

Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP

Syllabus

Regular courses - 2 months courses
Spring Semester 2017

Global Law Program - Fundação Getulio Vargas

Course: Introduction to Brazilian Legal System

Workload: 30 hours

Credits: 2

Overview:

The main object of this course is to introduce foreign students to the Brazilian Legal system. After a brief overview of the main features of the 1988 Constitution, the course will focus in our system of constitutional review, especially on the role of the Supreme Court. The course will certainly have a comparative perspective, to help students understand the peculiarities of the Brazilian system vis-à-vis their own constitutional systems. The subpart of the *Introduction to Brazilian Legal System* discipline provides an overview of the basic concepts underlying Brazilian tax law. Subjects covered in this introductory course include the assignment of federal and subnational taxes, the main principles and rules of individual and corporate taxation and the tax law treatment of inbound and outbound transactions and investments. Special emphasis is placed on selected issues of Brazilian taxation with an international impact.

The course aims to develop on student's knowledge on the various sources and core concepts of Brazilian tax law, as well as critical analytical skills on the structure of the Brazilian tax system and its policy implications, with a special emphasis on inbound and outbound transactions and investments.

References:

- ✓ Afonso, José Roberto; Barroso, Rafael, BRAZILIAN TAX AFFAIRS (Latin American and Caribbean Law and Economics Association Annual Papers, 2007) (transcript available at: <http://www.escholarship.org/uc/item/1rf7690j>).
- ✓ Rubinstein, Flavio, *Brazil*, in TAX ASPECTS OF FISCAL FEDERALISM: A COMPARATIVE ANALYSIS, (Claudio Sacchetto and Gianluigi Bizzoli, ed.), Amsterdam: IBFD, (forthcoming; an electronic draft will be circulated by the professor).
- ✓ Afonso, José Roberto; Rezende, Fernando, THE BRAZILIAN FEDERATION: FACTS, CHALLENGES AND PROSPECTS (Stanford University Center for Research on Economic Development and Policy Reform, Working Paper 149, 2002) (transcript available at: <http://www.stanford.edu/group/siepr/cgi-bin/siepr/?q=system/files/shared/pubs/papers/pdf/credpr149.pdf>).
- ✓ McLure, Charles E, *The Brazilian Tax Assignment Problem: Ends, Means and Constraints*, in A REFORMA FISCAL NO BRASIL, São Paulo: Fundação Instituto de Pesquisas Econômicas, 45-71 (1993).
- ✓ Schoueri, Luís Eduardo, *National Report: Brazil*, in THE EU AND THIRD COUNTRIES: DIRECT TAXATION (Michael Lang; Pasquale Pistone, ed.), Viena: Linde, 639-681 (2007).
- ✓ CONTRIBUTION TO THE HISTORY OF TAX TREATIES: THE BRAZILIAN EXPERIENCE (2008) (transcript available at: <http://www2.wu-wien.ac.at/taxlaw/events/Conferencepapers/Rust2008/NRRust2008BrazilSchoueri.pdf>).
- ✓ Souza, Celina, *Brazil's Tax System: The Dilemmas of Policy Reform* (Fondation canadienne pour les Amériques Working Paper FPP-05-02, 2002) (transcript available at: http://www.focal.ca/pdf/brazil_tax.pdf).
- ✓ Ter-Minassian, Teresa, *Brazil*, in FISCAL FEDERALISM IN THEORY AND PRACTICE (Teresa Ter-Minassian ed.), Washington: International Monetary Fund, 438-456 (1997).
- ✓ World Bank, BRAZIL: ISSUES IN FISCAL FEDERALISM (Report No. 22523-BR, 2002) (transcript available at: <http://siteresources.worldbank.org/BRAZILINPOREXTN/Resources/3817166-1185895645304/4044168-1186403960425/51IssuesFiscalFederalism.pdf>).

Global Law Program - Fundação Getulio Vargas

Course: Social Representation of Law in Brazil

Workload: 30 hours

Credits: 2

Overview:

The course intends to present and discuss accepted representations of Brazilian society. In its history, different images have led to the emergence of competing, sometimes antagonistic views, on the role of Law and the judicial system. By debating myths and perceptions through concrete situations, this course offers an introduction to the economic and social problems that challenge the Brazilian interpreter and that influence how its legal system works

References:

- ✓ BRESSER-PEREIRA, L.C. MARAVALL, José María and PRZEWORSKI, A. Economic reforms in new democracies: a social-democratic approach. In William C. Smith, Carlos H. Acuña and Eduardo Gamarra, eds., Theoretical and Comparative Perspectives for the 1990s. New Brunswick, USA: Transaction Books, 1994: 181-212.
- ✓ CANDIDO, A. (translated by Howard S. Becker) – On Literature and Society – Princeton University Press, 1995
- ✓ LEVINE, R. & CROCITI, J. (eds.) - The Brazil Reader: History, Culture, Politics (The Latin America Readers), 1999
- ✓ MARTINUSSEN, John – Society, State and market. A guide to competing theories of development. Zed Books, 1997.
 - TAYLOR, Charles - Modern social imaginaries, Durham : Duke University, 2004.

Global Law Program - Fundação Getulio Vargas

Course: Global Securities Regulation and its Influence in Brazil

Workload: 30 hours

Credits: 2

Overview:

Considering the different status of economic openness (free capital movements), and having in mind the specific limits and restrictions imposed by the different jurisdictions and its legal systems, the course will examine the impact of globalization on national and international, and public and private securities regulation. It will focus around the following related issues:

- (i) the relationships established in the international capital markets and how they affect the domestic regulatory activity,
- (ii) the limits of the domestic and international regulation,
- (iii) harmonization possibilities in securities regulation,
- (iv) legal determinants that can drive to the development of the regulatory environment and to the development of the markets.

References:

- ✓ COFFEE, John C.; SELIGMAN, Joel; SALE, Hillary. Cases and Materials. Securities Regulation, 10th ed, 2007, New York: Foundation Press
- ✓ IOSCO. Objectives and Principles of Securities Regulation, May/2003. Available at <http://www.iosco.org/library/pubdocs/pdf/IOSCOPD154.pdf>
- ✓ BALDWIN, R.; CAVE, M.; LODGE, M. Understanding regulation: theory, strategy and practice. Oxford: Oxford University Press, 2012.
- ✓ BRUMMER, C. Soft Law and the Global Financial System: Rule Making in the 21st Century. Cambridge: Cambridge University Press, 2012.
- ✓ EATWELL, J. The Future of International Financial Regulation. In: BURKE, S. (Ed.). Re-Defining the Global Economy. New York: Friedrich Ebert Stiftung Occasional Paper No. 42, 2009. P. 37-43.
- ✓ HELLEINER, E.; PORTER, T. Making Transnational Networks More Accountable. In: Sara BURKE, S. (Ed.). Re-Defining the Global Economy. New York: Friedrich Ebert Stiftung Occasional Paper No. 42, 2009. P.14-24. Available at <http://library.fes.de/pdf-files/iez/global/06293.pdf>.
- ✓ KELLY, C.; KARMEL, R. S. The hardening of soft law in securities regulation. Brooklyn Journal of International Law, v. 34, 2009. (Brooklyn Law School. Legal Studies Paper n. 141). Available at <http://ssrn.com/abstract=1371188>.
- ✓ LA PORTA, R.; LOPEZ DE SILANES, F.; SHLEIFLER, A. What Works in Securities Laws? The Journal of Finance, v. LXI, n 1, 2007.
- ✓ MILHAUPT, C.; PISTOR, K. Law and Capitalism: What Corporate Crises Reveal about Legal Systems and Economic Development around the World. Chicago: University of Chicago Press, 2008.
- ✓ PORTER, T. Globalization and Finance. Cambridge, Mass.: Polity, 2005.
- ✓ SIMMONS, B. The International Politics of Harmonization: The case of Capital Market Regulation. International Organization, v. 55, 2001, p. 589-620.
- ✓ SINGER, D. A. Regulating Capital: Setting Standards for the International Financial System. Ithaca: Cornell University Press, 2007.

- ✓ UNDERHILL, G.; ZHANG, X Setting the rules: private power, political underpinnings, and legitimacy in global monetary and financial governance. *International Affairs*, v. 84, n. 3, 2008, p. 535-554.

Global Law Program - Fundação Getulio Vargas

Course: Merger and Acquisition

Workload: 30 hours

Credits: 2

Overview:

To prepare and train the student to participate and undertake merger and acquisition transactions

Understanding how the merger and acquisition process functions (including the use of letters of intent, confidentiality and exclusivity agreements, due diligence, negotiation and execution of agreements, getting to closing and post-closing matters), key practical and contractual issues that arise in the merger and acquisition process and substantive areas of law such as antitrust, tax, intellectual property, labor, choice of law and dispute resolution/litigation issues.

Classes will deal with a variety of topics related to merger and acquisition transactions, including contract law issues (in the pre-signing, negotiation and execution of agreements and post signing and post closing issues), legal responsibility of the parties involved in such transactions, antitrust/competition law issues, tax issues, regulatory issues, intellectual property issues, constraints and conditions for such transactions to be undertaken and litigation matters

One part of the class will be expositive, consisting of lectures and presentations of themes by the professor. In the other part of the class, students will be expected to actively participate, whether it will be by means of presentations or discussion of cases. Concrete cases will be discussed and presented that are related to the topics that are considered in the classroom.

References:

To be determined.

**Global Law Program
Fundação Getulio Vargas
FGV DIREITO SP**

Syllabus

**Visiting Professor – Short Term Courses
Spring Semester 2017**

Global Law Program – **Visiting Professor**

Course: GLOBAL COMPETITION LAW

Workload: 15 hours

Credits: 1

Overview:

Global Competition Law is a course designed to provide basic knowledge of the key concepts and elements of competition law in the world. In the first part of the course students will be given a basic introduction to the major theories of competition law and the structure of two most important competition enforcement systems in the world, namely those of the US and the EU. This introduction will be followed by an analysis of conducts that are considered illegal in competition law throughout the globe. In the second part of the course, several competition decisions from both the US and the EU will be discussed in detail, which will help the students grasp in depth the major issues of global competition. Finally, the last part of the course will be dedicated to competition in regulated markets.

References:

- ✓ Competition Law (8th ed.), Richard Whish, Oxford University Press
- ✓ Black Letter Outline on Antitrust (5th ed.), Herbert Hovenkamp, West Academic Publishing
- ✓ Antitrust: Examples and Explanations, Christopher Sagers, Wolters Kluwer

Suggested Reading:

- ✓ Competition Policy; Theory and Practice, Motta Massimo, Cambridge University Press
- ✓ The Antitrust Enterprise; Principle and Execution, Herbert Hovenkamp, Harvard University Press
- ✓ The Design of Competition Law Institutions, Eleanor M Fox and Michael J Trebilcock, Oxford University Press
- ✓ The EU Law of Competition, Jonathan Faull and Ali Nikpay, Oxford University Press
- ✓ State Intervention and EU Competition Law, José Luis Buendia Sierra, Oxford University Press
- ✓ EU Competition Procedure, Luis Ortiz Blanco, Oxford University Press
- ✓ The Foundations of European Union Competition Law, Renato Nazzini, Oxford University Press
- ✓ Antitrust Law, 2nd Ed., Richard Posner, University of Chicago Press
- ✓ EU merger control: an economic and legal analysis, Ioannis Kokkoris, Howard Shelanski, Oxford University Press
- ✓ EU competition procedure, Luis Ortiz Blanco (ed.), Oxford University Press
- ✓ Global competition law and economics, Damien Geradin and Einer Elhauge, Hart Publishings
- ✓ Global competition: law, markets, and globalization, David J. Gerber, Oxford University Press
- ✓ The design of competition law institutions: global norms, local choices, Eleanor M. Fox and Michael J. Trebilcock, Oxford University Press
- ✓ Bellamy & Child materials on European Union law of competition, Andrew Macnab, Oxford University Press .

Global Law Program – **Visiting Professor**

Course: The Digital Future of the Oldest Information Profession

Workload: 15 hours

Credits: 1

Overview:

Law may not be the oldest profession, but it was likely the first profession to exist as an information business. Lawyers deal in ideas, expressed in words. Setting aside briefs and opinions – which are, after all, only the physical recording and embodiment of ideas – no physical product gets created or shipped. No buildings or bridges take shape according to the lawyer’s vision. Physical dexterity and keen powers of physical observation, so important to doctors, count for relatively little. If, as Andrew Abbott has argued (Abbott, 1988), professionals are individuals charged with developing and applying expert knowledge, law was a field where information alone gave shape to that expertise.

So situated, lawyers took only glancing blows during the industrial revolution. The tools of research and of expression changed, progressing from goose quill to typewriters to word processors residing in the cloud, but throughout it all the nature of lawyers’ daily work changed less than perhaps any other profession (Barton, 2015).

As we shift to the digital revolution, law practice finds itself smack in the middle of the battlefield. Some of the changes that will be brought to law are already taking shape; others undoubtedly are as hidden from current view as global manufacturing chains were hidden from the early Luddites. This article will look at three ways legal practice is being disrupted by the digital information revolution, and then examine how education for legal service providers might

evolve to best serve society in light of those disruptions.

First, from outside legal practice have come and will come changes in how white collar work is performed that affect law practice along with other occupations. For example, the digitization of documents and the development of digitally monitored business process management both arose outside of law practice, but have combined to change how documents get reviewed and processed in major litigation and corporate deals. Digital documents are easy to ship worldwide and susceptible to machine review, and technology enables higher levels of planning and performance tracking than were possible in the era of legal pads. While not limited to law practice, such exogenous business process changes have had and will continue to have a significant impact on how traditional legal businesses operate.

Second, digital products and processes will arise or be modified specifically to solve legal problems without resort to traditional legal practice or analysis. An example of this type of innovation would be LexMachina or IBM’s legal application for its Watson product, ‘Ross’, which apply Big Data techniques to legal issues. Other examples would be rule-based document assembly systems, which assess client needs and deliver appropriate legal documents. Some of these digitized systems will replace lawyers as software-only solutions, while others will assist lawyers. Still others – and perhaps the most economically significant, if regulation allows – will enable non-lawyers to serve as the interface between client needs and digitized expert knowledge, delivering an acceptable level of problem solving without recourse to traditionally trained lawyers.

Third, and not least important, will be changes in the law itself to adapt to a digital environment – that is, the ways in which legal rules and processes will need to evolve to function

effectively and justly in a digital world. Many of the new digital technologies rely on massive data sets, and the justice system does not – and perhaps should not - create data in the same way Internet sites or retail supply

chains do. Just as businesses and government bureaucracies have had to adjust workflows and information capture to take advantage of digital possibilities, pressure will be brought on legal systems to restructure in order to be digital friendly. As rules become embedded in software code, perhaps even removing the option for choice, legal thinkers will have to address how such embedded directives fit into a system of rules formerly captured only in text.

As legal practice and the role of law on the ground evolve, new challenges will arise for legal education. Anglo-Saxon and North American legal education, in particular, clings stubbornly to a model originally developed to train common-law lawyers. As new legal services and solution providers emerge, either as digital products or as paraprofessionals assisted by technology, the question will arise as to how to structure legal education in order to best meet the changing needs of society for legal services. In an environment where software programs and paraprofessionals can provide more efficient solutions than traditional lawyers, society will need to address whether its investment in education for legal services should be shifted to enable new pedagogical and training approaches.

Digital technology has reached the provision of legal services, and will not go away. How we understand, enforce and access law will change. It will affect the way lawyers practice, and it will provide new forms of competition. Some authors even claim that it will displace traditional legal practice. Neither reflexive opposition nor utopian boosterism will provide the right answer, as the shift to digital forms of law promises not just great benefits but also profound challenges that will need nuanced attention. In the face of this certain change, all stakeholders in the provision of legal services should avoid parochial viewpoints, and examine present and future roles against the preeminent question of what will best serve the needs of society.

References:

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- ✓ Barlow, M. (2013). *The Culture of Big Data*, Sebastopol, California, USA: O'Reilly Media.
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- ✓ Blackburn, D. (2013). *Big Data for Law Firms*, London, UK: Ark Group
- ✓ Brynjolfsson, E., & McAfee, A. (2011). *Race Against The Machine: How the Digital Revolution is Accelerating Innovation, Driving Productivity, and Irreversibly Transforming Employment and the Economy*, Lexington, MA: Digital Frontier Press. Kindle Edition.
- ✓ Brynjolfsson, E., & McAfee, A. (2014). *The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies*. New York: W. W. Norton & Company.
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- ✓ Campbell, R.W. (2016). The end of law schools: Legal education in the era of legal service businesses. *Mississippi Law Journal*. Forthcoming.
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- ✓ Christensen, C.M., Grossman, J.H., & Hwang, J. (2008). *The Innovator's Prescription: A Disruptive Solution for Health Care*, New York: McGraw-Hill Education.
- ✓ Christensen, C.M., Horn, M.B., Caldera, L., & Soares, L. (2011). *Disrupting College: How Disruptive Innovation Can Deliver Quality and Affordability to Postsecondary Education*.

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- ✓ Dumbill, E. (2012). *Planning for Big Data*, Sebastopol, California, USA: O'Reilly Media.
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- ✓ Mayer-Schonberger, V., & Cukier, K. (2013). *Big Data: A Revolution That Will Transform How We Live, Work, and Think*. New York, New York, USA: Houghton Mifflin Harcourt.
- ✓ Mayer-Schönberger, V., & Cukier, K. (2014). *Learning With Big Data (Kindle Single)* New York: Houghton Mifflin Harcourt.
- ✓ McGinnis, J.O., & Pearce, R.G. (2014). The great disruption: How machine intelligence will transform the role of lawyers in the delivery of legal services, *Fordham Law Review*, 82, 3041-3066.

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- ✓ McQuivey, J. (2013). Digital Disruption: Unleashing the Next Wave of Innovation, Las Vegas, Nevada, USA: Amazon Publishing.
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- ✓ Pasquale, F. (2015). The Black Box Society: The Secret Algorithms That Control Money and Information, Cambridge, MA: Harvard University Press.
- ✓ Patil, D.J., & Mason, H. (2015). Data Driven, Sebastopol, California, USA: O'Reilly Media.
- ✓ Pilkington, M. (2016). The blockchain technology: Principles and applications. In F.X. Olleros & M. Zhegu (Eds.) Research Handbook on Digital Transformations. (pp. ??). Northampton, MA: Edward Elgar.
- ✓ Provost, F. & Fawcett, T. (2013). Data Science for Business: What you need to know about data mining and data-analytic thinking, Sebastopol, California, USA: O'Reilly Media.
- ✓ Regan, M.C. Jr., & Heenan, P.T. (2010). Supply chains and porous boundaries: The disaggregation of legal services, Fordham Law Review 78, 2137-2191.
- ✓ Ribstein, L.E. (2010). The death of Big Law, Wisconsin Law Review, 749-815.
- ✓ Rubin, E. ed. (2012). Legal Education in the Digital Age. New York: Cambridge University Press.
- ✓ Rudder, C. (2014). Dataclysm: Who We Are (When We Think No One's Looking), Crown/Archetype. Kindle Edition.
- ✓ Schmidt, E., & Cohen, J. (2013). The New Digital Age: Transforming Nations, Businesses, and Our Lives. New York: Knopf Doubleday Publishing Group.
- ✓ Solow, R. (1987). We'd better watch out. New York Times Book Review, July 12.
- ✓ Susskind, R. (2008). The End of Lawyers?: Rethinking the Nature of Legal Services. Oxford, United Kingdom: Oxford University Press.
- ✓ Susskind, R. (2013). Tomorrow's Lawyers: An Introduction to Your Future. Oxford, United Kingdom: Oxford University Press.
- ✓ Susskind, R., & Susskind, D. (2016). The Future of the Professions: How Technology Will Transform the Work of Human Experts. Oxford, United Kingdom: Oxford University Press.
- ✓ Thomson, D.I.C. (2009). Law School 2.0: Legal Education for a Digital Age. LexisNexis Books.
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Global Law Program – Visiting Professor

Course: U.S. Constitutional Law

Workload: 15 hours

Credits: 1

Overview:

This one week, fifteen hours course introduces students to selected topics in U.S. Constitutional Law, with a special focus on the constitutional jurisprudence of the U.S. Supreme Court on race and racial inequality. The course will cover U.S. Supreme Court case law on the foundations and justification of judicial review; jurisdiction and standing; the Reconstruction Amendments (with a special focus on the Equal Protection Clause of the Fourteenth Amendment); and the constitutional law of democracy, with a special focus on the voting rights of racial and language minorities.

By the end of the course, students will have a rudimentary understanding of the role of the Constitution in U.S. national life, the nature and justifications of judicial review; methods of constitutional interpretation; the relevance for U.S. constitutional law and politics of institutional design, i.e., separation of powers and federalism; the theory and jurisprudence of individual rights; and the relationship between constitutionalism, race and democracy.

Course Methodology and Evaluative Criteria

The principal methodology of the course will entail close reading and analysis of Supreme Court opinions and excerpts from the relevant scholarship, using a combination of short lectures by the instructor and guided "Socratic" discussion with the student participants. A central feature of the course will be 5 short (1 or 2 page) typed "Question and Comment" assignment that each student will be expected to submit in advance of each class session. The "Question and Comment" documents will frame the daily class discussion; the "Question and Comment" submissions will also provide the principal basis for evaluation of each student at the conclusion of the course.

References:

Topics and Materials

1) Constitutions and Constitutional Courts: the law of politics and the politics of law. Judicial review: the continuation of politics by other means?

(i) The U.S. Constitution, *Marbury v. Madison*, Federalist 10, Federalist 51, *Scott v. Sanford*, Balkin and Levinson, "13 Ways of Looking at *Dred Scott*," Garber, "The Lessons of *Dred Scott*"

(ii) *Johnson & Graham's Lessee v. M'Intosh*, Purdy, "Property and Empire: The Law of Imperialism in *Johnson v. M'Intosh*"

(iii) *Downes v. Bidwell*, Torruella, "The Insular Cases: The Establishment of A Regime of Political Apartheid"

2) Before the law: jurisdiction, justiciability and other doctrines

- (i) Allen v. Wright, Los Angeles v. Lyons, Sundquist, “The First Principles of Standing: Privilege, System Justification and the Predictable Incoherence of Article II,”
- (ii) Shaw v. Reno, Issacharoff and Karlan, Standing and Misunderstanding in Voting Rights Law”

3) Critical Race Theory and Constitutional Identity - I

- (i) Plessy v. Ferguson, Harris, “The Story of Plessy v. Ferguson”
- (ii) Korematsu v. U.S., Korematsu Supplement, Gotanda, “The Story of Korematsu,”
- (iii) Hernandez v. Texas, Brown v. Board of Education (I), Haney López, “Race and Colorblindness after Hernandez and Brown,”

4) Critical Race Theory and Constitutional Identity - II

- (i) Brown v. Board of Education (II), Wechsler, “Toward Neutral Principles of Constitutional Law,” Black, “The Lawfulness of the Segregation Decisions,” Thomas, “Foreword: Reading Charles Black Writing,” Peller, “Neutral Principles in the 1950s” Bell, “Brown v. Board of Education and the Interest Convergence Dilemma,” Freeman, “Legitimizing Racial Discrimination Through Antidiscrimination”
- (ii) Loving v. Virginia, Roberts, “Loving v. Virginia as a Civil Rights Decision”
- (iii) Gotanda, “A Critique of ‘Our Constitution Is Color Blind’,” Guinier and Torres, “A Critique of Colorblindness,” Crenshaw, “Race, Reform and Retrenchment,” Harris, “Whiteness as Property” (pp. 276-287), Fiss, “Groups and the Equal Protection Clause,” Thomas, “Racial Justice: Moral or Political?”
Optional Reading: Crenshaw, Gotanda, Peller and Thomas, “Introduction” to Critical Race Theory: Key Writings that Founded the Movement
- (iv) Washington v. Davis, Lawrence, “The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism,” McCleskey v. Kemp, Cohen, “McCleskey’s Omission: The Racial Geography of Retribution,” McCleskey Supplement
Optional Reading: Levinson, Smith and Young, “Devaluing Death: An Empirical Study of Implicit Racial Rias on Jury-Eligible Citizens in Six Death Penalty States”

5) Racial democracy and democratic justice: race politics, race conscience and affirmative action

- (i) Shaw v. Reno, Raskin, “Unequal Protection: The Supreme Court’s Racial Double Standard in Redistricting” Jayne Chong-Soon Lee, “Navigating the Typology of Race”
- (ii) Grutter v. Bollinger, Harris, “Whiteness as Property” (pp. 287-291), Lawrence, “Two Views of the River: A Critique of the Liberal Defense of Affirmative Action”
- (iii) Parents Involved in Community Schools v. Seattle School District No. 1, Spann, “Disintegration”
Optional Readings: Adams, “Stifling the Potential of Grutter v. Bollinger: Parents Involved in Community Schools v. Seattle School District,” Fischbach, Rhee and Cacace, “Race at the Pivot Point: The Future of Race-Based Policies to Remedy De Jury Segregation after Parents Involved in Community Schools v. Seattle School District”
Shelby County v. Holder, Fishkin, “The Dignity of the South”
Optional Reading: Charles and Fuentes-Rohwer, “The Voting Rights Act in Winter: The Death of A Superstatute”
Schuette v. Coalition to Defend Affirmative Action, Integration, Immigrant Rights and Fight for Equality by Any Means Necessary, Friedman, “Schuette v. Coalition to Defend Affirmative Action and the Forgotten Oath”
Spann, “Good Faith Discrimination”