CONSTITUTIONAL LAW AND GOVERNMENT

Public law plays a central role in the modern U.S. legal system. Statutes have displaced common law regulation in many areas, and supplement it in nearly all. Constitutional law issues, while not central in the daily practice of most lawyers, sporadically arise in nearly all areas of law. And, of course, constitutional law is fundamental to understanding the place of law in our society. As lawyers, you should have a fair understanding of the basic structure of the Constitution and the rights it guarantees.

Basic courses in the field are outlined below. (The basic course in Administrative Law, described in the “Administrative Law, Legislation, and Governance” cluster, is an important complement to study of constitutional law and government.)

The field of constitutional law and government allows students to examine the role of statutes and the Constitution in modern law. First-year students study some aspects of constitutional structure in Constitutional Law I and in the courses in Curriculum B. Students interested in civil rights and civil liberties should take Constitutional Law II as soon as they find convenient. In addition, the course in Federal Courts and the Federal System provides a systematic introduction to constitutional litigation in our federal system. Students interested in, or having obtained, judicial clerkships (both state and federal) should be sure to take the Federal Courts course. (Many students and faculty members think it best to take the Federal Courts course in the third year, and preferably after having taken Constitutional Law II.) Specialized courses deal with different aspects of government operations. In general, students should select such courses based on their interests and career plans; none is more basic than any other.

The basic course Lawmaking: Introduction to Statutory and Regulatory Interpretation introduces students to issues about how the statutes are created and interpreted that are at the foundation of many other statutory courses (including tax and government regulation courses).

Students interested in civil rights law (broadly understood) will find several courses in this cluster dealing with statutory protection of civil rights. The course in Civil Rights gives an overview of statutory protection of civil rights. It will be useful to students interested in a survey course and to students who, while interested in the field in general, may not have enough background to make them comfortable in immediately choosing among the specialized courses. Depending on the instructor’s interests, these courses may emphasize the connection between civil rights law and constitutional law, or between civil rights law and questions of statutory creation and interpretation. Again, choices among the specialized courses are best made on the basis of a student’s interests and plans, rather than on a judgment that some specialized course is more important than another.

Local Government Law integrates issues of administrative, land use, and constitutional law, and questions of civil rights, tax, and labor law. It focuses on issues of state and local power that pervade nearly every lawyer’s practice.

A number of advanced courses and seminars offer more historical and theoretical perspectives on constitutional law and government. As with all advanced courses, these augment students’ understanding of the field in general. Students interested in pursuing academic careers with a primary or secondary focus on public law should seriously consider taking one of the courses offering such perspectives. Similarly, students interested in international law should consider seminars dealing with the constitutional dimensions of foreign affairs or comparative constitutional law.

The clinic and practicum courses in this cluster provide students with opportunities to learn about the process of adopting and interpreting legislation by engaging in it, through litigation or legislative advocacy. Students interested in the practical and theoretical aspects of this field are encouraged to combine a relevant clinic, practicum, or externship with a combination of the basic courses in the field and some advanced offerings.

Search Constitutional Law and Government Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_8)

**LAW 1474 v00 Advanced Civil Rights: The Civil Rights Act of 1964, The Frontiers of Civil Rights Enforcement and the Next Fifty Years**

J.D. Seminar (cross-listed) | 2 credit hours
The Civil Rights Act of 1964, growing out of a sweeping grassroots civil roots movement was one of most important pieces of legislation passed in American history. At the time of passage, it was called a “Magna Carta of Human Rights” and during its first fifty years it produced enormous changes in legal doctrine, the workplace, and society. These changes in the legal landscape include disparate impact doctrine aimed at systemic racial discrimination, hostile work environment, religious accommodation, and gender stereotyping. This seminar will examine, from a practitioner’s perspective, how social change, evolving ideas of race and gender, globalization, global conflict, and technology will shape the development of this Act (and notions of equality) over the next fifty-years and the legal strategies to navigate this terrain. The course will focus on emerging issues such as coverage of sexual orientation and gender identity, big data and disparate impact, the intersection between criminal justice and employment opportunity, arbitration and privatization of adjudication, the "new" gig economy, migration and human trafficking, and religious pluralism.

**Strongly Recommended:** Constitutional Law I and Employment Discrimination.

**LAW 046 v01 Advanced Constitutional Law Seminar**
J.D. Seminar | 2 credit hours
The Advanced Constitutional Law Seminar explores current topics in constitutional law, politics, and theory. Topics vary but they may include theories of constitutional interpretation (e.g., originalism, living constitutionalism), recent or upcoming decisions of the United States Supreme Court, new developments in constitutional doctrine, comparative constitutional law, and social scientific approaches to the study of the Constitution. The seminar meets in conjunction with the Georgetown Constitutional Law Colloquium. During the course of the semester, approximately six speakers will present new and original work to the Seminar. In the week prior to each presentation, seminar members and the instructor will discuss the background ideas and concepts, and formulate questions and comments about the paper. Each student will prepare a weekly reaction paper and one or more questions for the speaker.

**Recommended:** Constitutional Law II: Individual Rights and Liberties.
LAW 1716 v00 Advanced Constitutional Law Seminar: Challenges to Liberal Democracies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201716%20v00)
J.D. Seminar | 3 credit hours
This seminar examines the challenges to constitutional democracies from illiberalism, i.e. the concentration of power that relies on elections, limits judicial independence, and abuses the rule of law in the name of the people. Many so-called democracies have serious flaws in their election systems, limited judicial independence, and elected leaders who are not held in check by functioning rule of law processes/checks and balances.

In the United States, efforts have been made to change rules for voting, draw electoral districts to give extreme partisan advantage, and use federal government agencies as weapons to thwart checks and balances. In this seminar we apply a multidisciplinary approach to the American situation, putting legal (in particular constitutional) transformation in the center. Specific topics include constitutional amendment, limitations on judicial independence, control over the media, takings and other restrictions of the free market, voter suppression and gerrymandering, plebiscites (e.g., Brexit), and threats to fundamental rights.

In addition to considering Turkey and the countries of East Central Europe, where voters have chosen autocratic leaders, we will also examine the Russian approach which has served as a model for many emerging illiberal regimes as well as a financial and intellectual support for illiberal movements from France to Italy and elsewhere, to better understand developments in the U.S. In addition, the course will consider how crises, such as public health issues or civil unrest, are used as justification for limiting true democracy.

In addition to examining the legal structures that permit this abuse of the democratic form, this course will also address the critical question of whether a democracy is sustainable in the face of ethno- or religious populism. Are there sources of constitutional resilience to save the remaining constitutional regimes?

LAW 1387 v00 Advanced Constitutional Law Seminar: The Constitution, Democracy, and the Economy in the 21st Century (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201387%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This two-credit seminar will explore the many constitutional questions raised by the effort to maintain a democracy in the 21st century. We will examine in detail current questions in the law of democracy (particularly free speech and the regulation of campaign finance) as well as the growing conflict between the Constitution and the regulation of economic life.

We will explore what is distinctive about the intersection of contemporary constitutional law, the economy, and efforts to maintain democracy today, including by contrast to the history of the protection of economic liberties. The course materials will focus throughout on notions of freedom, individual and collective choice, and democratic practice.

The readings will include the principal Supreme Court cases, such as Buckley v. Valeo, Citizens United v. FEC, McCutcheon v. FEC, Virginia State Board of Pharmacy v. Virginia Citizens Consumer Council, and Sorrell v. IMS Health, as well as leading scholarship in the field, including:

- Robert Post, Citizens Divided
- Larry Lessig, Republic 2.0
- Jane Mayer, Dark Money
- Jacob Hacker and Paul Pierson, Winner-Take-All Politics
- David Singh Grewal, The Laws of Capitalism
- Bruce Ackerman, Beyond Carolene Products
- Suzanna Sherry, Property is the New Privacy: The Coming Constitutional Revolution

**Prerequisite:** Constitutional Law II: Individual Rights and Liberties.
LAW 1265 v00 Advanced Constitutional Law Seminar: The Framing and Ratification of the Constitution (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201265%20v00)
J.D. Seminar | 3 credit hours
Few events have had as much impact on the history of American law as the framing and ratification of the U.S. Constitution. This seminar is designed to offer upper-level students with serious interests in American history, political theory, and constitutional law an opportunity to learn more about these events by becoming intimately acquainted with some of the best and most sophisticated historical scholarship on the origins of the Constitution and by writing an original research paper on a relevant topic of their own choosing. Themes and topics covered in the course will likely include most or all of the following: the Declaration of Independence, the Revolutionary War, the Continental Congress, the Articles of Confederation, the History of American Public Finance, the Bank of North America, the Origins of American Federalism, the Problems of Union and Sovereignty, Implied Powers, Natural Rights, Slavery, Indian Affairs, Western Lands and Interstate Jurisdictional Disputes, the Annapolis Convention, the Virginia Plan, Madison’s Notes, Farrand’s Records, the Committee of Detail, the Committee of Style, the State Ratification Conventions, the Anti-Federalists, the Federalist Papers, the “Other” Federalists, and the Bill of Rights. Some attention will also be given to originalism as a method of constitutional adjudication, but the primary focus of the seminar will be on constitutional history rather than constitutional originalism. Guest lecturers with special knowledge of the foregoing topics will be invited to share their recent scholarship and critical perspectives on the history and historiography of American constitutional law.

Prerequisite: Constitutional Law I: The Federal System (or Democracy and Coercion).

J.D. Seminar (cross-listed) | 2 credit hours
This course will explore the relationship between constitutional rights, the economy, and efforts to maintain a democracy today.

We will examine the emergence and transformation of the notion of “civil liberties” as a concept in American legal culture, including by reference to the history of the protection of economic liberties. We will explore in detail some of the most prominent current controversies in constitutional law, including questions in the law of democracy (particularly free speech and the regulation of campaign finance) and the growing conflict between the Constitution and the regulation of economic life.

The readings will include principal Supreme Court cases and leading scholarship in the field. The materials will focus throughout on notions of freedom and liberty, individual and collective choice, and democratic practice. The course will additionally include discussion of constitutional and appellate advocacy and the relationship between the academic works we read and current and seminal cases. Leading practitioners and scholars may join us for certain classes.

Prerequisite: Constitutional Law II: Individual Rights and Liberties.

LAW 1712 v00 Advanced Evidence (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201712%20v00)
J.D. Course | 3 credit hours
This course will take an in-depth look at issues involving the law of evidence. The topics discussed will likely fall into three categories. This first category concerns constitutional limitations on evidence rules such as the Confrontation Clause, a criminal defendant’s constitutional right to present a defense, and the impeachment of jury verdicts. The second category concerns advanced problems involving character, hearsay, experts, and privileges. The third category concerns the process of proof in civil and criminal cases and will focus on topics such as burdens and standards of proof, evidentiary presumptions, and judicial notice.

Prerequisite: Evidence.

LAW 168 v00 Advanced Evidence: Supreme Court and the Constitution Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20168%20v00)
J.D. Seminar | 3 credit hours
This seminar examines advanced subjects in evidence that were not treated or not treated in depth in the basic Evidence course but are important to trial practice.

Prerequisite: Evidence.

LAW 277 v02 Aging and Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20277%20v02)
J.D. Seminar | 3 credit hours
This seminar explores, through lecture, discussion, role playing, and problem solving, the demographics, public perceptions, special legal problems, and public policy issues affecting older persons. Subject areas include income maintenance programs (Social Security, SSI); health and long-term care benefits (Medicare, Medicaid, long-term care insurance, state and federal financing issues); retirement housing and long-term care options and regulation (continuing care retirement communities, nursing homes, home and community-based care, home equity conversion); estate and personal planning issues related to incapacity (powers of attorney, trusts, guardianship and its alternatives, elder abuse, the right to refuse life-sustaining medical treatment, bioethical dilemmas, surrogate decision making, and health care advance directives); and ethical issues in representing the elderly. The seminar is both practice- and policy-oriented and integrative with respect to other coursework and related disciplines.

Recommended: Prior or concurrent enrollment in one or more of the following courses: Administrative Law; Family Law I: Marriage and Divorce; Constitutional Law II: Individual Rights and Liberties; Professional Responsibility.

Note: This seminar requires a paper. Students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement.
Constitutional Law and Government

LAW 1431 v00 Black Lives Matter and the Law

http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201431%20v00

J.D. Seminar (cross-listed) | 3 credit hours

This course will explore the “Black Lives Matter” movement as a nascent social movement for racial justice. In addition to understanding BLM’s fundamental concepts and arguments, students will emerge from this class with a clear understanding of the historical context of the movement, the role that the lawyers and the law have played in the movement thus far, and the place of the law in the movement as it continues. In analyzing the key moments in the BLM movement over the past two years, the course will focus on the history, theory, and practice of racial justice advocacy in the United States, the key cases and responses that have emerged since the Ferguson moment, and the role of lawyers and law students in policy and police reform, litigation, and forms of rebellious lawyering for social change.

LAW 1710 v00 Campaign Finance 101

http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201710%20v00

J.D. Course | 1 credit hour

Mark Hanna is famous for saying: “There are two things that are important in politics. The first is money and I can’t remember what the second one is.” The late Supreme Court Justice Robert Jackson remarked about the Supreme Court: “We are not final because we are infallible, but we are infallible only because we are final.”

This course considers money in American politics, and the Supreme Court’s key role in deciding what limits may be placed on campaign financing and what cannot. It also evaluates the political effects of U.S. campaign finance law, as constrained by the Court, in policy areas including incumbency and competition, corruption, and political equality. No background in political science is required, but this course is likely to be of greatest interest to those who pay attention to American politics and policy.


Note: This course will meet from 9:00 a.m. - 12:15 p.m. in Fall 2020 on the following Fridays and Saturdays: 10/16, 10/17, 10/23 and 10/24.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 090 v00 Capital Punishment Seminar

http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20090%20v00

J.D. Seminar | 2-3 credit hours

This seminar focuses on the substantive law of capital punishment and on the procedural aspects of post-conviction proceedings. The course will include an examination of the history of death penalty jurisprudence, habeas corpus, recent U.S. Supreme Court cases, public policy issues, and state and federal death penalty statutes. The writing requirement offers students an opportunity to write on a topic of their choice pertaining to the death penalty.

Note: This seminar requires a paper. Students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement.
**LAW 1079 v00 Child Welfare Law and Practice in the District of Columbia**

(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201079%20v00)

Fieldwork Practicum | 4 credit hours

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This practicum course will focus on the workings of the child welfare system in the District of Columbia. Students will participate in a two-hour/week seminar and also undertake 10 hours/week of fieldwork at a child welfare-related organization.

SEMINAR: Students will study Supreme Court and District of Columbia cases defining the fundamental nature of the parent/child relationship and setting forth when state intervention is warranted to protect the best interests of the child. Students will gain an understanding of the various stages of child protection proceedings and the different roles, responsibilities and professional relationships of the attorneys representing the government, the child and the parents at each stage. Issues concerning interracial and gay adoption will be discussed, as will the overrepresentation of poor and minority youth in the child welfare system. Students will give an in-class presentation on a topic of their choosing, and will write a final paper.

FIELDWORK: Students will participate in fieldwork with a child welfare-related organization and share their experiences with the class and through written reflection memos. Some fieldwork sites require students to undergo police/background clearances, and others do not. If this is a concern for a student, he/she should reach out to the professor before the beginning of the semester to discuss field placement options. For the Fall 2020 semester, students are permitted to conduct their practicum fieldwork remotely.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective.)

**Recommended:** Family Law I: Marriage and Divorce or Family Law II: Child, Parent, and the State; Evidence.

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course.

**Note:** This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students who can commit to attending class and working 10 hours/week (during business hours) with their field placements. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two credit seminar portion of this practicum will be graded. The two credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as the fieldwork. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and fieldwork components. Default attendance rule for all practicum courses (unless the professor indicates otherwise). Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in seminar-based practicum

**LAW 286 v02 Church-State Law Seminar**

(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20286%20v02)

J.D. Seminar | 2-3 credit hours

This seminar will focus on the major shifts in church-state law over the past decades and key issues the Supreme Court will face in the next several terms. It will analyze and evaluate the various theories proposed by the sitting Justices on both free exercise and establishment clause jurisprudence and place those theories in the historical context of church-state law in America. The seminar will deal with such issues as tensions between the free exercise and establishment clauses, public aid to religious institutions, religion and public education, accommodating religious minorities, and church autonomy. Throughout, current litigation strategies related to these issues will be explored.

**Recommended:** Constitutional Law II: Individual Rights and Liberties.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 062 v01 Civil Rights**

(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20062%20v01)

J.D. Course | 2 credit hours

This course studies the statutory, common law, and constitutional issues that arise in federal civil rights litigation. For the fall semester of 2018, the course will focus on the primary civil rights statute, 42 U.S.C. § 1983, which is used for constitutional (and some other) claims against state and local governments and their officials. Such constitutional torts include most prison litigation and police misconduct litigation and provide the basic vehicle for claims for both damages and injunctions. The course is constructed around the fundamental issues of recognition of constitutional claims (prisoners’ rights to medical care, safety, and humane conditions, free citizens’ rights to freedom from unnecessary force, unreasonable searches, equality, etc.) and creation of offsetting defenses (absolute and qualified immunity, sovereign immunity, etc.). The course will offer at least two “workshops” that give students an opportunity for practical experience in implementing these concepts and the policies behind them. Some attention will be given to related statutes that may supplement § 1983.

Learning Outcomes. You should learn at the highest level of proficiency
1) topics listed in the primary syllabus and the theories and policies
justifying them, 2) methods used by attorneys in the area of civil rights
for finding or developing “law,” 3) professional skills (such as case
analysis, potential case evaluation, how to listen and take notes, how to
speak in public) used by attorneys in the area of civil rights, and 4) how
to appreciate your own biases and limitations in doing all the above. The
primary course evaluation is by the final exam.

**Prerequisite:** Prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties. This prerequisite can be waived by the professor for students who have taken the substantial equivalent or show they have other preparation.

**Mutually Excluded Courses:** This course may not be taken in 2019-20 by persons also enrolling in the Civil Rights Policy Seminar in 2019-20.
LAW 1684 v00 Civil Rights and Violence Against Women (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201684%20v00) (Project-Based Practicum)
J.D. Practicum | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This practicum will focus on innovative efforts to reframe the Violence Against Women Act’s civil rights remedy to withstand constitutional scrutiny. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professor.

The #MeToo movement tells us that the law has been deeply inadequate in responding to sexual assault and harassment. One reason, among others, is that Title VII and Title IX do not provide adequate remedies. They only apply in certain contexts and do not allow suit against the primary person responsible for the sexual assault and/or harassment that occurred.

Once upon a time, a federal remedy did exist to fill these gaps. The Violence Against Women Act’s (VAWA) civil rights remedy was in effect for six years before the U.S. Supreme Court struck it down in United States v. Morrison. During that time, plaintiffs sued for harassment, sexual assault, and/or battering in a variety of contexts, including for example, workplaces, gyms, and doctor’s offices.

This practicum will enlist students in an effort to reframe the VAWA civil rights remedy to withstand constitutional scrutiny. Legal Momentum (formerly NOW Legal Defense), who led the effort to pass the original civil rights remedy, is the project partner for the course. Under the supervision of Professor Nourse, students will work on a variety of legal and policy projects throughout the semester that will inform Legal Momentum’s and (and other advocates’) next steps in the effort to revive this important civil rights remedy.

SEMINAR: In the seminar, students will immerse themselves in the legal and policy research, writing, and analysis required to inform their project work. For example, the seminar will explore the background of sexual discrimination law, including Title VII, Title IX, and the VAWA. Students will also explore basic questions about the scope of Congress’s power to revise this remedy under the U.S. Constitution, focusing on two different constitutional provisions: the Commerce Clause and the Equal Protection Clause of the Fourteenth Amendment. Finally, students will receive instruction on and experience in legislative/policy drafting and presenting to clients.

PROJECT WORK: Students will work on five client deliverables involving legal and/or policy analysis throughout the semester:

1. **Client Memo #1**: Explores the background history of the initial VAWA civil rights remedy and the types of cases that were brought under the prior remedy.
2. **Client Memo #2**: Explores how the VAWA civil rights remedy might be restructured under the Commerce Clause.
3. **Client Memo #3**: Explores how the VAWA civil rights remedy meets existing doctrinal standards under the Equal Protection Clause and other novel theories that were not considered by the Court in United States v. Morrison.
4. **Client Deliverable #4**: Students will draft legislation for a new VAWA civil rights remedy that would withstand constitutional scrutiny. The draft legislation must be informed by the legal and policy conclusions reached in Client Memos 1-3.
5. **Client Deliverable #5**: Two one-page documents describing the need for the remedy, the draft statute, and its constitutionality. These documents will be written for lay, non-legal, policy audiences.

Students will receive extensive instruction and feedback in the weekly seminar and may be withdrawn from the practicum course.

Prerequisite: Permission from the professor.
LAW 1322 v00 Civil Rights Statutes and the Supreme Court Seminar
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201322%20v00)
J.D. Seminar | 2 credit hours
This seminar will examine recent litigation in the Supreme Court involving the modern civil rights statutes: Title VII, Title IX, RFRA, the ADEA, the ADA, the Fair Housing Act, and Sections 2 and 5 of the Voting Rights Act. Toward that end, we will read recent cases decided by the Court interpreting theses statutes, and the cases that form the backdrop for those decisions. We will also examine briefs and oral arguments in some of these cases. Finally, we will examine civil rights cases that are scheduled to be heard in the upcoming term, or that may make their way to the Court in the near future. There will be one writing assignment, a paper of approximately 25 pages in length. Two-thirds of the grade will be based on the paper, and one-third will be based on class participation.


LAW 528 v01 Communications and Technology Law Clinic (IPR)
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20528%20v01)
J.D. Clinic | 12 credit hours
Please see the Communications and Technology Law Clinic (IPR) website (https://www.law.georgetown.edu/experiential-learning/clinics/communications-technology-law-clinic-ipr) for more detailed information about the program.

For registration-specific supplemental materials, please see the Communications and Technology Law Clinic (IPR) PDF (https://www.law.georgetown.edu/wp-content/uploads/2020/03/IPR-CT-Info-Sheet-2020-Final-ACC.pdf).


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 091 v11 Comparative Constitutional Law
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20091%20v11)
J.D. Course (cross-listed) | 3 credit hours
How do we lose (and save) a constitutional democracy? How are constitutions designed? Can constitutions exist without constitutionalism? What is an authoritarian constitution? What influences a constitutional transition? Is it possible to have an unconstitutional constitutional amendment? What forms of judicial review can courts employ? How do courts across the world interpret constitutions? Are courts or legislatures better protectors of constitutional rights? Can constitutions be employed abusively?

Comparative constitutional law has exploded in contemporary constitutional practice and as a field of study. Events around the world—from the Middle East and Asia to Europe and Latin America—underscore the urgency of understanding how constitutional democracies are born and how they can collapse. In this course, we will explore constitutions in global perspective, examining issues of constitutional structure and rights across comparative constitutional systems. We will cover topics like constitution-making, constitutional change, constitutional amendment, judicial review, and constitutional interpretation. Drawing on examples across the world, we will also examine the relationship between the individual and the state in relation to freedom of religious freedom, freedom of speech, and constitutionalism in times of national emergency and in fragile democracies.

Mutually Excluded Courses: Students may not receive credit for both this course and the Comparative Constitutional Law Seminar.
LAW 091 v10 Comparative Constitutional Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20091%20v10)
J.D. Seminar (cross-listed) | 2-3 credit hours

How are constitutions created? What should we consider in designing a constitution? Can we have constitutions without constitutionalism? What is an authoritarian constitution? What influences constitutional revolutions and transitions? Is there such a thing as an unconstitutional constitutional amendment? Why have judicial review? How do judges interpret constitutions? Do courts protect rights guaranteed by their constitutions?

Comparative constitutional law has expanded exponentially in contemporary constitutional practice and as a field of study. Events around the world—from the Middle East to Asia, from Europe to Latin America—highlight the issues of constitutional design and constitutional rights at stake. This seminar examines issues of constitutional structure and rights adjudication in comparative constitutional contexts around the globe, from Western liberal systems to fragile democracies. We will explore fundamental questions on constitutional design, constitutionalism, constitutional change, judicial review, and the role of courts and constitutional interpretation. Drawing on examples from diverse constitutional cultures, we will also examine the protection of constitutional rights—such as religious freedom and individual liberty—from a global perspective.

3 credit JD students will be required to write a paper that meets the JD upperclass legal writing requirement. Students taking this seminar for 2 credits will be required to submit a final paper (no draft is required) of 18-20 pages.

Mutually Excluded Courses: Students may not receive credit for both this course and the Comparative Constitutional Law course.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 309 v00 Congressional Investigations and the Modern Government Inquiry (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20309%20v00)
J.D. Course (cross-listed) | 2 credit hours

This course will focus on the scope and contours of Congress's oversight and investigative authority, how it has evolved over time, and key similarities/differences in relation to other types of government investigations. Specifically, it will examine the interplay between congressional investigations and the separation of powers between the Legislative, Judicial, and Executive branches of government, as well as how such investigations can impact private actors. Topics covered will include, among others:

- Committee jurisdiction and grants of authority;
- Interaction between Congress and the Executive Branch, including claims of Executive Privilege and special issues related to congressional oversight of active criminal investigations;
- Judicial review of congressional oversight activities;
- The applicability of constitutional and common law privileges and the congressional contempt power; and
- Current trends in congressional investigations in light of a changing political dynamic in Washington, including the role of the minority party and specially-constituted investigative commissions.

The world of congressional investigations is truly interdisciplinary—these high-stakes investigations often involve overlapping, and at times competing, considerations of law, legislation, lobbying, policy, politics, public relations, and media. Rarely does a congressional investigation occur in a vacuum—for an issue to attract a congressional committee’s attention, it is often necessarily subject to parallel criminal and civil proceedings, or it will be. Therefore, students will be challenged to assess the spectrum of risk a subject or witness might face, including criminal exposure, impacts on parallel litigation, administrative or regulatory issues, media scrutiny, reputational and economic risk, and potentially negative legislative results. Students will also consider the myriad objectives of a congressional investigation, including evaluating the effectiveness of existing laws, supporting or opposing legislation, or advancing a particular political agenda.

By the end of the course, students should have acquired a working understanding of:

- The sources, scope, and history of congressional oversight and investigative authority;
- Legal and business risks associated with congressional and other government investigations;
- Key nuances and similarities in the representation of clients before various types of government bodies; and
- Some basic practice concepts in the white collar representation of entities and individuals under government investigation.

Recommended: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Mutually Excluded Courses: Students may not receive credit for both this course and Congressional Investigations Seminar or Congressional Oversight of the Executive Branch.
COURSE OBJECTIVES:

1. Students will understand the interplay among the three coordinate branches as a result of our constitutional structure, and how these structural relationships impact law and policy-making.

2. Students will understand the tools at Congress's disposal to effect legislative oversight and congressional investigations. To borrow a phrase from one of our texts, "you will learn how the worlds of lawmaking, law-implementing, law-interpreting, and law-enforcing connect."

Prerequisite: Constitutional Law I: The Federal System; prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Congressional Investigations Seminar or Congressional Investigations and the Modern Government Inquiry.
LAW 103 v00 Conservatism in Law in America Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20103%20v00)
J.D. Seminar | 3 credit hours
This writing seminar explores various themes running through conservatism in American law. In the course of examining the meaning of American legal conservatism, it touches on certain basic questions about the nature and purpose of law both generally and in the United States in particular, as well as assumptions and beliefs about how human beings behave and how they learn to order their dealings with one another. It explores the relationship of conservatism in society to conservatism in American law, occasionally using current and past controversies to illustrate different ways of understanding conservatism in law as well as competing approaches.

Recommended: Constitutional Law I: The Federal System or Democracy and Coercion.

LAW 1609 v00 Constitutional and Statutory Interpretation Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201609%20v00)
J.D. Seminar | 2 credit hours
Analyzing text is a deeply important part of legal practice in public law, whether statutory or constitutional law. It cuts across a wide variety of subject matter areas, from very basic aspects of the Constitution to any statutory topic imaginable. Whatever the subject matter, whether health care law, presidential emoluments, or internet privacy, certain problems of legal analysis recur. How should courts analyze legal texts? Where should judges go to look for meaning when the text is vague or ambiguous? Should texts be updated to reflect current norms? What does it mean to look for the drafter’s intent? Should approaches toward statutory and constitutional text be symmetrical or not? This seminar will introduce students to these problems and provide essential skills for reading both constitutional and statutory text. Materials will be provided by the instructor and will include insights gained from linguistics, political science, philosophy, and behavioral economics. Students will choose an appellate or Supreme Court case/cases to work through these questions and as the basis for a final paper. Students interested in writing notes, whether on a law review or not, are encouraged to the take the course.

LAW 089 v00 Constitutional Aspects of Foreign Affairs Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20089%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
This seminar deals with the distribution of powers between the president and Congress in the areas of war, diplomacy, international organizations, foreign assistance, commerce, money, etc. as well as the distribution of powers between the national and state governments. Such related matters as the impact on individual rights and the political question doctrine in this context are also discussed.

Prerequisite: Constitutional Law I (or Democracy and Coercion).

Mutually Excluded Courses: Students may not receive credit for both this seminar and Foreign Relations Law.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class.

LAW 1601 v00 Constitutional Impact Litigation Practicum (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201601%20v00) (Project-Based Practicum)
J.D. Practicum | 5 credit hours
This project-based practicum course will give students the unique opportunity to be part of the constitutional litigation work of Georgetown Law’s Institute for Constitutional Advocacy and Protection (ICAP). Led by attorneys with deep experience in trial and appellate advocacy, national security law, and federal prosecution, ICAP pursues strategic litigation in federal and state courts at all levels to ensure clear recognition of constitutional rights in areas such as immigration, religious discrimination, free expression and privacy protection, national security, public safety, criminal justice reform, and whistleblower protection, among others. ICAP often works in close partnership with non-profit organizations, pro bono teams of law firms, and law school clinics. Students will participate in a two-hour weekly seminar and carry out an average of 15 hours per week of work with ICAP and its partners on strategic litigation.

SEMINAR: Drawing on experience from ICAP’s cases as well as prominent historical and current examples of impact litigation, the seminar will focus on the history of public and social justice litigation and its uses, criticisms, and obstacles. Seminar participants will discuss with the practicum’s Professors and other lawyers on the ICAP team strategies for bringing impact litigation, including identifying and selecting plaintiffs, test cases, venues, and legal theories, as well as engaging the public. Students will receive specific instruction on how to prepare research memoranda useful to litigators exploring which cases to take and which arguments to make; on what makes for successful, persuasive briefing of constitutional arguments; and on how to explain to the public, in forms such as short op-eds, the crux of key legal challenges and the stakes associated with them.

PROJECT WORK: Students will work an average of 15 hours per week on constitutional litigation and related projects handled by ICAP. Work flow will depend on litigation deadlines and demands. Students should not expect the work load to be even from week to week, and some weeks may require a significantly greater number of hours while others may require very few. Students’ roles may include providing litigators with memoranda conveying research on relevant legal issues; drafting portions of briefing materials for use in litigation; mooting oral advocates preparing to argue these matters in court; drafting press releases and/or op-eds relevant to ICAP’s litigation; and assisting with spin-off projects that may arise from the litigation. Students also may be involved in fact gathering related to ICAP’s litigation, including reviewing and analyzing publicly available data. ICAP’s previous work has included obtaining injunctions against unlawful private paramilitary activity by far-right extremists and militias; challenging bail practices and fines and fees that unconstitutionally discriminate against indigent defendants; representing “sanctuary cities” against challenges to their policies; standing up for freedom of expression; advocating against undue burdens on religious expression; promoting fair and just criminal prosecutors and sentences; and protecting the rights of civil servants, among many others. Students will undertake multiple projects over the course of the semester, engaging with not only the Professors but also ICAP’s other litigators. Students will be expected to work both independently and in teams, just as they would on an impact litigation team.

Prerequisite: Constitutional Law I. Additionally, J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective). Constitutional Law II is recommended as a prerequisite or as concurrent enrollment but is not required.

Mutually Excluded Courses: The practicum portion of this course is designed to immerse students in all facets of ICAP’s litigation, from briefing to fact gathering to oral argument. Therefore, students may not receive credit for this course and any other practicum course.
LAW 1359 v00 Constitutional Interpretation Seminar: Originalism and its Rivals

J.D. Seminar (cross-listed) | 2 credit hours
This seminar will critically evaluate the "originalist" position that courts should be bound by the "original understanding" or by the "original public meaning" of the constitutional text, or by the "original Framers' intent. The seminar will then review a variety of alternative approaches, including ones that treat the constitutional text as having evolving meaning, and others that emphasize tradition, democracy, precedent, moral obligation, or other bases for constitutional interpretation, including alternatives that contest the idea that the Constitution should be considered binding or that the judiciary should have ultimate authority for constitutional interpretation. The positions will be identified and evaluated through a focus on Supreme Court decisions and on scholarly commentary. Participants will be expected to write short response papers and to attend the seminar meetings. No paper will be required.

LAW 004 v00 Constitutional Law I: The Federal System

J.D. Course | 3 credit hours
This course addresses questions concerning the role of the Supreme Court in resolving legal problems that arise under our fundamental law, as well as issues concerning the Constitution's distribution of power between the national and state governments and among the branches of the national government.

LAW 215 v00 Constitutional Law II: Individual Rights and Liberties

J.D. Course (cross-listed) | 4 credit hours
This course focuses primarily on the First, Fifth, and Fourteenth Amendments (free speech, due process, and equal protection) and the role of the Supreme Court as ultimate interpreter and guardian of the Bill of Rights.

Note for Professor Barnett's section: As a way to understand the structure of current doctrines, Professor Barnett's course will stress how and why the doctrines evolved from the Founding through the Civil War, Reconstruction, the Progressive Era, the New Deal, the Warren and Rehnquist Courts to the Roberts Court today. The course will also stress the effect that slavery had on the original Constitution and the Reconstruction Amendments. Coverage will include the Second and Ninth Amendments. This course will use the "flipped classroom," with one or two 5-15 videos explaining the reading assignments to be watched by students before coming to class. Professor Barnett's section will consist of a 3-hour unit consisting of two 85 minute class sessions and a 1-hour unit consisting of 14 video presentations on the theory and practice of originalism that students can view at their convenience: (1) Larry Solum (UVA) Overview Of Originalist Theory, (2) Randy Barnett, Normative Rationales For Originalism, (3) Thomas Colby (GW), Criticisms of Originalism, (4) Larry Solum (UVA), Public Meaning Originalism, (5) Michael Rappaport (US), Original Methods Originalism, (6) Jack Balkin (Yale), Living Originalism, (7) Stephen Sachs (Duke), Original Law Originalism, (8) Balkin, Rappaport, Sachs & Solum, Q&A, (9) Christina Mulligan (Brooklyn), Diverse Originalism, (10) Larry Solum & Randy Barnett, Originalism and Precedent, (11) Evan Bernick (GULC), Constitutional Construction, (12) Justice Thomas Lee (Utah Supreme Court) Corpus Linguistics, (13) Jud Campbell (Richmond), Originalist Sources, (14) John Stinnett (Florida), The Original Meaning Of Cruel & Unusual Punishment. Internet access on any device is not allowed during class; all laptop use is disallowed in Professor Barnett's course (unless necessary to conduct Zoom instruction).

Learning goals for Professor Spann's section
The primary goal of the course is to teach students how to manipulate the doctrinal rules and underlying policy considerations that govern the topics in the course, and to get students to confront the normative implications raised by such vast amounts of doctrinal indeterminacy.

Learning goals for Professor Lenhardt's section
Course Outcomes and Grading: Final grades in this course will be based on a final exam, the completion of class exercises and assignments, and class participation. Together, class discussions, exercises, and assignments will help students to acquire foundational knowledge of constitutional law.

Students should complete the course knowledgeable of and with facility in doctrinal analysis in U.S. constitutional law, to include close reading of cases and precedents, and the application the law to facts. Students should also have an understanding of the following:

- Historical development of constitutional law, the U.S. Supreme Court, and other legal institutions;
- Major themes and broad concerns of U.S. constitutional law;
- Jurisprudential considerations in legal analysis, including major theories of constitutional interpretation;
- The influences of political institutions in constitutional law;
- Values-based considerations and Identity-related debates, such as those involving race, gender, sexual orientation, and class, in constitutional law-making;
- Scholarship and critical legal theory on constitutional rights issues.

Internet access on any device is not allowed during class; all laptop use is disallowed in Professor Barnett's course (unless necessary to conduct Zoom instruction).
**LAW 1538 v00 Constitutional Law: The First and Second Amendments**

J.D. Course | 1 credit hour
This course will provide students the opportunity for intense and detailed study of cutting-edge issues arising under the Free Speech Clause of the First Amendment and the right to keep and bear arms under the Second Amendment. Students will be required to read leading Supreme Court cases in full (including concurrences and dissents) to enable them to discuss and debate the decisions and the analytical approaches used to reach them.

We will discuss the First Amendment on Monday and Tuesday and the Second Amendment on Wednesday. We will compare and contrast the two on Thursday.

**Learning Objectives:**

By the end of the week, I hope you will have learned to:

1. Understand more deeply First and Second Amendment jurisprudence;
2. Appreciate how difficult it is for the Supreme Court to decide close cases;
3. Express your thoughts clearly and concisely and to disagree with colleagues without being disagreeable;
4. See virtue in reading cases in their entirety, rather than in excerpt form;
5. Recognize different judicial philosophies in Supreme Court opinions;
6. Identify premises justices use as starting points for their analyses; and
7. Write an exam that reflects command of First and Second Amendment cases.

**Prerequisite:** Constitutional Law II: Individual Rights and Liberties.

**Note:** This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

**ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS.** Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

**LAW 1512 v00 Constitutional Litigation and the Executive Branch**

J.D. Seminar | 2 credit hours
This seminar will explore the practice and strategy of constitutional litigation through a close study of recent constitutional challenges to Executive Branch action.

We will begin with a brief overview of major trends in constitutional litigation against the Executive Branch. We will then address specific cases, examining the course of each litigation and exploring key strategic judgments made by parties, amici, and judges. Students will leave the course familiar with every stage of a constitutional case, from the initial announcement of an Executive Branch policy, to the decision to file suit and the drafting of a complaint, to litigation at every level of the Judiciary and in the court of public opinion, to the varied challenges that may follow a successful lawsuit. Along the way, we will consider the strategy and incentives of different litigants—including civil rights groups, private parties, cities, states, and legislators. We will also study the goals and strategies of lawyers charged with defending Executive Branch action.

Although this list is subject to change in light of ongoing developments, we likely will cover many of the following topics:

- President Trump's "travel ban"
- The exclusion of transgender persons from military service
- Litigation over DACA and DAPA
- Threats to revoke federal funds from sanctuary cities
- The (unsuccessful) addition of a citizenship question on the 2020 Census
- Requests by juvenile undocumented migrants to exercise abortion rights
- The challenge to President Trump's policy of blocking critics on Twitter
- President Trump's compliance (or lack thereof) with the Emoluments Clauses
- Efforts by the House of Representatives to compel testimony by former officials
- Efforts by cities, states, and the House to obtain President Trump's tax returns

Each week, students will study relevant court filings and opinions (from district courts all the way to the Supreme Court), complemented by contemporaneous legal commentary. We will expect all students to prepare for—and participate in classroom discussion.

**Learning Objectives:**

1. Introduce students to the fundamentals of constitutional litigation, from its inception through appeal.
2. Understand the ways in which claims and defenses may evolve throughout the course of litigation and proceed as a conversation between lower courts, courts of appeals, the Executive Branch, and Congress.
3. Learn to analyze and critique actual pleadings, with an eye towards the parties' litigation strategy, goals, and hurdles.
4. Learn to analyze and critique judicial opinions on constitutional claims over the course of an entire litigation (rather than just reading the Supreme Court ruling), linking this skill to a refined appreciation of the judicial role and the rule of law.
5. Understand the aspects of modern constitutional challenges that have been common to earlier constitutional litigation against the federal government, as well as the features of the present landscape that are remarkable or unique.
6. Draw upon cutting-edge legal scholarship to analyze trends in constitutional litigation.
LAW 512 v01 Criminal Defense and Prisoner Advocacy Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20512%20v01)
J.D. Clinic | 14 credit hours
Please see the Criminal Defense & Prisoner Advocacy Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/criminal-defense-prisoner-advocacy-clinic) for more detailed information about the program.


**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 512 v00 Criminal Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20512%20v00)
J.D. Clinic | 14 credit hours
Please see the Criminal Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/criminal-justice-clinic) for more detailed information about the program.


**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 128 v01 Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20128%20v01)
J.D. Course | 2 credit hours
An examination of the basic Fourth, Fifth, and Sixth Amendment principles that govern the interaction of the police and suspects in the investigation of crime. From stop and frisks to coerced confessions, the course will examine the constitutional doctrines developed to regulate police behavior and the admissibility of evidence. The core concepts will include the definition of a "search," the meaning of probable cause and reasonable suspicion, the requirement of a search warrant and the many exceptions to the warrant requirement, Miranda and related limits on interrogation, and the pre-trial right to counsel. The course will also focus on the role of the courts in enforcing the constitutional guarantees, particularly through the exclusionary rule.

**Learning Objectives:**

1. Thorough Understanding of the Primary "Substantive" Fourth Amendment Issues in Criminal Cases and Certain Civil Cases
2. Thorough Understanding of Primary "Remedial" Fourth Amendment Issues in Criminal Cases
3. Thorough Understanding of the Primary "Substantive" Fifth Amendment Issues Related to Interrogations and Confessions
4. Thorough Understanding of the Primary "Remedial" Fifth Amendment Issues Related to Interrogations and Confessions
5. Thorough Understanding of the Sixth Amendment Issues Related to Uncounseled Confessions and Pretrial Line-ups
6. Thorough Understanding of Sixth Amendment Issues Related to the Effective Assistance of Counsel

**Mutually Excluded Courses:** Students may not receive credit for both this course and Criminal Justice or Democracy and Coercion.

**Note:** This course is offered only to transfer students from other law schools who have not had a first year course in constitutional criminal procedure.
In their project work, students will work on legal research related to ongoing death penalty litigation on behalf of death penalty defendants and inmates. Students also may have the opportunity to draft, or contribute to, briefs and motions related to ongoing death penalty litigation. Students will work with organizations and practitioners litigating death penalty cases. Among the organizations and individuals that have expressed interest in partnering with this practicum are the Southern Center for Human Rights, the Federal Capital Appellate Resource Counsel, and individual death penalty litigation practitioners. Other organizations and individuals are likely partners as well.

In the seminar, students will develop an understanding and appreciation of the ongoing debates on death penalty issues – both broad jurisprudential issues (such as the meaning of the Eighth Amendment and relevant state constitutional provisions) and specific doctrinal topics (such as intellectual disability, insanity, and mitigating evidence in the death penalty litigation context). It also will be helpful to students to understand the experiences of death penalty litigators. Readings on these subjects will be woven into the seminar.

**Prerequisite:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**Note:** This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for the 10 hours/week of project work. Both the seminar and project work will be graded.

Students who enroll in this course will be automatically enrolled in both the seminar and practicum components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Learning. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor’s discretion, may be withdrawn from the practicum.
LAW 150 v05 Employment Discrimination (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20150%20v05)
J.D. Course | 3 credit hours
This course explores the legal mandate for equal employment opportunity in relation to race, color, religion, sex, national origin, age, disability, and other traits. The focus is principally upon Title VII of the Civil Rights Act of 1964 and also includes the Age Discrimination in Employment Act, the Americans with Disabilities Act, and related state analogues. The course examines the doctrinal and theoretical aspects of employment discrimination law through a rigorous analysis of court decisions, statutes and regulations. Legal readings will be supplemented with perspectives from psychology, sociology, and economics. We will also discuss the strategic and tactical approaches a practicing attorney will consider in actually utilizing these laws to represent clients.

LAW 1662 v00 European Constitutional Traditions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201662%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course explores the various constitutional traditions that evolved in Europe in the last two centuries, in search of the continuity (or the discontinuity) that characterizes every constitutional context and the particular cultural tradition thereof.

If the British constitutionalism epitomises the continuity across the eleven centuries of its monarchy, both the devolution of powers in Scotland and Northern Ireland affirmed in the last decades and the Human Rights Act 1998 (not to mention Brexit) have challenged a perfectly seamless flow of constitutional coherence. How have these events changed British constitutionalism?

Despite the beheading of King Louis XVI in 1793, French constitutionalism has in fact been identified with a recurring monarchical feature: even the law, that became the expression of the popular will once the yoke of the ancien régime was thrown off, acquired the same omnipotence that used to be conferred to the crown and was subsequently removed from any constitutional adjudication for a long time. Is it possible to recognize this monarchical feature also in the 1958 Fifth Republic Constitution and, if so, where?

What about the discontinuity between the German Weimar Constitution, adopted in 1919 after the deposition of King Wilhelm II, and the 1949 Basic Law? What part did fear of the past play in the drafting of the new German constitutionalism and in setting an example of efficiency and human dignity? Are there any similarities between the German and the U.S. constitutional patriotism?

What about the move in Spain from the national unity imposed by Generalissimo Franco’s long tyranny to the 1978 asymmetrical regionalism? Did Catalonia’s efforts towards independence comply with the Spanish constitutional norms? And what about the transition of Eastern European countries from socialism to (illiberal) democracy?

Finally, a part of the course will be devoted to the discussion of some judgments issued either by domestic European constitutional courts or the European Court of Human Rights (ECHR): these cases will constitute the basis for a comparison with the U.S. constitutionalism during the classes co-taught with Justice Sonia Sotomayor, with special reference to how judicial review is performed, the relationship between the judiciary and other branches, the countermajoritarian difficulty, the judicial and hermeneutical techniques adopted, the recurrence of analogous petitions before the courts, and the possible cross-fertilisation among them.

LAW 1487 v00 Executive Branch Legal Interpretation: The Separation of Powers and the Office of Legal Counsel (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201487%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This two-credit seminar will explore selected topics in the separation of powers. It will focus on the way in which the Executive Branch, and in particular the Justice Department’s Office of Legal Counsel, has analyzed and interpreted some of the key separation of powers questions that arise in the daily interaction between the Executive Branch and Congress—questions that have in many instances been the subject of only limited judicial interpretation. Topics to be addressed include the Recommendations and Appointments Clauses, the President’s authority to use military force without prior congressional authorization, the President’s authority to conduct diplomacy and foreign affairs, the scope and nature of the President’s obligation to Take Care that the laws are faithfully executed, the concept of prosecutorial discretion, lapses in appropriations, and Congress’s authority to compel testimony from Executive Branch officials.

The seminar will begin with an overview of the concept of the separation of powers, the sources of OLC’s authority, and the nature of OLC’s role in the Executive Branch. It will then examine a series of specific separation of powers topics, focusing on OLC opinions and academic writings addressing these subjects. The seminar may also consider separation of powers issues, such as those that would be raised by a congressional failure to raise the debt ceiling, on which there are no published OLC opinions, asking students to assume the role of OLC lawyers and develop advice on what possible courses of might and might not be lawfully available to the President. The seminar will end by considering some of the debates about the appropriateness of OLC’s role, OLC’s effectiveness as a legal interpreter, and proposals for reforming the Office.

The seminar has two main objectives. First, through study of selected OLC opinions and other writings, students will gain substantive familiarity with some of the main separation of powers issues that arise in practice within the Executive and Legislative branches, and with OLC’s jurisprudence on these subjects. Second, through this study, students will develop a concrete sense of how OLC functions as a legal interpreter, and will thus have a basis on which to begin to develop an informed view of OLC’s strengths and weaknesses in this role.

Learning Goals:
Students will develop familiarity with, and fluency at reading and analyzing, OLC opinions.

Students will develop a substantive understanding of some of the most important separation of powers-related issues that arise in practice between the Executive and Legislative branches, and a substantive understanding of OLC’s jurisprudence on these subjects.

Students will gain familiarity with areas of law, such as the appropriations process, that are critical to the operation of the federal government, but are not part of the standard core law school curriculum.

Students will develop an informed, concrete sense of how OLC functions as a legal interpreter, and will thus be equipped to develop informed views about the characteristics, and the strengths and weaknesses, of OLC as a source of Executive Branch legal interpretation.

Prerequisite: Constitutional Law I: The Federal System (or Democracy and Coercion).

Mutually Excluded Courses: Students may not receive credit for both this seminar and Separation of Powers Seminar.
LAW 178 v02 Federal Courts and the Federal System
This course addresses the role of the federal courts in our system of government, focusing on relevant constitutional and statutory provisions and jurisdictional doctrines and concepts. Representative topics include justiciability, congressional power to regulate the jurisdiction of the Supreme Court and lower federal courts, Supreme Court review of state court judgments, sovereign immunity, abstention, and habeas corpus.


LAW 178 v03 Federal Courts and the Federal System
This course addresses the constitutional and statutory provisions, as well as the jurisdictional doctrines and concepts, that shape and limit the role played by the federal courts in the governmental process. Representative topics include Congressional power to curtail federal jurisdiction, limitations on the ability of the federal courts to enjoin state court proceedings, federal common law, state sovereign immunity, federal habeas corpus, and the prerequisites for Supreme Court review of state court judgments. The primary emphasis of the course is on a critical analysis of these jurisdictional doctrines, although some time is spent on litigation aspects.


LAW 213 v00 Federal Indian Law Seminar
This seminar examines the body of law dealing with the status of the Indian tribes, their special relationship to the federal government, and the governmental policies underlying it. It will also focus on the legal interrelationships among tribal, state, and federal governments, tribal gaming and economic development, and tribal rights to natural resources.


LAW 530 v00 Federal Legislation Clinic
For registration-specific supplemental materials, please see the Federal Legislation Clinic (IPR) PDF for more detailed information about the program.

For registration-specific supplemental materials, please see the Federal Legislation Clinic (IPR) PDF for more detailed information about the program.

For information about clinic registration generally, please see the Clinic Registration Handbook.

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 722 v02 Federal Limitations on State and Local Taxation
As an instrument of federalism, the U.S. Constitution plays a vital role in defining state and local governments’ taxing powers. In some instances this is accomplished by express Constitutional provisions; in others, by express or implied grants of authority to the legislative, executive or judicial branches of government. This advanced state and local tax course will explore and analyze Constitutional provisions that limit (and sometimes expand) state and local taxing powers. It will include a historical review of Supreme Court jurisprudence that underscores the inherent complexities and tensions precipitated by the intersection of federalism and the underlying goals embodied within the Commerce Clause, Equal Protection Clause, Import-Export Clause, Privileges and Immunities Clause, and Supremacy Clause, among others. The course also will explore how issues of federalism have shaped various Federal statutory enactments, as well as pending pieces of federal legislation. For example, it will analyze how federalist tensions and statutory dynamics were balanced in a proposed congressional bill concerning state and local tax incentives. Additionally, the course will explore the impact of treaties and international trade laws, as well as their related enforcement mechanisms, which continue to spawn new issues implicating the States’ powers to tax.

Prerequisite: Federal Income Taxation (formerly Taxation I).

Note: Students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement.

LAW 635 v00 Federal Money: Policymaking and Budget Rules

Ostensibly neutral budget rules have come to dominate Federal policymaking; indeed, the budget procedure is arguably more crucial to a proposal’s success in the Congress or the Administration than a majority of the votes or the support of a Cabinet member. Unfortunately, the budget process is poorly understood by most observers, advocates and even the Members of Congress themselves. This course will survey the fundamentals of budget process and the uses and abuses of it. Topics will include Federal grants funding, entitlement spending, “tax spending,” and “off-budget” spending, as well as the budget aspects of current controversies such as health reform, tax policy, Social Security, defense spending, and economic stimulus spending.

Note: No accounting or budget background is needed.
LAW 1608 v00 Federal Practice Seminar: Contemporary Issues

This seminar will explore selected topics in Civil Procedure, Federal Courts, and Administrative Law in depth. The seminar will focus on topics that have recently gained attention in the Supreme Court or that may arrive in the Supreme Court in the near future. Each class will relate to only one or two such topics. Examples of possible topics include representative proof in class actions, personal jurisdiction in federal court on extraterritorial claims, the standing of States, congressional power to create standing, the status of prudential standing, nationwide injunctions, Chevron deference, Auer deference, the major questions doctrine, the constitutional status of ALJs, and the constitutional status of independent agencies. Depending on the topic, we may read Supreme Court decisions, scholarly literature, or Supreme Court briefs. There will be one major writing assignment, a paper of approximately 20-30 pages in length that addresses a topic in civil procedure, federal courts, or administrative law. In addition, students will prepare a short reaction paper of several paragraphs that is due before each class relating to the topic(s) to be discussed in that class. The grade in the course will be based on the final paper, but that grade may be adjusted upward or downward one-half grade based on the reaction papers and class participation.

LAW 1631 v00 Federal Practice Seminar: Contemporary Issues

This seminar will explore selected topics in Civil Procedure, Federal Courts, and Administrative Law in depth. The seminar will focus on topics that have recently gained attention in the Supreme Court or that may arrive in the Supreme Court in the near future. Each class will relate to only one or two such topics. Examples of possible topics include representative proof in class actions, personal jurisdiction in federal court on extraterritorial claims, the standing of States, congressional power to create standing, the status of prudential standing, nationwide injunctions, Chevron deference, Auer deference, the major questions doctrine, the constitutional status of ALJs, and the constitutional status of independent agencies. Depending on the topic, we may read Supreme Court decisions, scholarly literature, or Supreme Court briefs. There will be one major writing assignment, a paper of approximately 20-25 pages in length that addresses a topic in civil procedure, federal courts, or administrative law. The grade in the course will be based on the final paper, but that grade may be adjusted upward or downward one-half grade based on class participation.

LAW 1514 v00 Federalism in Practice: The Role of Governors and State Executives in Advancing Public Policy

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course explores the legal and practical dimensions of policy making at the state level, with a focus on the role of governors and other state executives (e.g., attorneys general, legislators, secretaries of state). Students will participate in a two hour/week seminar and also undertake 15 hours/week of fieldwork with the National Governors Association, National Association of Attorneys General, National Conference of State Legislatures, or other state and local stakeholder group.

SEMINAR: This seminar will provide an overview of the constitutional underpinnings of federalism and the legal frameworks applicable to policy development and implementation (e.g., in healthcare, homeland security, emergency response, infrastructure and transportation); case studies on the challenges and opportunities of federal, state, and local cooperation; and practical guidance on the operation of governors’ offices and state agencies. It will also examine the role of the “Big Seven” associations in driving state and local interests at the federal level, and in facilitating the adoption of best practices across government. Students will be trained in written and oral communication for an audience of policymakers, and become skilled at distilling complex legal issues into actionable recommendations for executives. During the semester, students will hear from guest speakers who serve or have served in governors’ offices and state agencies, or who otherwise offer unique insight and expertise in topical issues. By the end of the course, students will understand how “good” public policy (ethical and effective) happens in the real world and the practical ways in which research/science, politics, ideology, tradition, and the law help to shape it.

FIELDWORK: Depending on students’ interests and the organization’s needs, students may be placed in NGA’s Center for Best Practices (Homeland Security & Public Safety Division) or one of the other “Big Seven” state/local associations, such as the National Conference of State Legislatures, National Association of Attorneys General, National District Attorneys Association, or Council of State Governments. Students will work with the organization’s staff and state officials to resolve legal questions and develop recommendations for state policymakers, such as: (1) writing a model cyber vulnerability disclosure policy for state agencies; (2) providing guidance on the legal implications of health reform; (3) constructing a model framework for addressing citizen privacy in homeland security policy; (4) identifying and analyzing novel legal issues raised by the deployment of the National Public Safety Broadband Network; (5) updating legal and procedural guidance for governors’ legal counsel; and (6) developing advocacy strategies for federal legislation that affects state interests. For the Fall 2020 semester, students are permitted to conduct their practicum fieldwork remotely.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: No other courses are required, but background coursework in constitutional law, administrative law, and statutory interpretation may be helpful.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.
It will be taught in a more traditional lecture/Socratic style. First Amendment concerns. The doctrine is unprepared for a digital age.

This course provides a primer on First Amendment Law in a Digital Age. It begins with the origins of the First Amendment, examines its evolution, and raises along the way the most pressing questions today that evoke First Amendment concerns. The doctrine is unprepared for a digital age. It will be taught in a more traditional lecture/Socratic style.

We will use the developing nature of the federalism jurisprudence as an opportunity to develop advocacy skills. Students will satisfy the writing requirement by writing a 25-page appellate brief in one of several cases designated in the syllabus. We will work closely with each student in developing the structure and argument of the brief, and in moving from draft to final product. Each of the decisions will also be the subject of a short, informal moot court presentation by the students briefing that case. There will be no additional writing or research required for these presentations, which are designed to focus our dialogue.

Although the expressive rights in the amendment have attracted the most attention, moreover, it is the right to petition that the Framers considered one of the most important protections for the people. Traditionally, it surpassed speech, press, and assembly in importance, allowing individuals to seek redress for wrongs and allowing them to generate attention to their concerns. Anti-federalists attacked the Constitution in part precisely for failing to protect this right, which incorporates active political engagement, directed at a particular body of persons, demanding action in response, and not diluted through representative government.

This course provides a primer on First Amendment Law in a Digital Age. It begins with the origins of the First Amendment, examines its evolution, and raises along the way the most pressing questions today that evoke First Amendment concerns. The doctrine is unprepared for a digital age. It will be taught in a more traditional lecture/Socratic style.
LAW 052 v01 Fourteenth Amendment Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20052%20v01)
J.D. Seminar | 3 credit hours
This seminar is designed to encourage students to think critically and creatively about the appropriate constitutional role for the principles of equality and liberty and, more broadly, about the manner in which Supreme Court functions as an institution. These goals will be accomplished by "reinventing" fourteenth amendment jurisprudence, free from the constraints imposed by the actual decisions of the Court. At the beginning of the semester, students will be assigned to individual "courts," which will meet to decide cases assigned every other week throughout the semester. The "courts" will be expected to vote on how the cases should be decided and to prepare written majority, dissenting, and concurring opinions as appropriate. Each student will be graded in part on the basis of the quality of any opinion that the student agrees to sign. By citing as authority only those cases previously decided by that court, each court will develop a body of hypothetical case law over the semester that must be distinguished, amplified, or, if necessary, overruled in dealing with the next set of cases. Students will be encouraged to remain in role and to attempt to develop a consistent judicial philosophy. Every two weeks, two of the "courts" will become "law firms," which will analyze the case law developed by a third court, write briefs, and conduct an oral argument before the third court. Although little reading will be required for this seminar, students will be expected to produce a substantial amount of written work and to devote a substantial amount of time to meeting with other members of their court.

**Note:** Once enrolled, no student may be excused from the seminar without the permission of the professor.

LAW 196 v02 Free Press Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20196%20v02)
J.D. Seminar | 2 credit hours
"Congress shall make no law . . . ." the First Amendment commands, "abridging the freedom . . . of the press." But Congress, the Executive Branch, and the courts have promulgated a host of laws governing both print and electronic media. This survey of mass media law explores such current topics as prior restraints on publication, defamation, privacy, newsgathering liability, media liability for unlawful conduct of third parties, compelled disclosure of sources, and access to information. Practical aspects of representing media clients are examined along with public policy implications of existing legal doctrines and proposals for change.

**Recommended:** Constitutional Law II: Individual Rights and Liberties.

**Mutually Excluded Courses:** Students may not receive credit for both this seminar and the course, Free Press.

LAW 196 v03 Free Press (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20196%20v03)
J.D. Course | 2 credit hours
"Congress shall make no law . . . ." the First Amendment commands, "abridging the freedom . . . of the press." But Congress, the Executive Branch, and the courts have promulgated a host of laws governing both print and electronic media. This survey of mass media law explores such current topics as prior restraints on publication, defamation, privacy, newsgathering liability, media liability for unlawful conduct of third parties, compelled disclosure of sources, and access to information. Practical aspects of representing media clients are examined along with public policy implications of existing legal doctrines and proposals for change. Much of the course is discussion-based, and students will be expected to make meaningful contributions to that discussion, with class participation forming the basis for one-third of the grade for the semester.

**PLEASE NOTE:** This course will not be offered during the 2020-2021 academic year. Please plan accordingly.

**Recommended:** Constitutional Law II: Individual Rights and Liberties.

**Mutually Excluded Courses:** Students may not receive credit for this course and the Free Press Seminar.

LAW 1272 v00 Gender and Sexuality (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201272%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course will provide an introduction to the legal contexts and theoretical debates surrounding sex, gender, sexuality, and their intersections. We will explore the ways gender and sexuality have been debated, defined, and redefined in the contexts of gender identity and performance, sexual pleasure, reproductive rights, sexual violence, marriage, family organization, and work. In each context we will canvas the evolution of the law as well as consider how feminist and queer theorists have conceptualized gender and sexuality in order to reimagine and critique prevailing legal rules and cultural norms. In short, the class will probe the ways that law is gendered, sexualized and raced, and with what overall effects on social institutions and practices.

**Key topics will include:**
- The influence of identitarian politics on law and vice versa
- Regulation of Sexual Conduct
- Regulation of Reproduction
- The Meanings of Same Sex Marriage
- Sex, Law & Consent
- Gender & Sexuality at Work
- Equality, Stereotypes, and Pregnancy
- Sexual Harassment

Students will be graded primarily on the basis of a take-home exam at the end of the semester with some consideration of class participation. There may also be short response/essay papers or small group projects required.

**Strongly Recommended:** Constitutional Law II.

**Mutually Excluded Courses:** Students may not receive credit for this course and Sexual Orientation and the Law: Selected Topics in Civil Rights.
LAW 202 v00 Government Contracts (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20202%20v00)

J.D. Course (cross-listed) | 2 credit hours
This course analyzes the basic considerations in contracting with the federal government, including the sovereign’s power to contract, the applicable statutes, regulations and executive orders, and sovereign immunity. Material covers methods of acquisition: sealed bidding or negotiation (competitive proposals); requests for quotations; Multiple Award Schedule (MAS) contracting; the problems of offer, acceptance, and consideration; as well as the authority of government agents to contract. The materials also focus on the problems of contract performance, including changes; delays and suspensions of work; contract termination either for contractor default or for government convenience; and equitable adjustments and allowable costs. There is emphasis throughout the course on the practical as well as the substantive problems, including the dispute procedures before the boards of contract appeals and appeals to the U.S. Court of Federal Claims, as statutorily mandated by the Contract Disputes Act of 1978; extraordinary rights and remedies, including recovery for defective pricing and Public Law 85-804 requests; and bid protest proceedings before the agencies, Government Accountability Office (GAO), and the U.S. Court of Federal Claims. The course also includes a discussion of the changes to the government contracting process, to allow for "commercial item" contracting, as a result of the Federal Acquisition Streamlining Act of 1994 and the Federal Acquisition Reform Act of 1996.

Prerequisite: Contracts (or Bargain, Exchange, and Liability).

LAW 627 v00 Health Justice Alliance Law Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20627%20v00)

J.D. Clinic | 10 credit hours
Please see the Health Justice Alliance Law Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/health-justice-alliance-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 311 v01 Higher Education and the Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20311%20v01)

J.D. Seminar | 2-3 credit hours
Higher education plays a singular role in our society. Colleges and universities are complex organizations and institutions with unique missions to discover, create and transmit knowledge, and to further social mobility. Higher education intersects with the law in a myriad of ways. This course examines the legal issues that shape higher education, particularly in the United States. The course covers the distinctions between public and private colleges and universities, religion and higher education, accessibility to and financing of higher education, academic freedom, shared governance, admissions, free expression, privacy and freedom of association, campus safety with a particular focus on sexual assault, and issues of race, disability, gender and sexual orientation. We will consider student rights and responsibilities, faculty issues concerning research ethics and the classroom, and the roles of presidents, governing boards, and university general counsels. Materials include relevant statutes and cases as well as readings from related fields. Our goal throughout the course will be to understand the breadth of issues faced by higher education in the United States in pursuing its mission, and the ways in which legal rules and norms relate to these issues.

Recommended: Prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties.

Note:
Students may take this seminar for either 2 or 3 credits. All members of the seminar are required to write a number of short reaction papers. Students taking the seminar for 3 credits are also required to write a research paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement.
LAW 037 v00 Immigration Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20037%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course will examine the U.S. immigration system through legal and policy perspectives. We will explore the source, scope and constitutional limits of congressional power to regulate immigration; the executive branch implementation of immigration legislation, particularly procedures for entry and removal, and the extent of, as well as constitutional constraints on, Presidential power; and the administrative and judicial review of executive branch action. Close attention will be paid to how membership laws and policies are established and implemented: What laws and policies govern U.S. citizenship? Who is eligible to become a legal immigrant? How are annual admissions numbers set? How and why are family and employment priorities created? How does the U.S. protect refugees? With respect to the arrival of unaccompanied children from abroad, we will consider the laws and policies that govern how the U.S. government treats them. Unauthorized migration will also be examined to understand why some migrants do not use the legal route into the U.S. and what laws and policies the U.S. has in place to deter such unlawful movements at the border and presence in the interior. We will analyze the impact of the major 1996 immigration control legislation and its implementation, with particular attention to detention and removal. We will closely examine the role of the Justice Department’s Immigration Courts, with special attention to access to justice issues. We will explore the extraordinary need for, and challenges of, immigration law reform, as well as the particular situation of the Dreamers, children without lawful immigration status brought to and raised in the United States by their parents. Finally, we will examine issues of federalism with respect to states’ attempts to address unauthorized immigration and consider immigration law in the national security context. This is an exam course.

LAW 037 v02 Immigration Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20037%20v02)
LL.M. Course (cross-listed) | 2 credit hours
This class will cover the constitutional and political framework for the U.S. Immigration System, enforcement and adjudication agencies, immigrants, nonimmigrants, removals and deportations, detention and bond, immigration hearings, judicial review, grounds for removal and inadmissibility, “crimmigration,” immigration reform, “Chevron” deference, refugee and asylum status and other international protections. It will also include reading and analyzing major immigration cases like INS v. Cardoza-Fonseca, 480 U.S. 421 (1987) (well-founded fear) and Matter of Kasinga, 21 I&N Dec. 357 (BIA 1996) (female genital mutilation).

Mutually Excluded Courses: Students may not receive credit for both this course and National Security Law Through an Immigration Framework.

Note: This class will meet on the following Summer 2020 Dates: 5/26, 5/28, 6/2, 6/4, 6/9, 6/11, 6/16, 6/23, and 6/25. Withdrawals are permitted up until the last class for this specific course.

LAW 1519 v00 Immigration Policy across the Branches (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201519%20v00)
J.D. Seminar | 2-3 credit hours
Who can enter the United States as a visitor or an immigrant? Who will get asylum? Who will wait in a detention center? And when, according to immigration laws passed by Congress, over ten million migrants in the United States are unauthorized, who will actually be deported? American immigration law is the product of Presidential policy, Congressional command, and various discretionary decisions made by executive officials including immigration judges and Border Patrol officers. This course will examine the relationships between these various decision-makers. We draw on examples from immigration policy throughout the years—from the Chinese Exclusion Act to President Trump’s travel ban—to illustrate these issues. We also use case law from the Supreme Court, the Board of Immigration Appeals, and various federal circuits to understand how courts have evaluated these issues. Finally, secondary sources from historians and legal scholars help illustrate how various players the immigration system interact in practice. We will use this information to assess critiques of the immigration system and proposals for reform. These readings also introduce students to immigration related legal concepts including asylum, mandatory detention, and the use of the categorical approach to determining the significance of a migrant’s criminal history. Students will develop a familiarity with immigration practice as well as a more nuanced understanding of the legal and political issues that vex immigration law scholars.

Learning Objectives:

• Develop a better understanding of the historic development of immigration law and policy.
• Become familiar with legal concepts concerning asylum, immigration detention, and executive power over admissions and removal.
• Understand different policy-making options and the tension between discretionary decision-making and compulsory enforcement.
• Appreciate the choices and limitations facing various decision-makers in the immigration context, as well as the experience of migrants and asylum seekers in the immigration system.
• Assess separation of powers concerns using examples from the immigration field.
• Make a nuanced assessment of popular news stories and debates about immigration law, paying special attention to the role of various decision-makers at play.
• Summarize and critically analyze various proposals for reform of the immigration adjudications, deportation proceedings, and the asylum process.
• Master a substantive legal issue related immigration by producing a paper and/or presentation on a legal debate in the area. Develop writing and presentation skills by participating in this exercise.
• Practice critical reading of law review articles and cases.

Note: This course requires a paper. Students must register for the 3 credit section of this course if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. In this practicum, students will work on all aspects of an innovative litigation strategy, using the First Amendment to fight the pervasive problem of judicial and political interference with public defenders across the country. Students will participate in a two-hour/week seminar and carry out 15 hours/week of project work under the direction of the course professors.

SEMINAR: In 2018, Civil Rights Corps (CRC) launched its Indigent Defense Initiative, through which Civil Rights Corps attorneys will fight systemic denials of the right-to-counsel. In this course, we’re going to work on federal litigation to fight structural threats to the independence of state and local public defense across the country. To do this, we’ll learn about several kinds of legal problems: first-amendment problems, criminal-procedure problems, federal-procedure problems, and problems related to the collective action of defense attorneys. So far, I’ve set up the syllabus to tackle these problems in that order, but it’s probably best to view that as a very tentative plan: if specific issues come up in our practical work, I think we’ll want to address those issues during the seminar.

PROJECT WORK: Students will assist in investigating new cases and in all aspects of litigation on CRC’s clients’ behalf, from drafting complaints, investigating, writing motions, and doing legal research. In weekly seminars, students will prepare for this work by discussing the diverse legal topics that arise in the project’s litigation. Topics may include civil procedure, federal courts, and the First Amendment’s protection from employment retaliation.

Prerequisite: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Prior coursework on Criminal Procedure, First Amendment Law, and/or Employment Law are recommended but not required.

Mutually Excluded Courses: Students may not concurrently enroll in this course and a clinic or another practicum course. Students may concurrently enroll in this course and an externship.

Note: This course is suitable for evening students; project work does not need to be completed during business hours.

This is a five credit course. Two credits will be awarded for the two-hour weekly seminar and three credits will be awarded for approximately 15 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar portion and the project work. Students who enroll in this course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar portion and the project work. Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the seminar portion or project work may be subject to withdrawing from the practicum at the discretion of the professor.
LAW 342 v05 Information Privacy Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20342%20v05)
J.D. Course (cross-listed) | 3 credit hours
This course serves as an introduction to the field of "information privacy law." The goal of the course is to equip students with the vocabulary, legal toolkit, and contextual knowledge to enter the practice of law in this rapidly-expanding practice area. The course will trace the development and meanings of privacy in American law from the famous 1890 Harvard Law Review article "The Right to Privacy" by Samuel Warren and Louis Brandeis to the modern problems of privacy in the information age. Particular emphasis will be placed upon modern policy problems involving privacy, including privacy and the media, Fourth Amendment law, national security and government surveillance, health privacy, Internet privacy, FTC regulation, emerging technologies and the problems caused by government and private-sector databases. The focus of the course is on US law, but we will necessarily examine the internationalization of the field, including the European General Data Protection Regulation (GDPR) and the "Right to Be Forgotten." Attendance and participation are essential. Please note that laptop computers are not permitted in class. There will be a timed modified closed-book final exam. 3 units.

Note: Please note that laptop computers are not permitted in class.

LAW 1626 v00 Internet Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201626%20v00)
J.D. Course | 2 credit hours
Everything we do, we do at least some aspect of it online. From commerce to speech, internet companies intermediate our daily activities. In the process, internet companies are changing how we live. Is the internet a free speech zone protected by the U.S. Constitution’s First Amendment, or does it heed hate speech or political speech regulations from abroad? Can copyright law survive the worldwide copying machine of the internet? Is privacy dead when corporations know where you are and what you are doing nearly 24/7? Focusing on U.S. case law and statutes, this course examines the evolving law regulating internet enterprises.

Mutually Excluded Courses: Students may not receive credit for this course and Digital Law & Policy (CCTP-658-01), which is offered by the Communications, Culture & Technology department on the Main Campus.

LAW 730 v00 Introduction to U.S. Constitutional Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20730%20v00)
LL.M Course | 2-3 credit hours
This course provides an overview of the major constitutional cases over the last 200 years. The first half of the course focuses on how the Constitution affects the fundamental structure of American government. Particular attention will be paid to the critical balances of power between the Federal and state governments (federalism) and among the three branches of the Federal government. The rest of the course will focus on individual rights, with particular emphasis on individual rights in the areas of equal protection, and substantive due process.

Note: This course is only open to foreign-educated LL.M. students (i.e., those students who do not have a U.S. J.D. degree).

For the Fall sections, FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.
LAW 1106 v02 Judicial Review of Military Justice Proceedings: Current Issues and Constitutional Perspectives (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201106%20v02)
J.D. Seminar (cross-listed) | 1 credit hour
This seminar will address the relationship between courts-martial and civilian judicial proceedings, focusing on the allocation of responsibilities in the military justice system to commanders, judges, and lawyers. Specific topics will include the contemporary debates regarding sexual misconduct and combat-related offenses. The assigned readings will utilize materials available on the internet, including judicial decisions, legislative and regulatory materials, and law review articles. The seminar paper will take the form of a draft judicial opinion based upon topics covered in the course. The seminar is designed for students interested in national security, judicial review, and the constitutional allocation of legislative, executive, and judicial powers.

Learning Objectives:

• Identify the key features of military legal practice, the distinctions between military and civilian jurisprudence, and the primary factors considered by Article III courts in reviewing cases arising in the military justice system.
• Assess the impact of congressional legislation and oversight, as well as the role of the President in the military justice system.
• Enhance research skills through analysis of briefs and source materials.
• Enhance writing skills by preparing a judicial opinion.

Recommended: Constitutional Law I and either Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.
LAW 1433 v00 Law and Religion (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201433%20v00) (Fieldwork Practicum)  J.D. Practicum | 4 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course is designed to give students familiarity with the field of law and religion. Students will participate in a two-hour/week seminar and undertake 10 hours/week of fieldwork with organizations in the Washington, DC area that work on issues related to religious freedom. For the Fall Semester 2020, students will be allowed to work remotely for their fieldwork. Please note this is an exception to the usual experiential requirement that fieldwork be done in person.

SEMINAR: President Obama called religious freedom “central to the ability of peoples to live together.” Professor Martha Nussbaum observes, “America now contains a religious diversity unparalleled in its history.”

This seminar will examine society’s ability to enable those with the deepest of differences to live in community peacefully. Substantively, it will promote an understanding of the law that governs the relationship between religion and government, defines protections for the free exercise of religion, and provides the framework for civic life among people of all religions and none. Although law and religion will be the unifying theme of our work, there is a broad range of modalities that we can pursue in this field—litigation in workplace disputes, amicus briefings for the Supreme Court, researching the effect of public policy initiatives—providing a myriad of opportunities to hone professional legal skills.

Seminar participants will gain doctrinal competency in current religious freedom law, engage in a principled examination of religious freedom as an essential Constitutional and basic international human right, and gain experience interacting on a “hot topic” issue in a professional manner by focusing on common ground and building principled consensus.

Interested students who have any questions or would like more information about the seminar or field placements should feel welcomed emailing Professor Inks directly at sci2@law.georgetown.edu.

FIELDWORK: Students will perform legal work under the supervision of an attorney mentor for 10 hours/week with organizations in the Washington, DC area that focus on issues related to religious freedom. For the Fall Semester 2020, students will be allowed to work remotely for their fieldwork. Please note this is an exception to the usual experiential requirement that fieldwork be done in person. Some examples include: the ACLU, the ADL, DOJ, The Interfaith Alliance, Americans United for the Separation of Church and State, Congress, The Christian Legal Society, The Native American Rights Fund, and Alliance Defending Freedom.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship, clinic, or another practicum course.

Note: Both enrolled AND waitlisted students are encouraged to e-mail Prof. Inks over the summer (but a CV is not necessary) to let her know if they have any preferences in where they want to work or the kind of work they would like to do. Students are NOT required to find their own work placements. If a student has a specific request or pre-existing relationship with an organization, every attempt to accommodate that will be made. No special previous experience is required for this practicum.

This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission. This course is suitable for evening students who can attend the weekly seminar and conduct required fieldwork.

LAW 1188 v00 Law in a New Media World (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201188%20v00)  J.D. Seminar (cross-listed) | 2 credit hours
In today’s world of 24-7 news cycles, cell-phone cameras, blogs, and social media, the race to publish provocative, cutting-edge content has led to high-profile instances where legal lines have been crossed to get a story, picture, or video. This seminar explores the fundamentals of defamation law, invasion of privacy, and liability for torts and crimes committed in the course of news gathering activities—and how First Amendment principles have evolved to address these issues in the modern age of electronic media. Through lectures, class discussions, and written assignments, students will not only gain a broad understanding of the substantive law—but also understand the important policy implications for the public, reporters, and the subjects of their stories. The seminar will also feature interactive classroom exercises in which students will research, present, and advocate opposite sides of current issues taken directly from the headlines in real-world media cases, including media shield laws, anti-SLAPP statutes, public vs. private figures, group libel, fact vs. opinion, prior restraints on publication, media liability for torts and crimes committed by third parties, and the liability of Internet Service Providers (ISPs) and administrators of interactive online websites. Practical aspects of representing clients in media matters, including jurisdiction and choice-of-law issues, are also examined.

Prerequisite: Constitutional Law I or Democracy and Coercion.

LAW 045 v02 Law in Multicultural Societies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20045%20v02)  LL.M Seminar | 2 credit hours
The aim of this course is to introduce the students to the ways in which liberal constitutionalism deals with the fact of difference (religious, ethnic, or national). After general theoretical introduction to various issues (such as law, culture and difference, politics of recognition and politics of redistribution, the risks of politics of identity, the liberal and feminist critiques of multicultural politics, the analytical problem of group rights), the course will survey the ways that liberal democracies deal with the claims of several groups within society to be different. We will read cases and materials from the United States, Canada, France, Israel, India, and Germany.

LAW 1296 v00 Law of Religion (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201296%20v00)  J.D. Course (cross-listed) | 3 credit hours
This course will examine the way in which U.S. law—principally the Establishment and Free Exercise Clauses of the First Amendment—treats religious belief, religious exercise, and religious institutions. We will spend part of the semester examining the Supreme Court’s treatment of the Religion Clauses. We will also address current questions and controversies, including issues such as: defining “religion” for purposes of constitutional law; governmental burdens on, and discrimination against, religious exercise; state aid for religious activities and to religious organizations, including pursuant to school voucher and “charitable choice” programs; the role of religion in public education and in the public square; the constitutionality of statutory exemptions for religiously motivated conduct; and religious institutions’ claims to legal autonomy.
**LAW 297 v00 Lawmaking and Statutory Interpretation Seminar** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20297%20v00)

J.D. Course | 1-3 credit hours
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This yearlong seminar examines problems of statutory interpretation from the viewpoint of the practicing lawyer when multiple actors with different roles participate in the development or interpretation of the same statutory language in our unique federal legal system. Students consider new issues for lawyers raised by the operation of the competitive global, technological economy in our increasingly complex legal system, anchored in separation of powers. Unlike most of the world's governmental systems, decisions by all three branches are necessary in the United States to achieve legal clarity and closure. In this seminar, we read cases that assist the class in analyzing the gulf between writing and interpreting legislation, the byproduct of our system that often results in controversial federal judicial decisions. We search for ways that legislators, courts, agencies and practicing lawyers can avoid the miscommunication that retards and delays compliance and enforcement of laws and results in often needless and costly litigation.

During the first semester, students discuss readings from various sources, including cases that illustrate the practical and institutional problems lawyers face. Students begin the major seminar project, a final seminar paper, with research and work with the professor on an annotated outline to be produced at the end of the first semester. During the second semester, each student engages in the rigor of writing a first draft for a major final paper on any subject of the student's choosing, sometimes of publishable quality. The paper draws upon one or more seminar concepts developed during the year.

The problem of obtaining legal clarity, at the center of the seminar, is familiar to lawyers and all involved in any aspect of our legal system. Consequently, students often choose paper subjects that involve lively current legal issues. For example, students have submitted papers, appropriately incorporating seminar concepts, on current subjects as disparate as Proposition 8 and same sex marriage in California and the failure of textualist interpretation of statutes to communicate judicial guidance to Congress concerning executive authority to try and detain enemy combatants at Guantanamo. This seminar approaches issues in ways that are only now being confronted by our system. Today, legal clarity and closure are particularly necessary in a technological and global economy demanding immediate answers from the American legal system. This system, however, has changed little since the 18th century except to grow more complicated and time consuming. Most of the democratic governments of the world are organized with less complexity, except to grow more complicated and time consuming. Most of the problems lawyers face. Students begin the major seminar project, a final seminar paper, with research and work with the professor on an annotated outline to be produced at the end of the first semester. During the second semester, each student engages in the rigor of writing a first draft for a major final paper on any subject of the student's choosing, sometimes of publishable quality. The paper draws upon one or more seminar concepts developed during the year.

The course has three overall goals:

1) To provide you with an understanding of the relationships among legislatures, courts, and agencies. The course will include some basic information on how legislation and regulations get created and on the ways in which power is shared in the "making of law."

2) To teach you the full toolkit of statutory interpretation so that you can diagnose any interpretation question and bring the right tools to bear on answering that question. This toolkit includes elements of the plain text, canons of interpretation, analysis of intent and purpose, and deference to agencies. By unpacking and analyzing these tools used by courts in various decisions, you will learn how to wield them yourself in order to reach different results.

3) To expose you to the theoretical debates around statutory interpretation. The tools that a judge chooses to use often depend on the judge's theoretical position on statutory interpretation. Starting with materials that will frame the theoretical debate early in the semester, you will return periodically to questions about theory as you become more proficient in the toolkit.

**Mutually Excluded Courses:** Students may not receive credit for both this course and the upperclass course by the same title or the first-year elective, The Regulatory State, or Legislation and Regulations: Law, Science, and Policy, or Statutory Interpretation.
LAW 023 v03 Lawmaking: Introduction to Statutory and Regulatory Interpretation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20023%20v03)
J.D. Course | 3 credit hours
In the first-year curriculum, you are taught to “think like a lawyer.” Because of the predominance of common-law subjects in your first year, this means you are generally taught to think like a “common-law lawyer.” Moreover, you are taught to think this way at the same time that you are also trying to learn the doctrine in those particular areas.

In upper-level courses, however, you will likely turn from common law to law based in statutes and regulations. From tax law to the criminal code, virtually all of modern American law is based on materials produced by legislatures and agencies. Reading and interpreting these materials also requires you to “think like a lawyer,” but like a different lawyer—a “statutory lawyer.”

This course is about the method of statutory interpretation generally. You will not learn the doctrine of any specific type of law in this class. You will learn the process of how to approach a piece of statutory text, how to diagnose the interpretive problem in the text, and how to answer that problem. You will practice the observant reading of text; you will get a framework for breaking down and thinking about a legal question in any statutory case; and you will practice deploying interpretive tools to answer a question in the way that best “zealously advocates” for your client. This course will prepare you for summer legal work, as well as for upper-level courses that rely extensively on statutory law (such as tax, securities, environmental law, labor law, health law, copyright law, etc.)

The course has three overall goals:

1) To provide you with an understanding of the relationships among legislatures, courts, and agencies. The course will include some basic information on how legislation and regulations get created and on the ways in which power is shared in the “making of law.”

2) To teach you the full toolkit of statutory interpretation so that you can diagnose any interpretation question and bring the right tools to bear on answering that question. This toolkit includes elements of the plain text, canons of interpretation, analysis of intent and purpose, and deference to agencies. By unpacking and analyzing these tools used by courts in various decisions, you will learn how to wield them yourself in order to reach different results.

3) To expose you to the theoretical debates around statutory interpretation. The tools that a judge chooses to use often depend on the judge's theoretical position on statutory interpretation. Starting with materials that will frame the theoretical debate early in the semester, you will return periodically to questions about theory as you become more proficient in the toolkit.

Mutually Excluded Courses: Students may not receive credit for both this course and the upperclass course by the same title or the first-year elective, The Regulatory State, or Legislation and Regulations: Law, Science, and Policy, or Statutory Interpretation. Students MAY receive credit for this course and Lawmaking and Statutory Interpretation Seminar.

LAW 304 v06 Legislation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20304%20v06)
J.D. Course | 3 credit hours
In the first-year curriculum, you are taught to “think like a lawyer.” Because of the predominance of common-law subjects in your first year, this means you are generally taught to think like a “common-law lawyer.” Moreover, you are taught to think this way at the same time that you are also trying to learn the doctrine in those particular areas.

In upper-level courses, however, you will likely turn from common law to law based in statutes and regulations. From tax law to the criminal code, virtually all of modern American law is based on materials produced by legislatures and agencies. Reading and interpreting these materials also requires you to "think like a lawyer," but like a different lawyer—a "statutory lawyer."

This course is about the method of statutory interpretation generally. You will not learn the doctrine of any specific type of law in this class. You will learn the process of how to approach a piece of statutory text, how to diagnose the interpretive problem in the text, and how to answer that problem. You will practice the observant reading of text; you will get a framework for breaking down and thinking about a legal question in any statutory case; and you will practice deploying interpretive tools to answer a question in the way that best "zealously advocates" for your client. This course will prepare you for summer legal work, as well as for upper-level courses that rely extensively on statutory law (such as tax, securities, environmental law, labor law, health law, copyright law, etc.)

The course has three overall goals:

1) To provide you with an understanding of the relationships among legislatures, courts, and agencies. The course will include some basic information on how legislation and regulations get created and on the ways in which power is shared in the "making of law."

2) To teach you the full toolkit of statutory interpretation so that you can diagnose any interpretation question and bring the right tools to bear on answering that question. This toolkit includes elements of the plain text, canons of interpretation, analysis of intent and purpose, and deference to agencies. By unpacking and analyzing these tools used by courts in various decisions, you will learn how to wield them yourself in order to reach different results.

3) To expose you to the theoretical debates around statutory interpretation. The tools that a judge chooses to use often depend on the judge's theoretical position on statutory interpretation. Starting with materials that will frame the theoretical debate early in the semester, you will return periodically to questions about theory as you become more proficient in the toolkit.

Mutually Excluded Courses: Students may not receive credit for both this course and the upperclass course or the first-year elective, Lawmaking: Introduction to Statutory and Regulatory Interpretation, or the first-year elective, The Regulatory State, or the upperclass course, Statutory Interpretation. Students MAY receive credit for this course and Lawmaking and Statutory Interpretation Seminar.

Note: The last class will meet on Tuesday, 12/1/2020. Thursday classes meet on this day.
Much of the “law” that lawyers work with is statutory. This course will examine both how legislatures go about doing their work (that is, legislative process) and how courts and others utilize legislative output (that is, statutory interpretation). We will begin with legislative process, focusing both on how laws are enacted and on the rules structuring legislative debate and behavior, including campaign finance regulation, lobbying regulation, the conduct of legislative oversight, and issues of “due process of lawmaking.” We will then devote substantial attention to theoretical and practical issues in statutory interpretation, including theories of interpretation generally, the canons of construction, and the use of legislative history.

Mutually Excluded Courses: Students may not receive credit for this course and the upperclass course by the same name.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.
LAW 1720 v00 Police Abolition Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201720%20v00)
J.D. Seminar | 2-3 credit hours
This course will study policing transformation through an abolitionist framework. The course will first look at abolitionist theory and its application to policing. It will then look at the implications of this framework for immediate and mid-term change-making efforts in policing and beyond. We will explore the interplay between police abolition, the “defund” movement and more “traditional” police reform efforts, critiquing each. We will look at what police currently do and the extent to which current policing promotes, or undermines, public safety. We will question how “public safety” is commonly defined and consider what role law enforcement would play if we were to define public safety differently. We will consider how the role of police (at least as currently constituted) in promoting public safety might be decreased (eliminated?) and how we would protect physical well-being if that were to come about. Throughout this course we will consider whether the police abolitionist framework might help us more effectively address institutionalized racism and entrenched class inequity as we seek to transform policing.

Students may take this course to fulfill Georgetown’s Upperclass Legal Writing Requirement. If you take this class to fulfill your Writing Requirement, you should be prepared to devote a considerable amount of time in the course developing a paper proposal about a conflict, crisis, or controversy within policing; researching your idea in depth; and both drafting and revising a substantial paper of at least six thousand words (exclusive of footnotes) that meets the elements of the Writing Requirement as set out in the Georgetown Law Student Handbook of Academic Policies.

**Course Readings**
- **Chokehold: Policing Black Men** by Paul Butler.
- Additional Readings will be listed in the course syllabus and will be posted on/linked to in Canvas

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 508 v02 Policy Clinic (Harrison Institute for Public Law) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20508%20v02)
J.D. Clinic | 8 or 14 credit hours
Please see the Policy Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute) for more detailed information about the program.

For registration-specific supplemental materials, please see the Policy Clinic PDF (https://www.law.georgetown.edu/wp-content/uploads/2020/03/Policy- Clinic-Info-Sheet-2020-Final.pdf).


Learning outcomes for this clinic: Students are supervised, evaluated and graded on three skill sets, each of which has explicit evaluation criteria in the clinical program design (https://www.law.georgetown.edu/experiential-learning/clinics/the-policy-clinic-climate-health-food-human-rights-and-trade-harrison-institute).

1. **Management and professionalism** – includes “managing up” with supervision meetings, initiating self-evaluation, managing effort and deadlines, collaborating, and expectations in a professional culture.
2. **Research and analysis** – covers legal, policy and strategic analysis. It includes identifying issues that require analysis, learning the context efficiently, using diverse sources to learn efficiently and avoid bias, explaining analytic methods, using a logical framework, and drawing conclusions or options that meet client needs.
3. **Communication, writing and speaking** – includes organizing documents and presentations logically, meeting audience needs for context in the introduction and for decision-making in the conclusion, relating analysis through stories and examples, presenting visual information, and using appropriate language in terms of editing conventions, clarity, tone, and jargon.

**Recommended:** Legislation and Administrative Law. Also, for climate projects: Local Government Law; and for trade or human rights projects: International Law I, International Trade (various titles), World Trade Organization: Law, Policy and Dispute Settlement, and International Human Rights.

**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.
LAW 1288 v00 Politics of Litigation and Litigation of Politics (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201288%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
Many of the most important and intense political disputes in American history have come before the federal courts. From the controversy about the Second Bank of the United States reflected in *McCulloch v. Maryland*, to the conflict about slavery at the core of *Dred Scott*, to the rise of interest group litigation by civil rights, religious, environmental, and other organizations, those opposed to prevailing laws and policies have taken their grievances to court. In recent years, a new breed of political litigation has proliferated. Increasingly, the losers in legislative battles have leapt immediately into the judicial arena, challenging the constitutionality of the laws enacted over their objection. Increasingly, politicians and the entities they control have deployed litigation as another tool in the partisan arsenal. And increasingly, federal courts have become the arbiters of political disputes between the other two branches of the Federal Government, and between the Federal Government and the States.

This course will use the legal challenges to the Affordable Care Act as an initial case study of how political disputes play out in litigation, from the trial courts to the Supreme Court. We will follow the pattern of political litigation into the Trump Administration, and assess the lessons from the partisan shift in the litigation. We will consider how and why partisan disputes generate litigation and discuss the issues this litigation raises regarding the appropriate role of courts in our democratic system. For the most part, though, the perspective will be practical, as we explore the legal, strategic, and tactical choices advocates make in bringing high profile political cases, in framing the legal issues, in harnessing the rules of procedure, and in managing the political features of the case – both offensively and defensively, and both inside and outside the courtroom. We will discuss the hurdles litigants face in seeking to strike down federal laws, the particular challenges of representing the U.S. Government in defending those laws, and the conflicting pressures that bedevil advocates on both sides of the cases. In some of our sessions, students may be asked to strategize or to argue from the perspective of the plaintiffs or the defendant in the cases.

**Prerequisite:** Constitutional Law I: The Federal System (or Democracy and Coercion).

**Recommended:** Prior or concurrent enrollment in Federal Courts and the Federal System.

LAW 408 v03 Poverty Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20408%20v03) (Fieldwork Practicum)
J.D. Practicum | 8-10 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course is designed for students who wish to work for a public interest law organization that deals with issues connected to poverty. Students will participate in a two hour/week seminar (in both the fall and spring semesters) that focuses on the framework, history, and current issues related to American poverty. Students will also work for a public interest law organization that works on issues connected to poverty; students may work for either 10 or 15 hours/week in both the fall and spring or 30 hours/week in one semester only. In addition, students may work for 10 hours/week in the fall and 15 hours/week in the spring or vice versa.

**SEMINAR:** Classes in the fall will cover the definition of poverty, the history of antipoverty policy, welfare, work supports, and safety net issues. Spring classes will feature guest lecturers covering education, health, housing, homelessness, juvenile justice, and child welfare. Students will be involved in participatory exercises in the course of both semesters: in the fall, mock press conferences, testimony to Congress, and meetings with public officials; and in the spring, a group project on developing a plan for neighborhood transformation, using materials studied through the year. A final paper will be required. Students will earn four graded credits for the seminar (two credits each semester); one grade will be provided at the end of the year.

**FIELDWORK:** In the four, five, or six-credit, mandatory pass-fail, fieldwork portion of the practicum, students will work with a public interest law organization that deals with issues connected to poverty. Students may work for either 10 or 15 hours in both the fall and spring, 10 hours in the fall and 15 hours in the spring. Students may propose and arrange their own placements; these must be approved by Professor Edelman. Alternatively, Professor Edelman is available to assist in finding and setting up the placements. Depending on the number of hours worked, students will earn four, five, or six pass/fail credits for the fieldwork; one grade will be provided at the end of the year. Students may work for either 10 or 15 hours in both the fall and spring or 30 hours/week in one semester only. The host organization may work from either a national or a local perspective on issues connected to poverty. Placements might involve a focus on poverty per se or “poverty and...” e.g., civil rights, women, education, housing, health, juvenile and criminal justice, child welfare or immigration. Depending on the organization, activities at placements could include litigation and/or policy advocacy, including governments on all level and in either the executive branch or the legislative. Students may propose and arrange their own placements; these must be approved by Professor Edelman. Alternatively, Professor Edelman is available to assist in finding and setting up the placements. Depending on the number of hours worked, students will earn four, five, or six pass/fail credits for the fieldwork; one grade will be provided at the end of the year.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not concurrently enroll in this practicum and an externship or another practicum course. If students complete their fieldwork hours for this practicum entirely in one semester, they may be eligible to enroll in a clinic for the other semester.

**Note:** This course is open to J.D. students only.

This course may be suitable for evening students who can attend seminar and participate in fieldwork during business hours. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. A student wishing to withdraw from the course will be withdrawn from both the seminar and fieldwork components. Default attendance rule for all practicum courses (unless the professor
LAW 1493 v00 Prison Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201493%20v00)
J.D. Course | 3 credit hours
This course focuses on the back end of the criminal justice system. In this class, we will be focusing on the law and policy of incarceration. We will study the United States is so punitive, how government officials manage prisons, and what protections are in place to prevent harm to prisoners while incarcerated. We will also study whether our current penal system is successful in reducing the recidivism rate of those coming out of prison. These topics are particularly urgent given that the United States leads the world in the rate it imprisons its citizens. Topics to be covered include: the history of prisoners’ rights litigation; the scope of prisoners’ constitutional rights; inmate access to the courts; First Amendment protections for prisoners; the prison disciplinary process; conditions of confinement; medical care; the problems of prison rape and overcrowding. There will also be a focus on legal practice—how lawyers litigate prisoners’ rights suits. There will be a take-home final examination.

Mutually Excluded Courses: Students may not receive credit for both this course and the Prison Reform Advocacy and Litigation practicum.

LAW 586 v00 Race and American Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20586%20v00)
J.D. Course | 4 credit hours
With such watershed events in the civil rights movement as Brown v. Board of Education (1954) and the civil rights acts of the 1960s, the eradication of racial subordination in America seemed an achievable goal. Yet, in America today, racial minorities continue to experience social and economic disadvantages, and race relations remain strained in many respects. Whether law has aided or impeded the cause of civil rights in the past and the extent to which law can help to resolve racial issues in the present and future are questions of considerable controversy. This course will examine the response of law to racial issues in a variety of legal contexts. Topics will likely include the meaning of race and racial discrimination, intimate relationships, child placement, employment, education and integration, policing and criminal punishment, free expression, and political participation. Classes will center on candid discussion and participatory exercises about the issues raised by the assigned material. The course will cover most of the seminal "race" cases decided by the U.S. Supreme Court.


Note: Laptops may not be used during class sessions.

LAW 1488 v00 Race and Voting Rights (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201488%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will examine federal law and policy regarding voting rights, with a focus on requirements for equal treatment of racial, ethnic, and language minorities. Included are federal protections against racial discrimination and vote dilution under the constitution and Voting Rights Act; aspects of federal law on redistricting and racial gerrymandering; language assistance protections; the racial impact of state-law voter qualifications (including voter identification requirements, documentary proof-of-citizenship statutes, and felon disenfranchisement laws). Students in this seminar will engage with the constitutional, statutory, and doctrinal foundation for racial nondiscrimination in voting, and will also consider the application of that foundation to current legal and policy debates about voting rights and election participation.

Learning Goals
A. Develop an understanding of foundational legal principles. Students will gain a working understanding of voting rights law as it affects the opportunity for equal and nondiscriminatory participation by racial and ethnic minorities, including congressional authority to prohibit discrimination in voting, protection of minority interests in redistricting, regulation of voter qualifications and registration requirements, and protections for language minority groups.

B. Synthesize and apply foundational principles to contemporary problems in voting. In addition to studying the central legal principles established by the Constitution, federal statutes, and key Supreme Court cases, students in this seminar will also develop an understanding of how to synthesize those foundational sources and apply them to current legal and policy debates regarding voter participation and access to the ballot.

C. Refine presentation skills. The class participation and research presentation requirements of this seminar will require students to develop their skills both in speaking about legal issues and in engaging in critical exchanges with classmates about legal issues.


Note: This seminar requires a paper. Students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement.
LAW 1607 v00 Race, Inequality and Progressive Politics: Voting Rights in America (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201607%20v00)
J.D. Course (cross-listed) | 3 credit hours
Race, Inequality and Progressive Politics: Voting Rights in America explores 1) the role of race and inequality in the evolving progressive vision of American democracy 2) lessons learned from successive backlashes to the progressive vision and 3) the implications of this history for the future of progressive politics in America. Tracking the historical evolution of progressive politics from 19th century Reconstruction to 20th century Civil Rights, this course locates the defining characteristics of American Progressive thought in an Ideology of Equality that consists of the following: 1) a critique of entrenched economic, political and social inequality 2) the reconstruction of government’s role in remedying inequality and 3) the development of a community-based, participatory democracy – a robust civil society supplementing the work of progressive government.

Learning Objectives and Methods: Over the course of the semester, students 1) develop a working knowledge of how race and inequality impact voter registration, participation and/or representation 2) acquire critical tools to identify and analyze dominant ideologies and narratives reinforcing inequalities and 3) explore innovative public policy and civil society solutions to the inequalities plaguing voting rights and electoral politics in American democracy.

LAW 1335 v00 Race, Inequality, and Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201335%20v00)
J.D. Course | 2 credit hours
Course Organization and Overview
This course explores the law’s response to the problem of economic inequality. By 2015, the political and economic conversations have recognized the stark and unacceptable wealth and economic differences that underlie growing political and social instability. We will approach the subject from an interdisciplinary perspective that includes sociology, psychology, history and cultural studies. The course offers an introduction to the work of classic economic thinkers such as Adam Smith, and contemporary economists and legal scholars including Milton Friedman, Gary Becker, Richard Posner and Ian Ayres. The primary focus of the course however will be an exploration of the limits and failures of conventional rational choice approaches to explaining the questions arising from economic inequality for members of groups who have experienced pervasive race, gender and other forms of cultural subordination.

We will explore the conceptual framework of marketplace distribution of commodities, the cultural determinants of market value, and the claims of subordinated communities for economic equality. We will develop an understanding of the silence of the Constitution on questions of economic inequality. We will draw upon the insights of a wide range of social science research to map the consequences of the lack of a coherent legal framework to govern questions of distributive justice.

This course does not require a technical background in quantitative economics. The primary material will be drawn from sociology, history, psychology, narrative economics, and critical race theory.

Theme
The case study for this seminar this year will be the economic and social conditions of the city of Baltimore, Maryland. We will explore the impact of the cumulative economic and social deficits of that city. We will take advantage of our course discussion and research to investigate this dramatic example of economic and social inequality in America. This recent example of the explosive combination of police abuse and the underlying condition of wealth and income inequality is just the most recent example of long term neglect. We will try to figure out what factors surround the anger at the criminal justice process of stop and frisk and the implementation of the “broken windows theory” of police enforcement practices that have created police estrangement from many low wealth communities of color. The Freddy Grey Riots and the long-term political, economic and sociological dynamics of Baltimore provide an important to delve more deeply into the connection between police practices and the economic death of cities such as Baltimore.

We will ask are there important counter examples to Baltimore and Ferguson.

Mutually Excluded Courses: Students may not receive credit for both this course and Race, Inequality, and Justice.
LAW 1335 v01 Race, Inequality, and Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201335%20v01)
J.D. Course | 2 credit hours

Course Organization and Overview
This course explores the law's response to the problem of economic inequality. By 2015, the political and economic conversations have recognized the stark and unacceptable wealth and economic differences that underlie growing political and social instability. We will approach the subject from an interdisciplinary perspective that includes sociology, psychology, history and cultural studies. The course offers an introduction to the work of classic economic thinkers such as Adam Smith, and contemporary economists and legal scholars including Milton Friedman, Gary Becker, Richard Posner and Ian Ayres. The primary focus of the course however will be an exploration of the limits and failures of conventional rational choice approaches to explaining the questions arising from economic inequality for members of groups who have experienced pervasive race, gender and other forms of cultural subordination.

We will explore the conceptual framework of marketplace distribution of commodities, the cultural determinants of market value, and the claims of subordinated communities for economic equality. We will develop an understanding of the silence of the Constitution on questions of economic inequality. We will draw upon the insights of a wide range of social science research to map the consequences of the lack of a coherent legal framework to govern questions of distributive justice.

This course does not require a technical background in quantitative economics. The primary material will be drawn from sociology, history, psychology, narrative economics, and critical race theory.

Theme
The case study for this seminar this year will be the economic and social conditions of the city of Baltimore, Maryland. We will explore the impact of the cumulative economic and social deficits of that city. We will take advantage of our course discussion and research to investigate this dramatic example of economic and social inequality in America. This recent example of the explosive combination of police abuse and the underlying condition of wealth and income inequality is just the most recent example of long term neglect. We will try to figure out what factors surround the anger at the criminal justice process of stop and frisk and the implementation of the “broken windows theory” of police enforcement practices that have created police estrangement from many low wealth communities of color. The Freddy Grey Riots and the long-term political, economic and sociological dynamics of Baltimore provide an important to delve more deeply into the connection between police practices and the economic death of cities such as Baltimore.

We will ask are there important counter examples to Baltimore and Ferguson.

Mutually Excluded Courses: Students may not receive credit for this course and Race, Inequality, and Justice Seminar.

LAW 430 v01 Recent Books on the Constitution Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20430%20v01)
J.D. Seminar | 2 credit hours

This seminar will study six recent scholarly books about constitutional theory and history. The class will spend two weeks on each book. For the second session on each book, the author visits the class in person to discuss the work. This year, the books will be (in this order):

- Randy Barnett & Evan Bernick, *The Original Meaning of the 14th Amendment* (forthcoming 2020)
- Paul Finkelman *Supreme Injustice: Slavery in the Nation’s Highest Court* (2017)
- Randy Barnett, *Our Republican Constitution: Securing the Liberty and Sovereignty of We the People* (2016) which Professor Weiner is criticizing

Grades will be based on class participation and a 5500 character “thought paper” for each book. In addition, students will submit a one-page summary of the reading — graded pass/fail — for the first and second week’s discussion of each book. All thought papers must be submitted electronically by Monday at noon, so they can be made available to the authors and graded by the following day. Grades for papers submitted late will be lowered.

Prerequisite: Constitutional Law I: The Federal System or Democracy and Coercion in Curriculum B.

Recommended: Prior or concurrent enrollment in Constitutional Law II: Individual Rights & Liberties.

Note: Internet access on any device is not allowed during class; all laptop use is disallowed (unless necessary to conduct Zoom instruction). FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. The paper requirements of this seminar will not fulfill the Upperclass Writing Requirement.
LAW 1709 v00 Religion, State and Multiculturalism Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201709%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours

Religious minorities are seeking accommodations in a variety of forms: exemptions (kosher and halal regulations); recognition (representation quotas); assistance (subsidies, museums); self-government (schools, religious courts, territorial sovereignty) and more. Drawing on the rich experience of countries where such accommodations were granted, the course will inquire into the legitimacy and problems associated with such accommodations. In doing so, the course will draw on modern theories of multiculturalism and religion and state designs. Principal topics will include: Liberal multiculturalism, theory and practice; Group accommodations in a democracy; A survey of religious groups and illiberal practices; Traditional schemes of religious accommodations, with special reference to the Ottoman millet system; The reality of religious accommodations in Western democracies (United States, Canada, France, United Kingdom, Germany); The reality of religious accommodations in the Middle East, with special reference to Israel; the problem of minorities within minorities; essentialism, secularism in divided communities and reform movements.

A student who has successfully completed this course should:

• Understand the justifications for accommodating groups in general, and religious groups in particular
• Understand the problems associated with accommodating religious groups, especially when the particular group endorses illiberal practices
• Have the capacity to identify the legal instruments meant to mitigate the effects of illiberal practices of religious groups
• Be aware of the relevance of the constitutional culture for both the legitimacy of accommodating religious groups and the problems associated with such accommodations.

Note: This course will meet on Tuesdays and Thursdays, 1:20 pm - 3:20 pm in Spring 2021 on the following dates: 1/19, 1/21, 1/26, 1/28, 2/2, 2/4, 2/9, 2/11, 2/23, 2/25, 3/2, 3/4 and 3/9.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. Students may take this seminar for either 2 or 3 credits. All members of the seminar are required to write a number of short reaction papers. Students taking the seminar for 3 credits are also required to write a research paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement.

LAW 712 v00 Rethinking Securities Regulations & the Role of the SEC (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20712%20v00)
LL.M Course (cross-listed) | 2 credit hours
Crisis often brings change. The stock market crash of 1929 prompted Congressional hearings that eventually produced revolutionary legislation: the Securities Act of 1933, which regulated U.S. securities offerings; and the Securities Exchange Act of 1934, which regulated securities markets and established the SEC. Like the financial meltdown 80 years ago, the recent financial crisis has sparked a critique of the U.S. financial regulatory system. Having witnessed a Ponzi scheme of unprecedented magnitude and the near decimation of venerable Wall Street firms, scholars, lawmakers, regulators, and investors have questioned the appropriateness of our current regulatory framework and the role of the SEC.

The first part of the course will focus on understanding the events that prompted the 1933 Act, the 1934 Act, the Investment Company of 1940, the Investment Advisers Act of 1940, and the establishment and growth of the SEC. Perhaps not surprisingly, many of those same policy considerations are driving current discussions within the Commission, in Congress, and in the Administration. The second part of the course will examine particular aspects of securities regulation from both substantive and organizational viewpoints, including the regulation of public companies, investment companies, and investment advisors, with an emphasis on the inner workings of the SEC. We will study the current functions played by the Commission's various divisions and offices as we explore the pros and cons of the existing regulatory architecture and the initiatives under consideration at the SEC and within Congress. The final segment of the course will focus on the future of the SEC and financial regulation in the U.S. We will review reform proposals and other ideas for reorganizing the system. We will have speakers including present and former senior officials from the SEC and the financial industry.

This course is open to both JD and LL.M students and is recommended for students who wish to gain a deeper understanding of the SEC or may be considering an externship with the Commission.

Prerequisite: Prior or concurrent enrollment in Securities Regulation.
LAW 1293 v00 Rights of Indigenous Peoples in Comparative and International Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201293%20v00)

J.D. Seminar (cross-listed) | 2 credit hours
This seminar focuses on the rights of indigenous peoples from the viewpoint of comparative and international law. We will look into the origins of the laws affecting native peoples, how they have changed over the years, and how differently these issues have been handled in various parts of the world. We will also look into the efforts to create an international law on the rights of indigenous peoples.

In this seminar, students can choose their paper topics from a list provided by the professor or can choose their own with the professor's approval. Some of the class sessions will be based on the topics students choose for their papers. Each student will do a one-hour presentation of his or her paper and lead the discussion on it.

The professor will also supply a list of books and a few films designed to give students further insight into the issues covered in the seminar. Each student will select one book (or a film and a book) and will lead discussion in class when we are dealing with a related subject.

There will be no written examination. Grade will be based 80% on the paper and 20% on class participation.

LAW 1450 v00 Segregation Seminar: History and Future for Education, Housing and Opportunity (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201450%20v00)

J.D. Seminar | 3 credit hours
The course will cover segregation in public accommodations, residences and education, historically and currently. Although the workforce, marriage, and access to citizenship and voting were segregated for centuries in the U.S., employment discrimination, anti-miscegenation, immigration and election law are beyond the scope of this course. Students will learn that the US is racially segregated in housing and education that segregation is discriminatory. They will grapple with the fundamental question of why segregation exists and the role of law in creating and responding to segregation. Students will gain a historical perspective on the ideology of white supremacy that animates segregation. They will learn that the chief consequence of segregation is inequality, for everyone, people of color and whites. Among those consequences are mass incarceration, health and wealth disparities, wasted human capital due to lack of opportunity, racial hostility, militarized policing in certain neighborhoods (Ferguson & all its antecedents and successors), environmental degradation, and suburban sprawl. Students will also learn strategies for dismantling segregation and, hopefully, help develop innovative solutions in their research papers.

LAW 397 v02 Separation of Powers (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20397%20v02)

J.D. Course | 3 credit hours
This course will address the allocation of authority among the branches of the federal government. The course title is a bit of a misnomer, because those powers are not simply "separated" between the three departments. As Justice Jackson wrote, although "the Constitution diffuses power the better to secure liberty . . . it also contemplates that practice will integrate the dispersed powers into a workable government. It enjoins upon its branches separateness but interdependence, autonomy but reciprocity." Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 635 (1952) (Jackson, J., concurring). A principal focus of the course will be to test Justice Jackson's description. Although we will examine some issues related to the federal judiciary and Article III, our primary focus will be on Articles I and II—in particular, on the President's independent powers and Congress's authority to regulate the Executive. This course will deal in greater depth with some of the separation-of-powers issues you studied in Constitutional Law I, but we will also closely examine current controversies, including the allocation of congressional and executive war powers, foreign affairs disputes, congressional oversight, presidential control over the execution of federal law, and constitutional interpretation within the political branches. The principal text will be the second edition of Shane & Bruff, Separation of Powers Law (2005), with some supplemental materials.

Mutually Excluded Courses: Students may not receive credit for this course and Separation of Powers Seminar with Professors Clement and Blatt. Students MAY receive credit for this course and Separation of Powers Seminar: Hot Topics in Scholarship with Professor Chafetz.

LAW 397 v00 Separation of Powers Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20397%20v00)

J.D. Seminar | 3 credit hours
This seminar addresses advanced issues raised by the interaction of the three branches of the federal government. In particular, the seminar will build on the separation of powers issues covered in the Constitutional Law I course by addressing some of those issues in greater depth and dealing with other separation of powers issues that tend to receive less attention because they do not result in justiciable controversies. Specific areas of study will include the political question doctrine, the invocation of executive privilege in Congress and the courts, executive immunity from the criminal and civil process, congressional subpoena power over executive branch documents, the effect of impeachment on the separation of powers, the issues raised by the executive branch's refusal to defend the constitutionality of acts of Congress, and judicial review of executive branch efforts to address foreign terrorism.

Students will be expected to prepare an outline, draft, and final version of a 25-page paper on a topic covered in the seminar and chosen in consultation with the instructor. Participation in class discussions will factor into final grades. Photocopied sets of reading materials for the seminar will include cases, statutes, legislative hearings, interbranch correspondence and other materials.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Executive Branch Legal Interpretation: The Separation of Powers and the Office of Legal Counsel.
LAW 1711 v00 Separation of Powers Seminar: Hot Topics in Scholarship
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201711%20v00)
J.D. Seminar | 2-3 credit hours
The nature and consequences of our constitutional separation of powers are topics of substantial debate, with significant implications for our system of government. This seminar examines recent scholarly discussions of various aspects of the separation of powers. Topics will include deep dives into each of the three branches, discussions of the interactions between those branches and other institutions, and selected thematic topics.

Note: Students can take this course and Separation of Powers with Professor Lederman and Separation of Powers Seminar with Professors Clement and Blatt.

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1661 v00 Sex Equality: Theory and Practice
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201661%20v00)
J.D. Seminar (cross-listed) | 1 credit hour
The seminar on Sex Equality: Theory and Practice will focus on particular issues that currently press the boundaries of what “sex equality under the law” means, both legally and socially. Over the course of the week, students will read and discuss at least one substantial piece of recent feminist scholarship and also meet with one or more leading practitioners in the field. For example, students may read a law review article that addresses transgender or gender non-binary issues, and discuss its ideas from a theoretical point of view with the professor and then discuss the same questions with a more applied focus with an advocate. Students may also read short texts such as articles from journalism or organizational reports.

By the end of the week, students will have gained a concrete sense of how current scholarly debates intersect with the efforts of advocates involved in lawmaking (whether through litigation or other means). The class itself will serve as a bridge between academia and practice, and discussions will analyze both overlaps and disjunctions.

Attendance and participation every day is mandatory. In addition to participation, valuation will be based on written reactions to the assigned scholarly readings.

Recommended: Knowledge of Fourteenth Amendment rights or anti-discrimination statutes would be helpful, but is not required.

Note: WEEK ONE COURSE. This seminar will meet for one week only, on the following days: Monday, January 6, 2020, through Thursday, January 9, 2020, 1:30 p.m. - 4:50 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.
LAW 395 v03 Sexual Orientation and the Law: Selected Topics in Civil Rights

This survey course explores a wide range of legal issues relating to sexual orientation and gender identity. The issues we will address cut across numerous areas of legal doctrine, including criminal law, employment, family law, equal protection, privacy, and First Amendment law. The course considers how the legal system regulates and affects various aspects of the lives of lesbians, gay men, bisexuals, and transgendered individuals; we will address workplace issues, family relationships (including marriage, partnerships and parenting), and the interplay between law, politics, and policy as it relates to sexual orientation. The course will meld both legal theory and practical considerations, and therefore will draw on the experiences of several practitioners as course participants currently involved in shaping various aspects of LGBT law and policy.

Strongly Recommended: Prior or concurrent enrollment in Constitutional Law II: Individual Rights and Liberties.

Mutually Excluded Courses: Students may not receive credit for both this course and Sexuality, Gender and the Law Seminar or the course, Gender and Sexuality: Law and Theory.

LAW 1353 v00 Sexual Orientation, Gender Identity, Sex Characteristics and International Human Rights Law

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of the professor. This project-based practicum course will focus on issues of sexual orientation, gender identity, gender expression and sex characteristics from an international human rights law perspective. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professor.

Background: Every day, lesbian, gay, bisexual, transgender and queer (LGBTQI) people are victims of multiple human rights violations, which are directly linked to the lack of acceptance (by society and the State) of their non-normative sexualities, gender identities or gender expressions. Some of the most common human rights violations of LGBTQI people include killings, torture, ill-treatment, “corrective” or punishing rape, “conversion therapy,” discrimination in schools, in the workplace and in accessing health services, among many others. Intersex persons face human rights violations because of the general lack of acceptance of their bodies that differ from the socially accepted standards of “female” and “male” bodies. Because of their sex characteristics, intersex people often face human rights violations including irreversible non-consented and non-medically necessary genital surgery at the early stages of infancy and throughout childhood, as well as forced sterilization, among others.

SEMINAR: The course will take a close look at some of the human rights violations faced by lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) people, or other people perceived as such, as well as the corresponding States’ obligations under international human rights law. The students will analyze landmark and recent decisions emerging from regional and international human rights monitoring bodies, which have developed standards around these categories. This analysis will provide a solid legal foundation for students to develop their projects for external partners.

PROJECT WORK: Students will work, under the direction of the professor, with external partners on legal and policy projects, including conducting legal research and drafting memoranda on specific human rights issues faced by LGBTQI people, preparing shadow reports to present before international human rights bodies, conducting analysis of legislation or a related case, among others. External partners vary every year, and include international and domestic leading human rights organizations working on the promotion and protection of the rights of LGBTQI people at the international level.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

Evening students who work during the day are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week; for a minimum of 11 weeks. Both the seminar and the practicum will focus on human rights issues.
Through this course, students will:

Learning Objectives:

- Better understand judicial review under the immigration laws and the immigration adjudication procedures.
- Develop familiarity with asylum law, exclusion and removal grounds, and detention under the immigration laws.
- Gain knowledge of administrative legal practice, including concepts like administrative exhaustion requirements, administrative appeals procedures, and judicial review.
- Become familiar with appellate practice, including concepts like standard of review and findings of fact.
- Develop oral advocacy skills, including the ability to respond to present a legal argument and respond to questions from appeals judges.
- Prepare pleadings in an immigration case at the appellate level, including researching relevant caselaw and succinctly stating the facts of the case.

Recommended: Immigration Law and Policy.

This course also provides experiential training in the field of appellate immigration practice. Instead of writing a final paper or exam, students will participate in a moot court exercise. Each student will draft the pleadings and prepare arguments for an immigration-related case currently pending in a court of appeals. During this process, the professors provide each student with individualized feedback on her brief-writing and oral advocacy.

J.D. Seminar (cross-listed) | 2 credit hours
This course will give students an in-depth look at rapidly developing areas in immigration law. Students will become familiar with the variety of adjudicators in the immigration system, navigating the relationship between Asylum Officers, Immigration Judges, the Board of Immigration Appeals, and the federal courts. We explore legal topics that often arise before these adjudicatory bodies, focusing on those that generate the most frequent—and complex—litigation. Specifically, we focus on detention and bond, corroboration requirements for asylum seekers, and “categorical approach,” under which adjudicators determine whether a criminal conviction renders a respondent removable and ineligible for relief. Students will also become familiar with constitutional challenges to immigration statutes or procedures as they appear in immigration courts and the extent of executive authority under the immigration laws. Finally, we introduce students to judicial review under the Immigration & Nationality Act, the immigration rule of lenity, and the role of deference doctrines in immigration cases.

This course also provides experiential training in the field of appellate immigration practice. Instead of writing a final paper or exam, students will participate in a moot court exercise. Each student will draft the pleadings and prepare arguments for an immigration-related case currently pending in a court of appeals. During this process, the professors provide each student with individualized feedback on her brief-writing and oral advocacy.

LAW 410 v07 State and Local Government Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20410%20v07)
J.D. Course | 3 credit hours
States are the “laboratories of democracy” Supreme Court Justice Louis Brandeis said, and contemporary theories of localism argue that policy change can be driven by innovation at the municipal level. Each state has its own Constitution, its own court system, and its own legislative process. States and local governments enjoy substantial law-making and regulatory authority, bear significant responsibility for the financing and provision of most domestic public goods and services; and are key sites for political participation. This course surveys the legal environment, political values and policy debates that shape state and local governments in the United States. After completing the course, students will be able to identify many of the key doctrinal principals and analyze how they apply to the socio-economic context of federalism today. Some of the topics for discussion include (1) the allocation of power between states and their local governments and the role of state and local governments in the federal system; (2) distinctions between state constitutions and the US Constitution in form and powers including elected judiciary, legislative procedure, line item vetoes, direct democracy and fundamental rights; (3) the Tenth Amendment, cooperative and coercive federalism, and the role of states as a counterweight to federal power; (4) the pivotal role of local government in the regulation of private land use; (5) state and local sources of revenue, balanced budget provisions, and limits on borrowing; (6) recent trends in blight, suburbanization, sprawl and redevelopment; (7) federal pre-emption of state authorities, and the conflict between plenary state power and local autonomy; and (8) inter-local cooperation and regional governments. The course will examine the role of governors and mayors as policymakers, and how horizontal federalism serves as a driver of national policy in areas including civil rights, immigration and climate change. The course also will challenge students to explore the tension between the historical movement toward greater local home rule and the modern trend to regional solutions. Finally, the course will enable students to exercise and develop skills of particular relevance to state and local government proceedings.

Learning Objectives:

This course aspires to empower its students to:

- Recognize and apply several core legal doctrines that enable and constrain state governments and various local government entities.
- Describe how several prominent threads of American political theory have guided the historical development of state and local government law.
- Apply several constitutional principles and legal standards that regulate state and local government.
- Explain the predominant funding mechanisms for state and local governments, and analyze how state and local policies can affect the viability of local government.
- Identify several state and federal policies that can impair the sustainability of local government; and federal policies that constrain the autonomy of states in performing their core functions.
- Develop and deliver principled arguments about how socio-economic policy issues relate to legal doctrine, intra-regional wealth, housing and land use policy and alternatives to local government.

Recommended: Although no prerequisites are required for this course familiarity with constitutional law, property law and administrative law are helpful.
an ongoing conversation on these and related topics. From a major military industrial company. The class will be structured as we will discuss the problems of cyber-security with a senior corporate officer. We will also examine the role of military special operations. We will use one class to examine covert action and its role in the conduct of foreign policy, and compare state secrets privilege. We will examine the authority for, and controls on, disclosures of Edward Snowden and their impact on the balancing of national security and privacy, the congressional authorization for foreign intelligence surveillance and the operation of the Foreign Intelligence Surveillance Court. We will review the role of Congress and the executive branch in intelligence oversight. We will consider the investigation and prosecution of espionage, using the Aldrich Ames and other recent cases as examples, including the Classified Information Procedures Act and the state secrets privilege. We will examine the authority for, and controls on, covert action and its role in the conduct of foreign policy, and compare the role of military special operations. We will use one class to examine the Law of Armed Conflict and International Humanitarian Law. And we will discuss the problems of cyber-security with a senior corporate officer from a major military industrial company. The class will be structured as an ongoing conversation on these and related topics.
This seminar examines the history of the Supreme Court as an institution from its origins to the present day. Beginning with the design for the Supreme Court in the Constitution itself, we will study the Court as it has developed chronologically, from its first meeting on February 2, 1790 in the Royal Exchange building in New York City to its current occupants on One First Street. Each week we will move forward from one period to the next, organizing our study around the 17 Chief Justiceships of John Jay through John Roberts. We will rely principally upon two single volume histories of the Supreme Court and supplement these narratives with selections from some of the defining cases from each of these periods. Our goals throughout will be to think through the dominant jurisprudential questions and trends of each era, the personalities that shaped the Court at different moments, and the changes in the powers and internal operating procedures of the Court itself.

Students will be expected to prepare an outline, draft, and final version of a 20-25-page paper on a topic covered in the seminar and chosen in consultation with the instructor. Participation in class discussions will factor into final grades.

LEARNING OBJECTIVES:

Writing, legal analysis, oral presentation, and other skills required to serve as an effective appellate law clerk; sensitivity to ethical issues such as confidentiality and influence on judicial decision-making.

PREREQUISITE: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

MUTUALLY EXCLUDED COURSES: Students may not concurrently enroll in this practicum course and a clinic or another practicum course. Students may concurrently enroll in this practicum course and an externship.

NOTE: This course is open to J.D. students only.

This course may be suitable for evening students who have sufficient flexibility in their day jobs to take time off to attend the weekly seminar (11:10 a.m. - 1:10 p.m. each Wednesday); conduct a case conference with their Justice/professor (roughly an hour, scheduled at the professor's convenience); and observe their assigned moot court (a two-hour session during the working day, scheduled to accommodate the needs of the advocate). THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students must submit a transcript and Statement of Interest (one page double-spaced), explaining his or her interest in the course to Professor Daniel Woofter (dwoofter@goldsteinrussell.com) by 5:00 p.m. on September 21, 2020. After the September 21 application deadline, students will be admitted into open seats on a rolling basis. Any student who is offered a seat in this course will be directly enrolled and will have one week only in which to drop. After that time, a student may only drop the course with the permission of the professor and the Assistant Dean of Experiential Education. Permission will be granted only if remaining
LAW 469 v00 Supreme Court Litigation Seminar

J.D. Seminar | 2 credit hours

This seminar seeks greater understanding of the nature of Supreme Court decision-making in four primary ways:

First, we will read a modest amount of secondary source material and discuss how the Supreme Court works and how it differs from other American courts.

Second, we will study in depth several cases being decided by the Court this Spring.

Third, through two short (10-12 page, double-spaced) writing assignments and opportunities for extensive one-on-one discussion with me, there will be a heavy emphasis on effective legal writing.

Fourth, we will focus on effective oral advocacy, as practiced in the U.S. Supreme Court, with multiple opportunities to observe actual moot courts and talk with arguing counsel, and also for each student to participate as advocate and judge in short, informal moot courts, all in cases currently pending before the Court.

Topics to be discussed include the certiorari process, strategic considerations in briefing before the Court, the role of amici curiae, the Office of the Solicitor General and its impact on the work of the Court, and the role of oral argument in the decisional process.

Students will be expected to be prepared to participate at each seminar meeting. Course grades will be based on classroom participation and the two papers.

Prerequisite: J.D. students must complete the required first-year program, including Constitutional Law I: The Federal System (or Democracy and Coercion), prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).


Note: First class attendance is mandatory. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist.

Students will attend three Supreme Court Institute moot courts over the course of the semester. Most will be held at the usual class time, but it is possible that one or more may be scheduled on a Friday afternoon (1:00 p.m. or later). Availability to attend at these times is a class requirement except for other class conflicts.

LAW 418 v00 Supreme Court Seminar

J.D. Seminar (cross-listed) | 2-3 credit hours

This seminar examines the Supreme Court as an institution with emphasis on the ways in which the institutional forms and structures of the Court influence the law the Court makes. Topics studied include: appointments to the Court; the Court’s jurisdiction and procedures for determining cases it will adjudicate; the internal deliberative process employed by the Justices; and the role of the advocates before the Court. Cases currently pending in the Supreme Court will be studied for illustrative purposes.

Prerequisite: Constitutional Law I: The Federal System (or Democracy and Coercion).


Note: Note: This seminar requires a paper. J.D. students must register for the 2 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1416 v00 Supreme Court Topics: The Role of Dissenting Opinions

J.D. Seminar (cross-listed) | 1 credit hour

In this course students will learn about the role of dissenting opinions in U.S. appellate courts generally, and the United States Supreme Court in particular, with a special focus on the writings and jurisprudence of Justice Ruth Bader Ginsburg. We will also briefly discuss the role dissents play in select foreign jurisdictions. Students will be evaluated based on their active and informed class participation, including a mini-moot during the final class session, and on the quality of their final written product, which will be a 5-10 page paper.

Recommended: Constitutional Law I: The Federal System or Democracy and Coercion.

Note: This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

Attendance is mandatory at all class sessions. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.
LAW 1706 v00 Surveillance and Civil Rights [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201706%20v00] (Fieldwork Practicum)
J.D. Practicum | 6 credit hours
The Center on Privacy & Technology at Georgetown Law conducts research and advocacy at the intersection of privacy and civil rights. Center reports have revealed that most American adults are in a police face recognition database; that face recognition technology suffers from race, age, and gender bias; and that ICE is beginning to tap into the biometric networks that police have long exploited. Center advocacy has resulted in multiple states investigating or halting use of face recognition; in ICE dropping plans for an expansive social media monitoring plan; and in Congress halting the use of unaccompanied children's data to find and deport their loved ones.

In this fieldwork based practicum, students will learn the tools of effective research and policy advocacy, and put those tools to use in the Center's projects on biometrics, immigrant surveillance, and potentially other fields. They will work closely with Center staff and, as needed, their partners in civil society and federal and state legislatures.

The projects that the students will likely work on will generally fall into two fields relating to two tranches of research and advocacy:

**Immigrant Surveillance.** By the end of 2020, the Center will release a comprehensive report on the expansion and lawless nature of surveillance conducted by Immigration and Customs Enforcement and Customs & Border Protection. The students may have an array of projects related to that work, including:

- Writing research papers analyzing congressional oversight into ICE and CBP appropriations.
- Writing research papers identifying policy tools — legislative, executive, and administrative — that policy stakeholders can use to decrease or cut off flows of data to immigration enforcement.
- Conducting targeted outreach to federal and state legislators to urge them to investigate, conduct oversight, and take policy action on this subject.

**Police Face Recognition.** The Center is the nation's leading research institution into the proliferation, use, and misuse of face recognition by law enforcement. In 2020, the Center will release its fifth research paper on the subject, analyzing the evidentiary rules that should apply to the technology in state and federal courts. The students may have an array of projects related to that work, including:

- Analyzing caselaw on legacy biometrics (fingerprint, DNA) to apply those precedents to face recognition.
- Writing draft legislation to regulate the use of face recognition by law enforcement.
- Conducting targeted outreach to federal and state legislators to urge them to investigate, conduct oversight, and take policy action on this subject.

In the seminar, students will study the following legal, policy, and technical frameworks:

- The Immigration and Nationality Act, the authorizing statutes behind the Department of Homeland Security, and their intersection with federal and state surveillance statutes and caselaw;
- Fourth Amendment protections for geolocation information post-Carpenter;
- The tensions between regulating immigrant surveillance and face recognition at different levels of government (local, state, federal); and
- The data-sharing networks and technical systems underlying both face recognition and ICE/CBP surveillance.

LAW 1299 v00 Tackling the Civil Access to Justice Crisis [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201299%20v00] (Fieldwork Practicum)
J.D. Practicum | 4 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course will focus on the access to justice crisis in this country. Students will participate in a two-hour/week seminar and carry out 10 hours/week of fieldwork with organizations that are engaged in research and developing interventions to address the civil access to justice crisis.

SEMINAR: In the two-credit, graded, seminar portion of the practicum, students will learn about the nature and extent of the access to justice crisis in this country. Recent studies reveal that an estimated 75% of civil cases in the state courts have at least one party who is unrepresented, leaving some 30 million people who cannot afford an attorney alone in court. Indeed, 86% of civil legal problems of low income Americans receive inadequate or no legal help. The stakes are high with many people without legal help facing the danger of losing their families, their homes and their livelihoods. Yet, this invisible crisis has given rise to an array of innovations to serve more people who cannot afford an attorney. Students will study new interventions to rectify this broken system; consider strategies to bring forward solutions; enhance their competencies in gathering essential information; engage in creative problem-solving; enhance their legislative and rule drafting skills; gain experience in working as part of a team; and address cultural issues and concerns.

FIELDWORK: In the two-credit, mandatory pass/fail, fieldwork portion of the practicum, students will be assigned to work with organizations that are engaged in research and development initiatives to address the civil access to justice crisis. The organizations may include District-based legal services providers such as Ayuda, D.C. Access to Justice Commission, D.C. Pro Bono Center, as well as national organizations such as the Legal Services Corporation, Fines and Fees Justice Center, or the Self Represented Litigation Network. Initiatives underway include: revising unauthorized practice of law rules to permit non-lawyers to help address unmet legal needs; expanding pro bono commitments through establishing mandatory pro bono requirements, and through other means; developing “low bono” projects to represent those with modest incomes who cannot afford the normal rates lawyers charge; creating ways for professionals and community actors who are not lawyers to help provide access to justice; creating civil Gideon requirements at state levels in adversarial proceedings where basic human needs are at stake; providing new forms of self-help services to those who represent themselves in litigation or in their handling of other legal matters; and reforming court rules and procedures to create a fairer environment for pro se litigants.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students who can commit to attending seminar and working 10 hours/week (during business hours). This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The two-credit seminar portion will be graded. The two credits of fieldwork are not graded.
Among the learning objectives for this course are: developing an understanding of how the law conceives of the press, journalists, and the audience for news; determining what legal questions arise as a result of how technology is impacting the press; creatively considering whether and how law can address these questions; improving legal research techniques as well as the ability to closely read and analyze both scholarly work and legal authorities; developing, organizing, and writing a seminar paper that is not merely descriptive but sets forth a thesis and defends it; and refining the ability to give and receive feedback on the new public square and even shaping that speech.

These rapid changes lead to numerous legal questions: What is the “free press” in an era when journalists are pushed to amass clicks? Who is a journalist when access to publication technology has been democratized? Are reporter shield laws still relevant when technology allows the government to covertly spy on journalists? Does law have a role to play in combating so-called “fake news”? Can and should the First Amendment (or other law) protect the press from being squeezed by technology platforms? More generally, what is law’s role in protecting journalists, the press, or the journalistic process? This course aims to encourage deep thinking, discussion, and writing about the answers to these questions.

The course is organized thematically; in each two- or three-week unit we will focus on a particular issue, including the foreign affairs background to the establishment of federal courts under Article III of the Constitution; the status of foreign states as litigants in federal court; the status of international law in federal court; the reach of the courts’ jurisdiction beyond U.S. territory; and the courts’ deference (or lack thereof) to the political branches on questions implicating foreign relations. Each unit will be framed in historical perspective, exploring both the courts’ past practice and their modern approach.

There are no prerequisites.
LAW 1428 v00 The Past and Future of Civil Liberties Seminar

J.D. Seminar (cross-listed) | 2 credit hours
This course, taught by Professor David Cole, who will become the National Legal Director of the ACLU in January 2017, will examine key moments in the history of civil liberties, as well as some of the current civil liberties challenges and those likely to arise in the coming years. The course will focus on the role that the ACLU and other civil society organizations have played in civil liberties conflicts, studying their strategies, tactics, goals, and effectiveness. Readings will include historical accounts of civil liberties disputes, as well as cases and other materials relating to current and future civil liberties disputes. Among other topics, we will cover criminal justice, campaign finance reform, the tension between LGBT rights and religious freedom, immigrants' rights, sexual assault and due process on college campuses, and the right to die.

Each student will be responsible for two 8-10 page papers and significant class participation, including an oral presentation on the topic of one of the papers. Each paper and class participation will count for a third of the final grade.

Prerequisite: Constitutional Law II: Individual Rights and Liberties.

Note: This course is enrolled via waitlist.

LAW 1495 v00 The Role of the State Attorney General

J.D. Course | 2 credit hours
As the chief legal officer of the states, commonwealths and territories of the United States, attorneys general serve as counselors to their legislatures and state agencies and as the "People's Lawyer" for all citizens. Originating in the mid-13th century in the office of England's "King's Attorney" the office had become, by the American Revolution, one of advisor to the Crown and to government agencies. Today, of all positions in state government, the Office of the Attorney General is quite possibly the most radically changed since the founding of the United States of America. Three forces have molded the Office of the Attorney General: state constitutions and state government codes, which specify the duties and responsibilities of the attorney general; legislative decrees altering the duties of the attorney general in response to specific state needs; and the personalities and ambitions of those who have served as attorney general. Attorneys general today deal with everything from common law and statutory authority; conflicting legal and policy demands; resource restriction; relationships with academics and outside counsel; to hard core partisan politics. This course will cover the day to day challenges faced by attorneys general and their staffs in delivering legal advice to guide state government in a constitutional and ethical manner. The course will also cover the relationship of attorneys general with the federal government, the private bar and a myriad of advocacy organizations. It will focus on some of the most controversial legal issues attorneys general address – consumer protection, public corruption and mass incarceration to name a few.

Although each state is unique, the course will demonstrate the remarkable congruence that exists among state attorneys general when addressing similar challenges and issues. Unlike private and other government lawyers, who work subject to ethical rules that defer decision making to agency "clients," for state attorneys general representing the public interest is the day-to-day reality of their professional lives. The course is weighted toward those decisions by attorneys general that reflect their independent status, which is most often revealed when legislatures, other elected officials, state agencies or the federal government exceed their constitutional or statutory authority. The course materials include federal and state statutes and case law, law review and descriptive articles from a variety of sources, and hypotheticals that describe the nature and function of the Office of State Attorney General. There is no separate text for this course, all readings and videos will be available via TWEN (either through links or directly downloadable).

Students will be evaluated on class participation (15%); the quality of a short writing assignment in which each student will profile a current state attorney general (20%), and a compact take home exam which can be self-scheduled any time during the exam period (65%). The short writing assignment will be due on ___, shortly before Week Seven. Each student will submit a short paper or memorandum profiling a current attorney general, including the underlying legal authority for that attorney general's role, election date, interests and significant action, culture of that attorney general's office, and key initiatives, including at least one example of their multistate litigation participation and one action involving the defending the state role. The take home exam will involve analysis of a hypothetical which explores current issues facing state attorney generals. In addition to substantive content, the exam will be assessed according to the quality of the prose and organization of the discussion.
Donald Trump’s victory in the 2016 presidential election has raised a host of constitutional, policy, and moral concerns. For some Americans, the Trump presidency promises long-delayed and much-needed reforms vital to our future. For others, it threatens the very survival of the republic.

This deep and acrimonious division, in turn, raises serious questions about whether Americans still share enough common ground to function as a thriving democracy. It also raises questions about constitutional law. Can adherence to the constitution or to constitutional values bridge this disagreement? Are our constitutional structures sufficiently robust to ward off authoritarianism? If not, are there other social or political structures that will serve this purpose? Is authoritarianism a serious threat under current circumstances?

In addition to these broad and existential questions about the country’s future, the Trump presidency poses a host of narrower, legal and related policy questions about matters such as the appropriate form of immigration policy, the putative need for electoral reform, the problem of providing adequate health care and controlling costs, the role of courts in curbing presidential power, and the virtues or vices of free trade.

The Trump phenomenon did not emerge from nowhere. It is part of a worldwide erosion of the liberal consensus that has dominated politics since the end of World War II. That consensus is threatened by the emergence of strong nationalist and populist forces. We will explore the possible causes of this change and the implications it holds.

For many of us, the Trump presidency also poses personal challenges. Is civil disobedience an appropriate response? Should a lawyer accept a civil service job while Donald Trump is president? Should lawyers who already have these positions resign? Is it ever appropriate for a government lawyer to take steps to oppose the policy aims of political appointees?

The aim of this course is to examine these and related questions in a calm and analytic fashion. The course is open to students of all political persuasions. It would be foolish to suppose that we can talk about these issues without having our political views influence the discussion, but we expect all participants to be respectful of, and open to, the positions of fellow participants.

Learning Goals for this course:

- To master a variety of complex legal questions raised by the Trump presidency.
- To learn about and develop informed views about important policy choices raised by the Trump presidency.
- To examine the efficacy and desirability of various constitutional structures as they intersect with the Trump presidency and the system by which Trump was elected.
- To think in a serious way about political disagreement, how it should be resolved, and how a liberal democracy can deal justly and effectively with deep cultural, social, and political divisions.
- To model among ourselves how people who disagree can talk candidly, respectfully, and forcefully about their disagreements.
The relationship between police and the communities they serve is not only one of the most important civil rights issues facing our country today; it is one of the most important issues we face overall. In many respects, police are the face of our criminal justice system and the embodiment of our Constitution. Understandably then, each new revelation of apparent police abuse raises concern, not only about that particular incident, but about the fairness and humanity of our criminal justice system—and even our democracy. These concerns are particularly acute in communities from which police misconduct takes a disproportionate toll.

We will review current thinking on approaches to policing and study police practices related to stops, searches, arrests, custodial interrogations, and the use of force. We will explore different mechanisms of protecting constitutional rights (primarily the First, Fourth, and Fourteenth Amendments) and other legal limitations on police powers. We will pay particular attention to enforcement mechanisms aimed at long-term structural reform of police departments and other law enforcement agencies, such as Section 1983 injunctive suits and the statute authorizing DOJ’s pattern-or-practice investigations in Ferguson, Baltimore, and elsewhere. This course also will explore the extent to which current policing furthers those values; where it falls short; and why.

The final grade for the seminar will be based on a final paper and participation.

Learning goals for this course:

- Better understand the democratic/ethical values we want local law enforcement to embody and promote.
- Explore the extent to which current policing furthers those values; where it falls short; and why.
  - Gain general understanding of current police practices and the extent to which they do or do not promote lawful and effective policing;
  - Understand/develop an informed opinion on the extent to which the law does and does not appropriately direct and constrain police behavior (emphasis on 1st, 4th, 14th A)
- Understand strengths and weaknesses of legal mechanisms that have been developed to hold police individuals/agencies accountable to the rule of law; develop an informed opinion on which might be more effective in differing climates and how to improve.
- Explore and gain better understanding of limits of the law to “fix” policing and potential need for other interventions (reference to poverty, education, unemployment, but focus in this respect will be on role of protest and direct action, as well as on education/advocacy specifically around issues of bias, esp. race bias).
- Develop and hone skills related to constructive discussions regarding policing, including the nexus between race and policing.

Prerequisite: Constitutional Law I: The Federal System and Criminal Justice or Criminal Procedure.
LAW 1647 v00 Warren Court Legal History Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201647%20v00)
J.D. Seminar | 3 credit hours
More than fifty years since Chief Justice Earl Warren’s retirement, the Warren Court continues to dominate our legal and historical discourse. Liberals, especially ones who came of age during the 1960s, idealize it. Conservatives elected presidents who ran against it and who made a more conservative Supreme Court their number one priority. For years, lawyers and historians have debated whether the Warren Court went too far or whether it did not go far enough. Historians have identified three different Warren Courts: 1954–1962, 1963–1965, and 1966–1969. The Court featured dynamic justices: Hugo Black, William Brennan, William O. Douglas, Felix Frankfurter, Robert H. Jackson, John Marshall Harlan II, Thurgood Marshall, and Earl Warren. It decided landmark cases: Brown v. Board of Education (1954), Cooper v. Aaron (1958), Mapp v. Ohio (1961), Baker v. Carr (1962), Gideon v. Wainwright (1963), New York Times v. Sullivan (1964), Reynolds v. Sims (1964), Griswold v. Connecticut (1965), Miranda v. Arizona (1966), and Loving v. Virginia (1967). People have responded to the Warren Court’s legacy in different ways. Some have defended it as the embodiment of the political philosophy heralded by footnote four of Carolene Products (1938) and a living Constitution. Devotees of legal process and originalism have attacked it. Its real legacy may be legal liberalism – the idea of the Supreme Court as an engine for social and political change. This class explores the Warren Court’s jurisprudential triumphs and failings to understand its contributions to our current discourse and to the future direction of the Supreme Court.

This seminar looks at the Warren Court from a historical perspective. Guided by readings from legal historians and the decisions themselves, we will explore the Court’s major cases and issues in their historical and political context: school desegregation, suspected Communists, denaturalization, the Little Rock school crisis, redistricting, freedom of the press, right to privacy/access to contraception, criminal justice, interracial marriage, and free speech. We will also discuss the strong personalities and jurisprudential philosophies of the justices and how alliances, conflicts, and new justices affected the Court’s decisionmaking. During the semester, students will complete all the required reading, participate in all class discussions, and write an original research paper that which fulfills the Upper Class Writing Requirement.

Location, location, location. Writing original research papers will be easier for you than any other law students in the country. Many Warren Court justices – Black, Frankfurter, Douglas, Jackson, Burton (with diaries!), Warren, Brennan, White, Goldberg, and Marshall – donated their papers to the Library of Congress. The papers are open to the public (with a library card) and are rich sources of material. You'll receive an expert-led tutorial on how to do archival research, discover how much fun it is to read other people's mail, and learn how the justices' papers add to our understanding of the Court's decisionmaking process.

Win $500 & get published. What other class can you win $500 and get published? Each year, the Journal of Supreme Court History awards the Hughes-Gossett Prize for the best student paper. The prize comes with a $500 award and a publication in the Journal of Supreme Court History. Think you can't win? One of my former law students at the University of Wisconsin, Jesse Bair, won the award for his article, "The Silent Man: From Lochner to Hammer v. Dagenhart, A Reevaluation of Justice William R. Day."

Student Learning Outcomes
By the end of the semester, all students should be able to (1) discuss major topics in the constitutional and legal history of the Warren Court; (2) make a historical argument; and (3) write an original research paper. All students are required to complete the Paper Proposal, Progress Report, first draft, and final drafts of the Research Paper. All research
LAW 1370 v00 Writing for Practice: Federal Courts and the Federal System (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201370%20v00)

J.D. Seminar | 1 credit hour
The ability to write effectively is one of a lawyer's most important skills. This one-credit seminar is designed to help students develop this skill. The seminar will build upon the principles learned in the first-year Legal Research and Writing course by providing instruction in drafting legal documents typical to the particular area of law that is examined in the larger, substantive course associated with the seminar. This writing intensive seminar has been developed by two adjunct professors working in collaboration with the full-time faculty member teaching the larger course. In addition to the practical legal writing skills taught, students will also learn more generally about litigation strategy and the demands and concerns of professional practice.

The Federal Courts and the Federal System writing seminar will provide students with the opportunity to hone their legal writing while working through current, real world examples of the issues addressed in the Federal Courts and the Federal System course. Discussion will focus on using substantive Federal Courts knowledge as a practitioner, including framing complex issues for different audiences, working with “bad” facts, and the art of revision.

Written work product is the focus of the seminar. Students will write and revise objective memoranda and litigation documents. The professors will provide individualized comments on each major writing assignment, and many writing assignments will be discussed in class. Class participation will count toward the final grade.

Prerequisite: Legal Practice: Writing and Analysis; concurrent or prior enrollment in Federal Courts and the Federal System. Students may contact the professors to discuss how they may meet the prerequisite with other prior or concurrent course work or experience.

Note: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students should email a short statement of their interest in the seminar to Professor McSorley (tmm49@georgetown.edu) and Professor Bonner (eab73@georgetown.edu) by 5:00 p.m. on Tuesday, June 6, 2017. After the June 6 application deadline, students will be admitted into open seats on a rolling basis.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

Withdrawals are permitted up until the last class for this specific course.

Full-time Faculty
Charles F. Abernathy
Hope Babcock
Randy E. Barnett
Susan Low Bloch
J. Peter Byrne
Angela J. Campbell
Sheryll D. Cashin
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Anthony E. Cook
Peter B. Edelman
Irv Gornstein
Lawrence O. Gostin
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Paul F. Rothstein
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