended to offer. A limited number of seats for 1L’s in the upper-level courses was approved by the Faculty, so students interested in any of the 9 upper-level courses should give them high priority in their rankings. The 1L electives and the 9 upper-level classes are scheduled so that they will not conflict with any of your other 1L foundation courses (Constitutional Law, Contracts, Criminal Law, Property, Legal Practice Workshop II).

TO PRE-REGISTER FOR SPRING 2017 ELECTIVES: To access the 1L Elective pre-registration application, log in to Lawnet at [http://lawnetportal.law.columbia.edu/web/registrar/1l_electives](http://lawnetportal.law.columbia.edu/web/registrar/1l_electives).

You must rank all thirteen (13) elective offerings in order for your pre-registration to be completed. If you are interested in being considered for one of the upper-level electives, you should give them very high priority since seats will be limited (between 5-15 seats in each class). If you are not interested in the upper-level courses, assign them low priority. A course lottery will be run and the results will be available by the end of the December exam period, when Spring 2017 schedules for all students will be posted in Lawnet.

NOTE for students who do not make their selections by the close of the 1L elective pre-registration period: First-year students who do not finalize their elective pre-registration before 5 pm on Friday, November 4, will not be included in the lottery and thus will not receive any priority for an elective. They will be registered for an elective that has available seats after all students who pre-registered are placed. You are advised not to leave your elective pre-registration for late in the afternoon on Friday, November 4, since technical or connectivity issues may prevent you from completing your pre-registration before the 5 pm deadline.

Please let us know if you have any questions.

The Staff of

Registration Services
William and June Warren Hall
Room 500
(212) 854-2668