INTERNATIONAL LAW / COMPARATIVE

This is a listing of selected courses which compare aspects between differing domestic legal systems of foreign countries.

Search International Law Comparative Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_57)

LAW 036 v08 Advanced Legal Writing for International Business Lawyers (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20036%20v08)
J.D. Seminar (cross-listed) | 2 credit hours
With the increasing globalization of the practice of law, business lawyers today are frequently representing clients in transactions that span different legal systems, cultures, and languages. This course is designed to provide students with practical insight into the cross-border practice of business law and the relevant written and oral skills necessary to effectively communicate in this practice setting.

The principle objectives of the course are to teach you how to communicate clearly, concisely, and appropriately in a business-law setting, and how to apply and adapt these skills to situations involving international, cross-cultural, and even multinational business transactions. You will be able to practice these skills through a variety of written and oral communication exercises based on actual cross-border transactions similar to those you will likely encounter as a junior transactional associate at a law firm. The focus of this course will be on practical skills, rather than on theoretical analysis.

Although some of our discussions and exercises will involve reviewing contract provisions and you will become familiar with basic contract structure, this is not a course on contract drafting. Rather, the focus is on developing your practical lawyering skills such that you are able to effectively communicate with parties from all sides of a cross-border business transaction and to recognize and overcome the principle cultural, linguistic, and other barriers to cross-cultural communication.

Enrollment by both JD and LL.M. students is encouraged. Class time generally will be split between lecturing and in-class exercises and discussion. The majority of the in-class exercises will utilize fact scenarios from actual deals and will involve students working in small groups or teams.

Prerequisite: Legal Practice: Writing and Analysis.
Recommended: Prior or concurrent enrollment in Corporations is recommended but not required.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Advanced Legal Writing Seminar, Advanced Legal Writing and Practice for Judicial Clerks and Civil Litigators, Advanced Legal Writing: Legal Writing as a Discipline, Advanced Legal Writing: Practical Skills from Retail Industry Examples, or Writing for Law Practice.

Note: Students may request a withdrawal from an academic advisor through the due date of the final draft of Writing Project #2.

LL.M. STUDENTS: THIS COURSE REQUIRES DEPARTMENTAL PERMISSION TO ENROLL. LL.M. students cannot register or put themselves on the waitlist for this course through MyAccess. Students interested in taking this course should send an e-mail to llmas@georgetown.edu indicating their interest in the course and their previous exposure to U.S. legal writing.
LAW 1532 v00 Advanced Legal Writing for International Business Lawyers (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201532%20v00)

J.D. Seminar (cross-listed) | 2 credit hours
With the increasing globalization of the practice of law, business lawyers today are frequently representing clients in transactions that span different legal systems, cultures, and languages. This course is designed to provide students with practical insight into the cross-border practice of business law and the relevant written and oral skills necessary to effectively communicate in this practice setting.

The principle objectives of the course are to teach you how to communicate clearly, concisely, and appropriately in a business-law setting, and how to apply and adapt these skills to situations involving international, cross-cultural, and even multinational business transactions. You will be able to practice these skills through a variety of written and oral communication exercises based on actual cross-border transactions similar to those you will likely encounter as a junior transactional associate at a law firm. The focus of this course will be on practical skills, rather than on theoretical analysis.

Although some of our discussions and exercises will involve reviewing contract provisions and you will become familiar with basic contract structure, this is not a course on contract drafting. Rather, the focus is on developing your practical lawyering skills such that you are able to effectively communicate with parties from all sides of a cross-border business transaction and to recognize and overcome the principle cultural, linguistic, and other barriers to cross-cultural communication.

Enrollment by both JD and LL.M. students is encouraged. Class time generally will be split between lecturing and in-class exercises and discussion. The majority of the in-class exercises will utilize fact scenarios from actual deals and will involve students working in small groups or teams.

Prerequisite: Legal Practice: Writing and Analysis.

Recommended: Prior or concurrent enrollment in Corporations is recommended but not required.

Mutually Excluded Courses: Students may not receive credit for both this seminar and the Advanced Legal Writing Seminar, Advanced Legal Writing and Practice for Judicial Clerks and Civil Litigators, Advanced Legal Writing: Legal Writing as a Discipline, Advanced Legal Writing: Practical Skills from Retail Industry Examples, or Writing for Law Practice.

Note: Students may request a withdrawal from an academic advisor through the due date of the final draft of Writing Project #2.

LLM. STUDENTS: THIS COURSE REQUIRES DEPARTMENTAL PERMISSION TO ENROLL. LL.M. students cannot register or put themselves on the waitlist for this course through MyAccess. Students interested in taking this course should send an e-mail to llmas@georgetown.edu indicating their interest in the course and their previous exposure to U.S. legal writing.

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 are constitutions designed? What is an authoritarian constitution? How are constitutions created? What influences constitutional transitions? Is it possible to have an unconstitutional constitutional amendment? Why have judicial review? How do courts across the world interpret constitutions? Are courts or legislatures better protectors of constitutional rights? How can constitutions be used abusively?

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, and from Europe to Latin America—underscore the importance of issues of constitutional design and constitutional adjudication. This course explores constitutional systems in global perspective, examining issues of constitutional structure and rights adjudication across comparative constitutional systems. We will consider questions on constitution-making, constitutional design, constitutional change, constitutional amendment, judicial review, and constitutional interpretation. Drawing on examples from diverse constitutional cultures, we will also examine contemporary issues relating to religion-state relations and religious freedom as well as constitutionalism in fragile democracies and in times of national emergency.

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**

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

How are constitutions created? What should we consider when 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 079 v07 Comparative Law: Focus on EU and US**

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

This course consists of an introduction to legal comparison based on an inquiry into European private law. The course is divided into two parts. The first part presents the functions and aims as well as the methods of comparative law in general. After an overview of the legal systems in the world, the course provides a comprehensive introduction to the basic features of the civil law system as contrasted with the common law tradition in Europe and in the United States. It also shows how some of the differences between the two systems are being dealt with by new instruments such as the Vienna Convention on Sales, the UNIDROIT Principles of International Commercial Contracts and the Principles of European Contract Law. While the course focuses on substantive law issues, in the fields of contract and tort, it also examines some structural issues—such as the court systems, the education of lawyers and the role of judicial review. The second part of the course aims at providing an analysis of the trends towards denationalization of private law in Europe as it results from the impact of EC legislation on national law. Special attention is devoted to the link between private law and the formation and the functioning of markets, particularly the Single Market in Europe, but also to the cultural and linguistic obstacles that come up in the process. Overall, the course aims at providing a practical introduction to issues of European law faced by American lawyers, and the use of foreign law to advocate change in U.S. law. Further it will show how legal comparison is a means for thinking about the law in broader terms.

**Mutually Excluded Courses:** Students may not receive credit for both this course and the first year elective, Comparative Law.

**Note:**

This course will meet on the following dates in Spring 2020: 1/13, 1/15, 1/22, 1/27, 1/29, 2/3, 2/5, 2/10, 2/12, 2/20 (Monday classes meet), 2/24, 2/26 and Friday, 2/7.

**LAW 757 v01 Comparative Tax Law**

LL.M Course (cross-listed) | 2 credit hours

Provides an introduction to the study of comparative tax law. The coverage is broad, touching on many countries and types of taxes, as well as the general legal framework for tax law and tax procedure. Emphasis is on the income tax and, to a lesser extent, value added tax. Focus is on underlying structural differences in legal systems, including constitutional issues, judicial interpretation of tax laws, judicial and legislative anti-avoidance doctrines, different approaches to defining income, alternative systems for taxing corporations and shareholders, and problem areas in the VAT (including international services and e-commerce). The student completing this course will have a basic understanding of how to approach foreign tax law, and tools to better understand the tax system in the student's own country.

**Prerequisite:** Federal Income Taxation (formerly Taxation I) and prior or concurrent enrollment in either Corporate Taxation (formerly Taxation II) or Corporate Tax Law I.

**Note:** Withdrawals are permitted up until the last class for this specific course.
Increasingly, lawyers find themselves planning transactions or litigating cases involving persons or events connected with more than one state or nation. This course examines the principal approaches relied on by U.S. courts to determine what law to apply when some or all of the operative facts underlying a claim or defense arise in another state or nation. The course also considers the criteria used by U.S. courts in recognizing and enforcing the judgments of the courts of other states or nations.

**Prerequisite:** Civil Procedure (or Legal Process and Society).

**Note:** Students are not permitted to use their laptop in class.

In many countries (e.g. Canada, Germany, Spain, Brazil), the regular legislature can take action affecting constitutional rights that are part of the Bill of Rights, so long as such effect is proportional (that is suitable and necessary to achieve legitimate government ends and properly balanced). In our class, we will look into the concept of proportionality, its scope and its rationales. We shall compare it with American jurisprudence, while trying to see whether constitutional rights are better protected by the American method of interpretation or by a proportionality analysis.

**Note:** WEEK ONE COURSE. This seminar will meet for one week only on the following days: Monday, January 8, 2018 through Friday, January 12, 2018, 1:30 p.m. - 4:05 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

Note: Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the wait list must attend the first class in order to be admitted off the wait list. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of JD Academic Services. Withdrawals are permitted up until the last class for this specific course.

This course requires a paper and an oral presentation. It is open to J.D. and LL.M. students. For J.D. students who choose the 3 credit "writing seminar" option, the objective will be to research and write analytical papers of publishable quality on discrete topics of current importance in transnational practice. Students will be required to satisfy the WR requirement including (1) selection of a paper topic approved by the professor, (2) submission of an outline, followed by feedback from the professor, (3) submission of a draft paper of at least 6,000 words exclusive of footnotes, followed by feedback from the professor, and (4) submission of a final paper of at least 6,000 words exclusive of footnotes, incorporating the professor's suggested revisions. The paper must use legal forms of citation, where appropriate.

Learning goals for this course:

Familiarity with substance of "Private International Law"; ability to research effectively in the field; to write coherently and present conclusions orally; to understand relationship between international and domestic law.

**Recommended:** International Law I.

**Note:** This course requires a paper. Students must register for the 3 credit section of the course 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 156 v01 Environmental Research Workshop [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20156%20v01]
J.D. Seminar (cross-listed) | 3 credit hours
The Environmental Research Workshop has three primary objectives: to (1) acquaint students with some of the best contemporary scholarship in environmental, natural resources, and energy law; (2) create an intellectual forum at Georgetown that brings together some of the nation's foremost academic scholars with law- and policy-makers in the fields of environmental, natural resources, and energy law; and (3) provide students with an opportunity to produce some substantial legal scholarship on an environmental, natural resources or energy law-related topic. The centerpiece of the course is a series of workshop meetings, during which a leading academic or practitioner will present a paper or other written material, followed by commentary. Previous workshop speakers have included nationally recognized scholars writing about market-based regulation, risk analysis, environmental justice, climate change, endangered species, statutory interpretation, and other timely topics. Commentators have included a federal appellate judge, a Deputy Solicitor General, the general counsel for the U.S. Environmental Protection Agency, and the Counsel to the Secretary of the Interior, among others. Students will have an opportunity to present drafts of their papers to the class and respond to questions about them.

Students can fulfill their Upperclass Legal Writing requirement by producing a substantial piece of scholarly writing. Any student wishing to do this must register for the three (3) credit section of the course. J.D. students have the option of enrolling in the course for two instead of three credits. Those who pursue the two-credit option will not be responsible for preparing a substantial scholarly paper. They will instead draft the equivalent of three 4-5 page more detailed written critiques of papers being presented by the outside speakers. These critiques will be shared with the outside speaker. The paper requirements of the 2-credit section will not fulfill the Upperclass Legal Writing Requirement.

Prerequisite: Prior or concurrent enrollment in the basic survey class in environmental law, natural resources law, or international environmental law. Exceptions may be made with the consent of the Professor.

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 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 characterises every constitutional context and the particular constitutional culture 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 726 v00 Global Competition Law and Policy
This seminar will examine the development of antitrust law around the world, starting with a basic understanding of U.S. and EC competition principles and then reviewing the application of those principles in developing and transition economies including China, India, Africa and Latin America. Particular emphasis will be on merger control and regulation of dominant firm conduct (monopolization/abuse of dominant position). We will also consider the role of competition policy in economic and political development generally. Grading will be based on a paper and an assessment of class participation.

Prerequisite: For J.D. students: Antitrust Law or Antitrust Economics and Law. LL.M. students should have some previous work experience or coursework in U.S. antitrust law or competition regulation in other jurisdictions; otherwise professor's approval required before enrolling.

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 for JD students. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement for JD students.

LAW 726 v01 Global Competition Law and Policy
This seminar will examine the development of competition laws around the world, differences in substantive standards among the major enforcement jurisdictions, the possible consequences of those differences, and the means to address them. We will start with a basic understanding of U.S. and EC competition principles, and then compare and contrast these with the principles applied in developing and transition economies, such as China, India, and South Africa. Particular emphasis will be on current issues and trends, multi-jurisdictional merger control, and regulation of dominant firm conduct. We will also consider the role of competition policy in economic and political development generally.

Prerequisite: For J.D. students: Antitrust Law or Antitrust Economics and Law. LL.M. students should have some previous work experience or coursework U.S. antitrust law or competition regulation in other jurisdictions; otherwise professor's approval required before enrolling.

LAW 2007 v02 Global Cybercrime Law
This course will examine the key legal and policy issues associated with cybercrime – i.e., crimes in which computers and the Internet serve as targets, as storage devices, and as instrumentalities of crime – as a global phenomenon. As the Internet has become a truly global medium for commerce and communication, nations are gradually recognizing that new technology can not only expand the reach and power of traditional crimes, but foster new forms of criminal activity as well, throughout the world. The course will adopt an explicitly comparative legal approach to the problem of cybercrime, focusing principally on nations in North America, Europe, and Asia, and address pertinent international legal issues where appropriate. It will first address basic issues in comparative criminal law, as well as background information on computing and Internet technology. It will then address some of the most prominent topics in the substantive law of cybercrime (e.g., pornography and obscenity, “hate speech,” cyberstalking, hacking, fraud, intellectual property offenses such as software piracy and economic espionage, and other issues associated with privacy and anonymity on the Internet). It will then turn to major issues in the procedural law of cybercrime (e.g., surveillance technologies such as Carnivore and legal standards for interception of electronic communications). Given the rapid pace of developments in computing and Internet law, the course will incorporate the most current materials available online and in hard copy. Students will be expected to use the Internet for intraclass communications and access to certain course materials, but need not have a detailed knowledge of computing or the Internet.

Prerequisite: Criminal Law.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. seminar, Computer Crime Seminar, or the J.D. course, Computer Crime.
LAW 594 v00 Global Health Law: An Intensive, Problem-Based Exploration

In this intensive course, students will work with faculty and fellows at the O'Neill Institute for National and Global Health Law to gain an in-depth understanding of global health law through intensive examination and role play of one or more major problems in global health. Potential problems could include a naturally occurring infectious disease epidemic such as extensively drug resistant tuberculosis; a future epidemic such as pandemic Influenza (A) H5N; an intentional introduction of a lethal pathogen such as anthrax; and/or major chronic diseases caused by obesity or tobacco use. Students should come to this course with a basic level of understanding of global health law, including the major international health treaties and governing structures. When studying and role playing these kinds of problems, students will be asked to construct innovative methods of global health governance, drawing upon existing international health law and institutions, along with a vision for more ideal models. The course will also capitalize on materials developed in collaboration with faculty from the School of Nursing and Health Studies for use in the “health care situation room”.

Full attendance and participation is required at all sessions. Class sessions will consist of a combination of lecture, case simulations, and discussion. Grades are based on student participation, a daily journal to be kept by students, and a final paper.

Note: The first weekend of the course will be held at the Law School and the second weekend will be on the Main Campus at St Mary’s at the School of Nursing and Health Studies.

A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course. 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. This course requires full participation at all class sessions.

LAW 230 v00 International and Comparative Law on Women's Human Rights

This course provides students with an overview of that law. It introduces them to the many forms of discrimination and violence women still face and teaches them about the major human rights treaties that can help women achieve equality with men. These include the Convention on the Elimination of All Forms of Discrimination against Women; the International Covenant on Civil and Political Rights; and the regional human rights treaties from Africa, the Americas, and Europe. Students study the work of the human rights bodies that measure state compliance with these treaties, including their guidelines and case law on issues affecting women. The course also examines comparative law on human rights issues such as sex-based discrimination in employment, inheritance, and family law rights, domestic violence and female genital mutilation, polygamy and its impact on women and children, and women’s lack of reproductive rights.

National court decisions from countries in both common law and civil law jurisdictions show how courts are using international and regional human rights law to help resolve domestic law issues. As some issues pose difficult conflicts between women’s right to equality with opposing assertions of religious and cultural rights to discriminate, the course also examines how human rights bodies resolve those conflicts and asks how they should be resolved.

Note: For J.D. Students: Students Enrolled in the International Women’s Human Rights Clinic must take this course as a pre- or co-requisite, but it is also open to other J.D. students and to LL.M. students.

LAW 882 v00 International Arbitration

Examines United States, foreign, and international law and practice relating to international commercial and investment arbitration, including the U.S. Federal Arbitration Act, the New York Convention on the Recognition and Enforcement of Arbitral Awards, the ICSID Convention, the UNCITRAL Arbitration Rules, and the arbitration rules of major arbitral institutions such as the ICC, the AAA and the LCIA. The course focuses on the procedural law applicable to and the practical aspects of arbitration. It will cover such topics as enforcing arbitration clauses, conducting arbitration proceedings, judicial oversight of arbitration, choice of law, enforcing and setting aside awards, and particular issues arising in arbitrations against sovereigns.

Recommended: International Law I: Introduction to International Law (or the equivalent International Law I); International Business Transactions.

Mutually Excluded Courses: Students may not receive credit for both this course and International Commercial Arbitration, Introduction to International Commercial Arbitration, International Arbitration, or the J.D. seminar, International Commercial Arbitration Seminar (CTLS course)
LAW 882 v08 International Arbitration [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20882%20v08]
LL.M Course (cross-listed) | 2 credit hours
Examines United States, foreign, and international law and practice relating to international commercial arbitration, including the U.S. Federal Arbitration Act, the New York Convention on the Recognition and Enforcement of Arbitral Awards, the UNCITRAL Arbitration Rules, and the arbitration rules of major arbitral institutions such as the ICC, JAMS, the ICDR, CIETAC, LCIA, HKIAC, and SIAC. The course focuses on the procedural law applicable to and the practical aspects of arbitration. It will cover such topics as enforcing arbitration clauses, conducting arbitration proceedings, judicial oversight of arbitration, choice of law, enforcing and setting aside awards as well as drafting dispute resolution clauses.

**Recommended:** International Law I: Introduction to International Law (or the equivalent International Law I); International Business Transactions.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Introduction to Commercial Arbitration or the J.D. seminar, International Commercial Arbitration Seminar (CTLS course).

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LAW 191 v02 International Labor and Employment Law [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20191%20v02]
J.D. Course | 3 credit hours
The law of work is an increasingly important aspect of the global economy. Knowledge of this subject is useful in representing companies, unions, employees, governments and non-governmental organizations. Themes developed in the course also are central to understanding the relationship between law and globalization more broadly. We will study hard and soft law in the various forms in which it operates transnationally, including domestic law with foreign effects; public and private international law, such as human rights and trade law; and private codes of corporate social responsibility. The International Labor Organization (ILO), which is a touchstone in the course, is an especially interesting institutional case study. It is the world’s oldest international organization, with 180 member countries giving it near-universal representativeness, and its inclusion of governing roles for civil society groups – unions and employer associations – makes it unique among international institutions. Attention will be given to subordination of documented and undocumented migrants, women, and child laborers.

**Prerequisite:** International Law I.

**Recommended:** International Commercial Arbitration

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LAW 676 v02 Investor-State Dispute Resolution [http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20676%20v02]
LL.M Seminar | 2 credit hours
The subject of investor-state disputes and their resolution lies at the cutting edge of international law, and is a major factor in the development of the global economic system in years to come. Study of this form of arbitration provides insight into the evolving shape of customary international law, the conflict between capital-importing and capital-exporting states, and the status of individuals in the international legal order. This seminar will provide students with a firm grounding in the history, present practice, and future implications of arbitration between foreign investors and host states, sanctioned by multilateral and bilateral investment treaties. Topics that will be covered in this course are the history of the treatment of aliens and investments under international law; an overview of the most important international treaties that give investors a right to arbitration of claims; the most important elements of procedure that characterize investor-state arbitration, including tribunal composition, jurisdiction, evidence, award and challenge or annulment; substantive law of investment arbitration, the standards that apply when a tribunal determines whether a breach of the treaty has occurred; and the future development of investor-state arbitration including the challenges of globalization and other stresses, the clash of capital-importing and capital-exporting countries, environmental protection and free trade, restrictions on state sovereignty, the construction of an international investment jurisprudence, the limits on arbitrability, and the expansion of multilateral investment protections worldwide. Active participation in discussion of the course materials is required.

**Prerequisite:** International Law I.
The subject of investor-state disputes and their resolution lies at the cutting edge of international law, and is a major factor in the development of the global economic system in years to come. Study of this form of arbitration provides insight into the evolving shape of customary international law, the conflict between capital-importing and capital-exporting states, and the status of individuals in the international legal order. This seminar will provide students with a firm grounding in the history, present practice, and future implications of arbitration between foreign investors and host states, sanctioned by multilateral and bilateral investment treaties. Topics that will be covered in this course are the history of the treatment of aliens and investments under international law; an overview of the most important international treaties that give investors a right to arbitration of claims; the most important elements of procedure that characterize investor-state arbitration, including tribunal composition, jurisdiction, evidence, award and challenge or annulment; substantive law of investment arbitration, the standards that apply when a tribunal determines whether a breach of the treaty has occurred; and the future development of investor-state arbitration including the challenges of globalization and other stresses, the clash of capital-importing and capital-exporting countries, environmental protection and free trade, restrictions on state sovereignty, the construction of an international investment jurisprudence, the limits on arbitrariness, and the expansion of multilateral investment protections worldwide. Active participation in discussion of the course materials is required.

Prerequisite: International Law I.

Recommended: International Commercial Arbitration

Note: For the Spring section: 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. STUDENTS MAY NOT WITHDRAW FROM THIS CLASS AFTER THE ADD-DROP PERIOD ENDS WITHOUT THE PERMISSION OF THE PROFESSOR.

This course requires a paper. J.D. Students: this will fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 045 v03 Law in Multicultural Societies (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20045%20v03)

J.D. Seminar (cross-listed) | 3 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 331 v01 Nationalisms, States, & Cultural Identities Seminar
(J.D. Seminar (cross-listed) | 2-3 credit hours)
This seminar is about the phenomena of national and cultural identity formation within states and non-state groups (ethnic, racial, regional, religious, cultural, tribal) and the roles played by law and culture in defining and distributing membership in a “national” community. The course material will provide a foundation in political theories of nationalism and will focus on two different forms of contemporary nationalism: the rise of a new American nationalism (since the 2016 election) and the Catalan independence movement in Spain. Along the way we will discuss additional and alternative forms of belonging and exclusion, such as statelessness, diaspora, postcolonialism, and cosmopolitan forms of citizenship. This interdisciplinary and comparative seminar is geared toward better understanding how law and culture are used to divide and unify diverse populations so that we know how to use them to help heterogeneous states and communities find common purpose.

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

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 741 v00 Pre-Negotiation Strategies for Cross-Border Transactions
(LL.M Course (cross-listed) | 2 credit hours)
As economies globalize and organizations increasingly form cross-border relationships, there should be more focus on problems facing legal practitioners caused by cross-cultural differences. While international transactions comprise distinct phases, the aim of this course is to explore the importance of pre-negotiation phase of international transactions. The legal training in the United States tend to devote far too little time and attention to the pre-negotiation phase than most of our counterparts from other countries. American lawyers generally want to “dispense with the preliminaries” and “to get down to cases” at the negotiation table. For seasoned lawyers and executives, however, this phase of Pre-negotiation is the most important stage to determine whether they want to negotiate at all and, if so, what they will talk about, and how, when, and where they will do it. Without a proper pre-negotiation phase, one may not get to that negotiation table, let alone explore any dispute resolution mechanisms.

Pre-negotiation phase can be characterized by information-gathering efforts to evaluate the parties’ interests and comprises of a process entailing rational choice to pursue negotiation or not. This course, “Pre-negotiation Strategies,” will attempt to introduce an analytical framework for understanding and formulating culturally responsive legal strategies for international lawyers. This highly interactive class will utilize case studies as well as various international agreements to highlight the importance of evaluating and analyzing the negotiating environment before it actually takes place. The course will address the need for practitioners to research and identify certain cultural mores and behavioral patterns in dealing with an unfamiliar culture as well as examine foreign bureaucracies, foreign laws, and multiple currencies in order to develop cross-culturally sensitive strategies in international transactions.

Active in-class participation and simulations will be required.

Note: First class attendance is strongly encouraged.
LAW 1390 v00 Religion and Constitutions in Global Perspective Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201390%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
All constitutions around the world deal with religion. This course examines core aspects of the interrelation between religion and law in constitutional systems globally. We will explore the role of religion and the state drawn from comparative contexts including Asia, the Middle East, and Europe. Some constitutional systems are theocratic, some accommodate religion, while yet others advocate neutrality toward religious institutions or call for a strict separation between religion and the state. We will evaluate the challenges faced by the different models of the relationship between the state and the church (or mosque) in our modern world. To what extent is liberal constitutionalism consistent with constitutional designs that privilege a particular religion? Should religion or secularism ever be placed beyond the realm of constitutional change, such as through unamendable constitutional clauses?

We will also consider the individual right of religious freedom and the scope of its protection globally. What counts as “religion” and religious freedom? Who is better placed to make these determinations—the courts, legislature, executive, or the people? We will discuss controversies relating to these questions, such as apostasy, religious conversion, religious symbols, and bans on religious dress, like headscarves and burkinis. This course will also explore the intersection of religion and contemporary issues relating to multiculturalism, gender, and religious accommodation.

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 260 v02 Research Skills in International and Comparative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20260%20v02)
J.D. Seminar (cross-listed) | 2 credit hours
This two-credit course will instruct students in understanding the relationship between the sources of public and private international law in a theoretical sense with their actual embodiment in tangible and electronic media. Comparative law bibliography and sources will be covered, as will selected jurisdictions in the civil law tradition. With regard to locating legislation and jurisprudence, students will learn which topics are usually covered in a civil code, and how to deal with problems of language and translation. Separate, in-depth sources will be explored for one or more of the following: international criminal law, international environmental law, international human rights, international trade law and arbitration, commercial law and intellectual property, family law as an international and comparative law topic, and documentation for intergovernmental organizations, chiefly the United Nations bodies, regional organizations, and the European Union. Grading will be based on weekly in-class or homework assignments that allow the student to use and evaluate the various sources; a brief oral presentation on a foreign legal system; and a final research guide on an international law topic or an international organization.

Recommended: International Law I: Introduction to International Law.
Mutually Excluded Courses: Students may not receive credit for both this course and the International and Foreign Legal Research Seminar or Legal Research and Communication Theory in International and Foreign Law.

LAW 260 v03 Research Skills in International and Comparative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20260%20v03)
J.D. Seminar (cross-listed) | 1 credit hour
This short course will familiarize students with the sources of public and private international law and their embodiment in tangible and electronic media. Comparative law bibliography and sources will be covered, as will selected jurisdictions in the civil law tradition. Students will learn which topics are usually covered in a civil code, and how to deal with problems of language and translation when researching foreign legislation and jurisprudence. In addition, in-depth sources will be explored for a variety of specialized topics, such as international criminal law, international environmental law, international human rights law, international trade law and arbitration, transnational commercial law and intellectual property disputes, and comparative family law. Documentation for intergovernmental organizations, chiefly the United Nations bodies, regional organizations, and the European Union, will be covered as well. Grading will be based on weekly homework assignments that allow the student to use and evaluate the sources discussed in class and on a final project consisting of a research guide on an international law topic, an international organization or the law of a foreign jurisdiction.

Recommended: Prior or concurrent enrollment in International Law I: Introduction to International Law.

Note: In Spring 2017, this class will meet on the following Thursdays: 1/19, 1/26, 2/2, 2/9, 2/16, 3/2, and 3/9.
Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 260 v04 Research Skills in International and Comparative Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20260%20v04)
J.D. Seminar (cross-listed) | 2 credit hours
Whether they are representing couples in transnational adoptions or multinational enterprises in cross-border mergers, legal practitioners increasingly are expected to consult international and foreign legal materials. This course will familiarize students with the best tools for researching international law and the domestic law of jurisdictions outside the U.S., enabling them to approach these tasks with confidence, rather than trepidation. Students will learn how to efficiently locate multilateral and bilateral treaties, decisions issued by international tribunals, documentation produced by the United Nations and other international organizations, as well as legislation and case law from selected foreign jurisdictions, including the European Union. Tools for topical research in specialized fields, such as human rights, international trade, and investor-state arbitration, also will be covered. Students will refine their information-gathering skills through a series of in-class research exercises and take-home quizzes based on real world, practice-oriented scenarios. This course will be especially beneficial for journal editors, students participating in the Jessup International Moot Court competition and other international competitions, and for students interested in pursuing careers in international law or in practicing law outside their home jurisdiction.
Recommended: Prior or concurrent enrollment in International Law I: Introduction to International Law.

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 382 v00 Roman Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20382%20v00)
J.D. Course (cross-listed) | 2 credit hours
The subject matter is classical Roman law as it was born, developed, and reached maturity by about 160 CE. The first half of the semester focuses mainly on constitutional structures; the second part on contracts and tort, including practical exercises on reported ancient cases. Whenever possible and useful, the expositions and explanations are given in a comparative manner vis-à-vis the common law of English origin. A student who completed this course should have enough knowledge and skill to begin a career of iurisprudent (wise person of the law); that is, they should be considered qualified to assist the Magistrate in his daily work at the Roman Forum; a position similar to that of clerking for an American judge.