

Global Law Program – Visiting Professor
Fundação Getulio Vargas
DIREITO GV

Syllabus

Global Law Program – Visiting Professor

Course: Negotiation Workshop

Professor: Lynn Cohn

Workload: 15 hours

Credits: 1

Overview:

This workshop is designed to help students improve their skills in negotiation, joint decision making, and joint problem solving, and to enable them to develop these skills further in the future. More specifically, the aims are:

- A. To give you an organized theoretical framework with which to analyze problems of negotiation -- one that will help you to keep learning from your experiences.
- B. To enable you to experiment actively with a variety of negotiating techniques and your own negotiating styles.
- C. To help you become more sensitive to ethical issues in negotiation.
- D. To give you some experience with different contexts of negotiation, from legal to diplomatic, from bilateral to multilateral.
- E. To improve the workshop, both the content and procedure, by trying out a variety of material and methods and soliciting detailed feedback from you.

References:

- ✓ The Race Horse - Confidential Instructions - Jockey's Agent - T.D. Ahrens

Global Law Program – Visiting Professor

Course: Comparative Perspectives on Corporate Governance, Law, and Economic Development

Professor: Curtis J. Milhaupt

Workload: 15 hours

Credits: 1

Overview:

The class will give the student an overview of the US Corporate Governance with a focus on mergers and acquisitions. Also we will discuss and present a research on high economic growth under authoritarian political regimes (which includes discussion of Latin America).

References:

- ✓ Fiduciary Duty, Shareholder Litigation and the Business Judgment Rule – Sinclair Oil Corp. v. Levien
- ✓ In Re Caremark Int'l Inc. Derivate Litigation – Delaware Court of Chancery, 1996
- ✓ Economically Benevolent Dictators: Lessons for Developing Democracies, Ronald J. Gilson & Curtis J. Milhaupt

Global Law Program – Visiting Professor

Course: International Human Rights: Multiculturalism, Cultural Diversity and the question of Universality

Professor: Henry Steiner

Workload: 15 hours

Credits: 1

Overview:

The Purpose of this course is to explore several interrelated questions through general readings and through 3 illustrative studies that will form the backbone of our class discussion. The questions concern a deep dilemma in the international human rights movement as it has developed over the six decades. The movement describes itself as “universal”.

Indeed, its fundamental “charter” of 1948 bears the title of *Universal Declaration of Human Rights*. Nonetheless, the movement addresses a world of astonishing diversity from such perspectives as tradition, practices, wealth, political and socio-economic system, languages, religion, ethnicity and more broadly culture.

This world of great ethnic and cultural variety has long existed among different regions and states. In current times that diversity also characterizes the internal life of many increasingly multiethnic and multicultural states as a consequence of such global forces as immigration, refugee flow, or temporary labor movements – all facets of the contemporary phenomenon of globalization itself. It is hardly surprising that basic features of some states and peoples conflict with the notion of one universal system of human rights must everywhere reign supreme. How to think about and try to resolve such conflicts, both among states and within a single state’s population, constitutes then the basic orientation of this course.

References:

- ✓ Chapter 7 of the third edition of Steiner, Alston and Goodman, *International Human Rights: Law, Politics, Morals* (Oxford Univ. Press 2008)

Course: International Perspectives on Violence against Women

Professor: Diane L. Rosenfeld

Workload: 15 hours

Credits: 1

Overview:

This course addresses various issues on women's human rights around the world with a particular emphasis on violence against women. The potential for international feminist alliances to stop sexual violence will be one of the foci of the course. Throughout the course, we consider cultural, political and legal dimensions of women's status as full citizens in the world. No previous experience in women's legal rights is required.

Unit One: Introduction--Issues of Violence Against Women around the World

We will discuss the prevalence and variation of violence against women in different countries, as well as an overview of attempts to address it. We will begin by examining a multi-country study by the World Health Organization on violence against women. We will then consider women's legal rights in the context of the occurrence of gender-based violence. As an example of law's power to intervene in violence against women, we will study the case of Amina Lawal, who was sentenced to be stoned to death for adultery in Nigeria by a Shari'a court. Hauwa Ibrahim, her lawyer, was able to save her life through strategic intervention, backed by substantial international media pressure.

Unit Two: Sexual Coercion, Patriarchal Violence and the Law

To take a different perspective on violence against women, in this Unit we study male sexual coercion among primates and humans, including in small-scale societies in Brazil. Almost all societies have evidence of male sexual coercion that is expressed in numerous different forms and in different degrees of severity. From this study, we analyze the role of male sexual coercion in a patriarchal social order, and identify factors that alter that arrangement.

We then consider violence within marriage and intimate relationships. Domestic violence occurs in all communities regardless of class, race, or geographic location. Here, we will examine the underlying factors that contribute to its prevalence. Particular focus will be on U.S. laws and responses to domestic violence, including promising new law enforcement initiatives that address the unique nature of the problem.

Unit Three: "Rape Is..."

We will screen the documentary film "Rape Is..." (co-produced by Professor Rosenfeld and Cambridge Documentary Films) that examines the problem of rape in its many different forms. From child sexual abuse to rape as a tool of war, we consider the effects of rape on all women, whether or not they have been victimized directly.

Against this backdrop, we will look at the current crisis in Darfur and the unprecedented rate of gang rapes. What is the international community doing to stop it? What can it do? We will consider other major episodes of rapes during wartime, including the sexual slavery of Korean "comfort women" in World War II.

Unit Four: Women for Sale: Prostitution and Sex Trafficking

We will examine questions about prostituted women, including how they became prostituted, who are the men who use women in this industry, and how the market of sex trafficking is regulated. What are the legal initiatives and approaches that would best address these problems?

Pornography is intimately related to prostitution and sex trafficking. It is also an important factor in child sexual abuse. The explosion of pornography on the Internet and its easy accessibility has led to a huge increase in child pornography. We will consider how this trend might be reversed.

Unit Five: Feminists without Borders: Building Female-Female Alliances and the Power to Change the World

In the last Unit, we look at the power and potential of female-female alliances, as well as female-male alliances, to change patriarchal societal structures. We will study and create international collective efforts to stop violence against women around the world.

References:

- ✓ WHO Multi-country Study on Women's Health and Domestic Violence against Women;
- ✓ Sexual coercion, Patriarchal Violence and Law.
- ✓ GPS Monitoring Systems for Batterers: Exploring a New Paradigm of Offender Accountability and Victim/Survivor Safety - By Diane L. Rosenfeld (with Kirstin Scheffler)

Global Law Program – Visiting Professor

Course: Advanced Intellectual Property Law

Professor: William Fisher

Workload: 15 hours

Credits: 1

Overview:

This one-week course will examine in depth five controversial issues in intellectual-property law. We will compare the ways in which different countries address these issues -- and will consider the insights that can be gleaned from current legal scholarship.

References:

- ✓ [Kal Raustiala & Christopher Sprigman, "The Piracy Paradox: Innovation and Intellectual Property in Fashion Design," 92 Va. L. Rev. 1687 \(2006\)](#)
- ✓ [Jeannie Suk and Scott Hemphill, "The Law, Culture, and Economics of Fashion" \(forthcoming Stanford Law Review 2009\)](#)
- ✓ [Counterfeit Chic \(roam around the site for a bit\)](#)
- ✓ [Bart Anupam Chander & Madhavi Sunder, "The Romance of the Public Domain," 92 California Law Review 1331 \(2004\)](#)
- ✓ [Stephen Munzer and Kal Raustiala, "The Uneasy Case for Traditional Knowledge," 27 Cardozo Arts & Entertainment Law Journal 37 \(2009\)](#)
- ✓ [Kristen A. Carpenter, Sonia Katyal, and Angela Riley, "In Defense of Property," 118 Yale L.J. 1022 \(2009\)](#)
- ✓ [Antonio C. Guedes and Maria Jose Sampaio, "Genetic Resources and Traditional Knowledge in Brazil" \(2000\) on Beebe, "Intellectual Property and the Sumptuary Code," forthcoming Harvard Law Review \(2010\)](#)
- ✓ [William Fisher & Talha Syed, "Global Justice in Health Care: Developing Drugs for the Developing World," 40 UC Davis Law Review 581 \(2007\)](#)
- ✓ [Fisher & Syed, "A Prize as a Partial Solution to the Health Crisis in the Developing World" \(2009\)](#)
- ✓ [The Health Impact Fund: Making New Medicines Accessible for All \(2008\)](#)
- ✓ [Fisher & Rigamonti, Case Study on the South Africa AIDS Controversy](#)
- ✓ [William Fisher, *Promises to Keep: Technology, Law and the Future of Entertainment* \(Stanford University Press 2004\), Chapter 6](#)
- ✓ [Mark Lemley & R. Anthony Reese, "Reducing Copyright Infringement Without Restricting Innovation," 56 Stan. L. Rev. 1345, 1345-54, 1373-1426 \(2004\)](#)
- ✓ [Salil K. Mehra, "The iPod Tax: Why the Digital Copyright System of American Law Professors' Dreams Failed in Japan," 79 U. Colo. L. Rev. 421 \(2008\)](#)
- ✓ [Guy Pessach, "An International-Comparative Perspective on Peer-to-Peer File-Sharing and Third Party Liability in Copyright Law: Framing the Past, Present, and Next Generations' Questions," 40 Vand. J. Transnat'l L. 87 \(2007\)](#)
- ✓ [Apple, Inc., HBS Case No. 9-708-480 \(2008\)](#)
- ✓ [Verizon, HBS Case Study ____ \(2010\)](#)
- ✓ [Quanta Computer, Inc. v. LG Electronics, 128 S.Ct. 2109 \(2008\)](#)
- ✓ [Carsten Fink, "Entering the Jungle of Intellectual Property Rights, Exhaustion, and Parallel Importation," in Carsten Fink, ed., Intellectual Property and Development: Lessons from Recent Economic Research 171 \(2005\)](#)
- ✓ [William Fisher, "When Should We Permit Differential Pricing of Information?," 55 UCLA Law Review 1 \(2007\)](#)

Global Law Program – Visiting Professor

Course: Dispute Resolution Process

Professor: Beth Schwartz

Workload: 15 hours

Credits: 1

Overview:

The course will discuss various Dispute Resolution Processes, including: litigation; arbitration; negotiation; mediation.

Will also create a structure for the participants to Identifying Issues for Resolution; Identifying Options for Resolution; Creativity and Problem-Solving; Gender and Cultural Considerations; Dealing with Impasse; Drafting Agreements.

References:

- ✓ Tom Arnold – Twenty Common Errors in Mediation Advocacy
- ✓ BUILDING THE LATIN AMERICA WE WANT: SUPPLEMENTING REPRESENTATIVE DEMOCRACIES WITH CONSENSUS BUILDING – Mariana Hernandez Crespo

Course: Constitutionalization of Investment Law

Professor: M. Sornarajah

Workload: 15 hours

Credits: 1

Overview:

1. Historical Overview. Colonial expansion. Spanish conquest. Justifications of international lawyers for Spanish expansion. Suarez; Vittoria.
2. British colonial expansion. The practice of extraterritoriality in China and the Middle-East. The role of international law in supporting colonialism. The creation of doctrine which justified imperial expansion and changing attitudes to trade and property. Freedom of the high seas. The right to individual property and destruction of common ownership of property.
3. Constitutional norms of private property protection emerge but are enforced through the imperial system.
4. The United States and Latin America. The evolution of an international minimum standard of treatment of aliens. The Calvo Doctrine and the competing national standard of treatment.
5. Here there is a lack of a system but finally, power equations result in conflicts being settled by Claims Commissions which develop the law. The Neer Claim (1926) stating the notion of denial of justice. Initial competence in the domestic courts. Only upon obnoxious and atrocious failure to provide justice would an international claim arise. A compromise as there is a duty to exhaust national remedies.
M. Sornarajah, *The International Law on Foreign Investment* (Cambridge University Press, 2010). In package.
6. The neo-classical view on foreign investment. Benefits of foreign investment emphasized: creation of capital pools, releasing domestic capital for other investment, like infrastructure, etc.; technology transfer; transfer of management skills to local personnel; export earnings.
7. The theory would obviously favour strong protection being given to foreign investment on the basis that flows of foreign investment necessary for economic development will take place only if there is such protection.
8. It would require strong constitutional documents at the national level ensuring protection of capital assets and property, ready recourse to external arbitration and the use of foreign law if necessary on the grounds that local law will not assure foreign investor sufficient guarantees. The only way to escape foreign scrutiny is to maintain good constitutional safeguards of property rights.
9. The dependency school. Strongest in Latin America. Centre-periphery relations brought about by integration of states through investment of multinational corporations. The only meaningful way of ensuring development is through break-up of this cycle of dependence.
10. We leave out of course, the communist bloc which did not recognize foreign investment.
11. The theory favours national treatment and nationalization of foreign investment to end cycle of dependence.
12. The rise of neo-liberalism. The characteristics of neo-liberalism. Property rights; contract rights; judicial settlement of contract and property disputes; redefinition of the rule of law; operation of free market mechanisms; competition laws ensuring free market model; political democracy.
13. Impact on the law. The making of bilateral investment treaties and regional treaties. The role of investment arbitration.
14. The retreat of neo-liberalism? The Argentine economic crisis; global economic crisis.
M. Sornarajah, "The Ravage and Retreat of Neo-liberalism in International Investment Arbitration"
15. Given the context of the legal conflict, the project to bring about more certain law.
16. The attempt at secondary, procedural norms. The establishment of ICSID (1965). The procedural rules on state responsibility. This ensures that procedure and institutions are created enabling the pronouncement of substantive principles.

17. Protection through contract. Elevation of the contract into the international plane, making it immune to national law. The theory of internationalization of the foreign investment contract. Stabilisation clause; choice of law clause indicating general principles of law; overseas arbitration. *Texaco v Libya* (1972) as the high point of the theory of internationalization. Policy rationales for internationalization.
 18. Reaction of developing countries. The doctrine of permanent sovereignty over natural resources. Constitutional provisions and foreign investment laws requiring the localization of foreign investment through the idea that people have an interest in their economy, particularly in natural resources. The change in the types of foreign investment contract. In the oil sector, the change from concession agreements to production sharing agreements. In other sectors, the wide prevalence of joint ventures as the form of entry of foreign investment.
 19. The New International Economic Order. The Charter of Economic Rights and Duties of States. The principles incorporated in them.
 20. The role of investment treaties as securing an accommodation. The internal balance that was secured ostensibly on the basis that inflows help economic development and these will not take place without treaty protection.
 21. The end of the Cold War. The “end of history”. The emergence of neo-liberalism. The tenets of neo-liberalism. The emphasis on property rights. The emphasis on contractual sanctity as the organizing principle of business. The redefinition of the rule of law. The resort to legalism to justify the economic views. The role of dispute resolution in the justificatory process. The globalization phenomenon used as justification. The argument for the multilateralization of norms. In trade, this was a reality through the WTO. In investment, the attempt at MAI and later, at the WTO. Failure. The thesis that multilateralization is possible through construction of trends; (customary law, precedent in arbitration, repetition of principles in bilateral investment treaties). Sornarajah, *International Law on Foreign Investment* (Chapter) Schill,
 22. The decision in *AAPL v Sri Lanka* (1992). The dramatic rise in investment arbitration follows. The bases of jurisdiction are extended. “Arbitration without privity”. Expansive jurisdiction.
 23. What is an investment? *Malaysian Salvors v Malaysia*. Manipulation of corporate nationality. *Aguas del Trigo v. Bolivia*. *Tokio Mokuks v Ukraine*.
 24. Manipulation of the most favoured nation clause. *Maffezini v Spain*.
 25. Migration of investors and investments. The current *Conoco Philips v Venezuela* dispute.
- Substantive principles
26. The bases of liability. National Treatment. *SD Myers v Canada*; *UPS v Canada*.
 27. The international minimum standard. Its history. *The Neer Claim* (1926); Efforts to relax the Neer Claim standard.
 28. Fair and Equitable treatment: its history. The expansion of this standard. *Pope and Talbot v Canada*. The interpretive note tying fair and equitable standard to the international minimum standard.
 29. Elsewhere, expansion of the standard. *CMS v Argentina*. The Argentinian cases. The linking of the fair and equitable standard to legitimate expectations in English arbitration law. The succession of cases. *MTD v Chile*; *Mediambelatos v Mexico*. Transparency.
 30. Expropriation. The structure of the expropriation provision and its history. Similar expansion. *Ethyl v Canada*. Contraction as a result of reaction. *Methanex v USA*. The emergence of the notion of regulatory expropriation. This takes the wind off the sails of expropriation law.
 31. The link between the fair and equitable standard and expropriation.
 32. The backlash. The emergence of conflicting decisions on virtually every aspect of the law. A crisis of legitimacy.
M Sornarajah, “The Ravage and Retreat of Neo-Liberalism in International Investment Law” (2010).
 33. New treaties are different, creating regulatory space for states. Eg. *The Model US Investment Treaty*; *The ASEAN Comprehensive Investment Agreement* (2010).
 34. The contested areas of interpretation: Limiting definition to investment that promotes economic development. Dissent in *Malaysian Salvors v Malaysia*.

35. Contesting fair and equitable treatment: Fairness requires that the foreign investors conduct be taken into account. This would convert the procedure of investment protection into almost like an Alien Torts Claims Act procedure and prove uncomfortable to the foreign investor.
36. The impact of extra-treaty factors. Contrast Santa-Helena v Costa Rica to the modern views that environmental concerns should be taken into account. BP oil spill.
37. Likewise, human rights and labour rights standards become relevant. The role of the NGOs. The argument that the dispute may implicate social and international interests. Eg. In cultural property, Parkerings Case.
38. The UN study on multinational corporations and human rights.
39. After Methanex, the relevance of the public interest in health, morals and welfare of the people has been established as a consideration in the more recent treaties. It would probably be read into all treaties.
40. The course of the Argentine cases. The annulment procedure in CMS and Sempra. A turn in the case law seems evident. The role of the defence of necessity and subjective national security have been recognized.
41. Investment arbitration is now in a state of flux. One wonders whether Brazil was right in keeping off treaties.
42. Considerable doubt whether treaties do result in investment flows. The decline of neo-liberalism. The use of nationalization to deal with banking problems in the UK and elsewhere.

References:

- ✓ The Jurisprudence of the Iran–United States Claims Tribunal (1996); and Charles Brower, *The Iran–United States Claims Tribunal* (1998).
- ✓ C. N. Ellis, 'Trade Related Investment Measures in the Uruguay Round: The United States Viewpoint' in S. J. Rubin and M. L. Jones (ed.), *Conflict and Resolution in the US-EC Trade Relations* (1989). See also C. N. Ellis, 'Foreign Direct Investments and International Capital Flows to Third World Nations: United States Policy Considerations' in C. D. Wallace (ed.), *Foreign Direct Investments in the 1990s* (1990)
- ✓ *CMS Gas Transmission Company v. Argentine Republic* (ICSID Case No. ARB/01/8) (Annulment Proceeding)
- ✓ I.C.L.Q. 2010, 59(2), 325-371 - *International & Comparative Law Quarterly*
- ✓ International Centre for Settlement of Investment Disputes - Washington, D.C. *Sempra Energy International (Claimant) v. Argentine Republic (Respondent/Applicant)* (ICSID Case No. ARB/02/16) (Annulment Proceeding)

Global Law Program – Visiting Professor

Course: Law & Development in East Asia

Professor: John Ohnesorge

Workload: 15 hours

Credits: 1

Overview:

This course is designed to introduce participants to the history of economic development in modern Northeast Asia, the era of the so-called “developmental states,” and to the various roles played by law and legal institutions in that development experience. The materials will deal with Japan, South Korea and Taiwan during their developmental state phases, as well as the People’s Republic of China of today. Reading materials will address specific areas of law and regulation in the context of the region’s different societies in order to provide an overall analysis of law and development in the region.

References:

- ✓ Ohnesorge, John K.M., “The Rule of Law, Economic Development, and the Developmental States of Northeast Asia,” in Antons, Christoph ed., Law and Development in East and Southeast Asia, pp. 91-127 (2003).
- ✓ Boyd, Richard, “The Rule of Law or Law as Instrument of Rule?” in Antons, Christoph ed., Law and Development in East and Southeast Asia, pp. 154-196 (2003).
- ✓ Woo, Jung-en, Race to the Swift, pp. 148-175 (Chapter 6: The Political Economy of Korea, Inc.).
- ✓ Yoon, Dae-kyu, Law and Political Authority in South Korea, pp. 109-149 (Chapter V: Legal Professions and Judicial Independence).
- ✓ Clarke, Donald, et al., “The Role of Law in China’s Economic Development,” in China’s Great Economic Transformation, pp. 375-428 (Brandt, Loren and Thomas G. Rawski, eds., 2008).
- ✓ Trubek, David, “The Political Economy of the Rule of Law: The Challenge of the New Developmental State” 1(1) Hague Journal on the Rule of Law, pp. 28-32 (2009).
- ✓ Ohnesorge, John, “Northeast Asia’s Developmental States and the Problem of Rights: Challenges for a New Developmental State?” in Asian Constitutionalism in Transition (Tania Groppi, et al., eds. 2008).

Global Law Program – Visiting Professor

Course: The Law and Politics of Racial Affirmative Action in the United States

Professor: Randall Kennedy

Workload: 15 hours

Credits: 1

Overview:

The short term course aims to develop on students knowledge of the controversial topic in the United States: the practice known as racial “affirmative action”. This practice is highly contested in Brazil as well.

This course will be able to make fruitful comparisons between the two countries.

Given the political imposed by an electorate that is ambivalent about the requirements of racial equality in the United States, affirmative action has been, a sensible, albeit modest, reform.

References:

- ✓ Sellout: The Politics of Racial Betrayal (2008) Randall Kennedy
- ✓ Fair Shakers and Social Engineers – Morris B. Abram
- ✓ Debating Affirmative Action: Race, Gender, Ethnicity and the Politics of Inclusion; edited by Nicolaus Mills, Delta, New York, 1994
- ✓ The left Alternative; Roberto Mangabeira Unger, Verso, New York, 2005
- ✓ The New York Times – The Roots of White Anxiety – July 18th, 2010
- ✓ The Wall Street Journal – Diversity and the Myth of White Privilege – July, 22nd, 2010
- ✓ LA Times – Affirmative Action’s time is up – August 2nd, 2010

Course: Perspectives on EU Monetary Union after the Global Financial Crisis: legal aspects

Professor: Damian Chalmers

Workload: 15 hours

Credits: 1

Overview:

This week-long session tries to give an introduction to the central institutional and regulatory features of the EU financial system, how it has responded to the crisis and where the crisis is leading it. Inevitably, the course has a Euro-centric tinge but I will try to open it out to explore the implications for the global financial system in general and Brazil, in particular. It is worth remembering, in this respect, that the EU is world's biggest economy (10% bigger than the US and three times bigger than China) and holds considerably more banking assets than any other World jurisdiction. How it responds to the crisis will be fairly central to the future of the world economy.

A feature of this course is that the norms and events are still happening! Much is still at the stage of proposal and there is limited considered academic literature on what is taking place.

References:

- ✓ European Commission (2007) European Financial Integration Report 5-27 & 37-40
- ✓ Grahl, J. and Teague, P. (2005): ' Problems of Financial Integration in Europe ', Journal of European Public Policy vol.12, No.6, pp.1005-1021.
- ✓ Mügge, D. (2006): 'Reordering the Marketplace: Competition Politics in European Finance' Journal of Common Market Studies vol.44, No.5 , pp.991-1022
- ✓ Chalmers et al, European Union Law (2010, 2nd Edition, CUP) pp 52-89
- ✓ Chalmers et al EU Law (2006, 1st Edition) Ch 18 section 3 only
- ✓ Directive 2006/48/ EC relating to the taking up and business of credit institutions, OJ 2006, L 177/1, articles 6-12, 40-42, 123 & 124
- ✓ Konoe, 'International Finance and Policy Cooperation Before and After the 2007-2010 Financial Crisis' EUI Working Paper MWP 2010/24
- ✓ Ferran, E. (2004): Building an EU Securities Market, Cambridge, Cambridge University Press, ch's 2-3
- ✓ Ferrarini, G., Hopt, K.J. and Wymeersch, E. (eds.) (2002): Capital Markets in the Age of the Euro: Cross-Border Transactions, Listed Companies and Regulation, The Hague, Kluwer Law International,
- ✓ Kremers, J.J.M., Schoenmaker, D. and Wierts P.J. (eds.) (2003): Financial Supervision in Europe Cheltenham, Edward Elgar
- ✓ Padoa-Schioppa, T. (2004): Regulating Finance: Balancing Freedom and Risk Oxford: Oxford University Press,
- ✓ Wymersch, E. (2005): 'The Future of Financial Regulation and Supervision in Europe' CMLRev vol.42, pp.987-1010.
- ✓ EC Commission, Proposal for a Regulation on Community macro prudential oversight of the financial system and establishing a European Systemic Risk Council, COM (2009) 499
- ✓ http://ec.europa.eu/internal_market/finances/docs/committees/supervision/20090923/com2009_499_en.pdf
- ✓ EC Commission, Proposal for a Regulation establishing a European Banking Authority, COM (2009) 501
- ✓ http://ec.europa.eu/internal_market/finances/docs/committees/supervision/20090923/com2009_501_en.pdf
- ✓ Ferrarini, Regulating Multinational Banks in Europe: An Assessment of the New Supervisory Framework(2010, ECGI, Law Working Paper No 158/2010) pp 27-45
- ✓ See the Financial Times Blog by Willem Buiters : <http://blogs.ft.com/maverecon/2009/10/the-proposed-european-systemic-risk-board-is-overweight-central-bankers/>

- ✓ High Level Group on Financial Supervision in the EU, (de Larosière Report)(2009, Brussels) 7-29 & 38-58
http://ec.europa.eu/internal_market/finances/docs/de_larosiere_report_en.pdf
- ✓ Report of the Financial Stability Forum on Enhancing Market and Institutional Resilience (2008,FSB) 5-12 & 40-44
http://www.financialstabilityboard.org/publications/r_0804.pdf
- ✓ Pauly, 'The Old and the New Politics of International Financial Stability' (2009) 47 JCMS 955
- ✓ Bénassy-Quéré, The Crisis: Policy Lessons and Policy Challenges (2009, CEPII, Paris)
- ✓ Begg, Regulation and Supervision of Financial Intermediaries in the EU: The Aftermath of the Financial Crisis (2009) 47 JCMS 1109
- ✓ Issing, 'Some lessons from the Financial Market Crisis' (2009) 12 International Finance 431
- ✓ Dejmek, 'The EU Internal Market for Financial Services – A Look at the First Regulatory
- ✓ Response to the Financial Crisis and a View to the Future' v (2008-9) 15 Columbia Journal of European Law 455
- ✓ Ferrarini, Regulating Multinational Banks in Europe: An Assessment of the New Supervisory Framework(2010, ECGI, Law Working Paper No 158/2010) pp 1-27
- ✓ **The Architecture of EMU**
- ✓ Chalmers, EU Law (2010, CUP, 2nd Edition) chapter 17 except pp 721-727 (can be skimmed)
- ✓ Creation of New Mechanisms of Economic Governance:Conclusions of European Council of 17 June 2010 Paras 9-13
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/115346.pdf
- ✓ The European Financial Stabilisation Mechanism: Press Release of Economic and Financial Affairs Council May 2010
http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ecofin/114324.pdf

Global Law Program – Visiting Professor

Course: Law & Development

Professor: David Trubek

Workload: 15 hours

Credits: 1

Overview:

This seminar explores the role of law in economic development in Brazil. We start with a short history of the field of law and development. The second class looks at the past: we review the role of law in the development of the Brazilian capital market 1965--70. The next two classes look at recent studies of law and development in Brazil: these have been prepared for the conference on Law and Development in the BRICs to be held at FGV on Nov. 3-4. Students are encouraged to attend the conference. The final class will look more generally at the relationship between law and the new role of the state in the development of Brazil and other countries.

References:

- ✓ Trubek, The Rule of Law in Development Assistance: Past, Present and Future.
- ✓ Trubek, Law and Development in the Twenty-first Century
- ✓ Trubek, Law, Planning and the Development of the Brazilian Capital Market
- ✓ Mario Schapiro, Banco de Desenvolvimento, regulação e auto-regulação complementaridade regulatória no mercado brasileiro de capital de risco
- ✓ Michelle Rattón Sanchez and Daniela Godoy, Desafios regulatórios do comércio internacional para o Brasil e algumas lições da promoção do etanol
- ✓ Trubek, Developmental States and the Legal Order: Toward a New Political Economy of Development and Law

Global Law Program – Visiting Professor

Course: International Tax

Professor: Jeffrey Colon

Workload: 15 hours

Credits: 1

Overview:

This seminar will examine bilateral income tax treaties with particular emphasis on the OECD Model Convention on Income and Capital and related Commentaries. It will review the historical development of the OECD Model Convention, examine the various elements of a treaty, and briefly cover how treaties are made. We then turn to the scope of tax treaties and the definition of resident, including a discussion of issues raised by partnerships. It next covers the treatment of returns on investment capital, such as dividends, interest, royalties, and capital gains. The taxation of personal services income, including pensions, is addressed next followed by a discussion of the taxation of business profits and treaty mechanisms to relieve double taxation.

The final portion of the seminar will cover treaty shopping, the interpretation of treaties, including treaty overrides, and issues raised by treaties between capital importing and capital exporting countries.

There are no specific prerequisites for the seminar, although some exposure to or understanding of basic tax or accounting concepts, e.g., gains, losses, dividends, and profits, is useful.

The course is relevant for those students who plan to practice in the tax or business area or scholars who have an interest in understanding perhaps one of the most important and well functioning regimes for regulating international commerce.

References:

The materials and reading assignments for the class can be found at:

<http://web.mac.com/jmcolon/treaties/index.html>

Global Law Program – Visiting Professor

Course: The Clean Water Act

Professor: Michael J. Chappell

Workload: 15 hours

Credits: 1

Overview:

This course surveys the field of United States environmental law, with an emphasis on the Clean Water Act. The class will focus on how the statute protects waters of the United States by regulating discharges of pollution to those waters. The class will begin with a discussion of the role of the Courts in interpreting and enforcing environmental laws in the U.S.. Following a brief introduction to the history of environmental law in the U.S., we will review the major environmental statutes that protect natural resources in the United States. We will quickly move to a discussion of the Clean Water Act, and how environmental groups utilize the law to further their mission to protect water bodies in the United States. The class will be a combination of lecture, class discussion, breaking into groups for a more detailed discussion. Topics will include discussions on the role of regulatory agencies in defining and implementing the statute, the public's ability to shape and enforce the statute, the impact of judicial decisions on the law and its regulations, and how to apply the legal theories in practice to prosecute a Clean Water Act case.

References:

- ✓ Solid Waste Agency of Northern Cook Cty. v. Army Corps of Engineers, 531 U.S. 159 (2001)
<http://supreme.justia.com/us/531/159/case.html>
- ✓ Rapanos v. United States, 547 U.S. 715 (2006)
<http://www.cals.ncsu.edu/course/are309/cases/rapanosedited.pdf>
- ✓ Friends of the Earth, Inc. v. Laidlaw Environmental Services, 528 U.S. 167 (2000)
<http://openjurist.org/528/us/167/friends-of-the-earth-incorporateds-v-laidlaw-environmental-services-inc>
- ✓ Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation, Inc., 484 U.S. 49 (1987)
<http://supreme.vlex.com/vid/gwaltney-smithfield-chesapeake-bay-19975562>
- ✓ Liability under CWA: Mokelumne River v. East Bay Mun. Utility Dist., 13 F.3d 305 (9th Cir. 1993), cert. denied, 115 S. Ct. 198 (1994).
<http://openjurist.org/13/f3d/305/committee-to-save-mokelumne-river-v-east-bay-municipal-utility-district>

Global Law Program – Visiting Professor

Course: International Investment Law

Professor: Charles Maddox

Workload: 15 hours

Credits: 1

Overview:

This course will give an overview and introduction to the International Investment Law and its historical context. We will also study the following points: Competing Theories, TRIMS's and GATTs, Most Favored Nation Treatment and Investment, Towards a Unified System?, ICSID, What is Investment?, Expropriation, Standards of Protection, Exon in Ecuador and Investment Contracts and Host State Controls

References:

- ✓ M. Sornarajah, *The International Law on Foreign Investment*, Cambridge University Press 2010, pgs. 1-87
- ✓ Janet McLean, *The Transnational Corporation in History: Lessons for Today?* 79 *Ind. L.J.* 363
- ✓ Whenhua Shan, *Is Calvo Dead?* 55 *Am. J. Comp. L.* 123
- ✓ Nicholas DiMascio and Joost Pauwelyn, *Nondiscrimination in Trade and Investment Treaties: Worlds Apart or Two Sides of the Same Coin?* 102 *AJIL* 48
- ✓ Davis Collins, *A New Role for the WTO in International Investment Law: Public Interest in the Post-neoliberal Period*, 25 *Conn. J. Int'l L.* 1
- ✓ Paul Michael Blyschak, *State Consent, Investor Interests and the Future of Investment Arbitration: Reanalyzing the Jurisdiction of Investor-State Tribunals in Hard Cases*, 9 *Asper Rev. Int'l Bus. & Trade L.* 99
- ✓ Michael Hwang, Jennifer Fong Lee Cheng, *Definition of "Investment"—A Voice from the Eye of the Storm*, 1 *Asian J. Int'l L.* 99
- ✓ Carlos Garcia, *All the Other Dirty Little Secrets: Investment Treaties, Latin America, and the Necessary Evil of Investor-State Arbitration*, 16 *Fla. J. Int'l L.* 301
- ✓ Ignacio A. Vincentelli, *The Uncertain Future of ICSID in Latin America*, 16 *Law & Bus. Rev. Am.* 409
- ✓ Rudolf Dolzer and Christopher Schreuer, *Principles of International Investment Law*, Oxford University Press 2008, pages 89-194
- ✓ M. Sornarajah, *The International Law on Foreign Investment*, Cambridge University Press 2010, pgs. 276-305
- ✓ Rohit Sachdev, *Comparing the Legal Foundations of Foreign Direct Investment in India and China: Law and the Rule of Law in the Indian Foreign Direct Investment Context*, 2006 *Colum. Bus. L. Rev.* 167

Global Law Program – Visiting Professor

Course: Law & Development

Professor: Upendra Acharya

Workload: 15 hours

Credits: 1

Overview:

Western concept of freedom, equality and democracy based on economic rationalization of values-freedom, equality and democracy; Universalization of economic rationale of values; Globalization of liberal democracy through economic rationale of values; How economic rationale has shaped politics and political decisions and both in collaboration have helped define and redefine law and legal process; Major players of economic and political decisions and their role in dictating law and legal process; The concept of development in the developed and developing societies; Defining development-is development a legal and equity concept or economic concept?

References:

- ✓ Knowledge and Power: Michel Foucault – pages 61 – 73
- ✓ State, Law and ideology – pages 198 - 203
- ✓ Commodity Form and Legal Form: an Essay on the Relative Autonomy of the Law – Isaac D. Balbus
- ✓ The strangers of the Consumer Era – pages 35 – 41
- ✓ International Journal of social Inquiry – volume 1 number 2 2008
- ✓ Hegemony, Aid & Power: A Neo-Gramscian Analysis of the World Bank – Sadik Unay

Global Law Program – Visiting Professor

Course: Reforms in the period of transition to democracy and market economy after totalitarian regime:
Bulgaria, Poland, Ukraine, Chile, Latvia, Estonia, Kyrgyzstan, Russia

Professor: Ekaterina Mishina

Workload: 15 hours

Credits: 1

Overview:

At this course we will study the constitutions similarities and differences and the transition on the market economy in the post-soviet States.

How the Legal profession works in the time of transition, as well how the corruption was one of the main obstacles to democratic reforms.

As well we will study the Constitutions, historical prerequisites and achievements and failures from this states.

References:

✓ Constitutions from the following countries, that will be provide during the course:

Bulgaria;

Chile;

Poland;

Ukraine;

Estonia;

Latvia;

Russian Federation.

Global Law Program – Visiting Professor

Course: American Corporate Law

Professor: Randall Thomas

Workload: 15 hours

Credits: 1

Overview:

A study of the modern American business corporation both publicly held and closely held enterprises, including the organization and financial structuring of corporations: the allocation of control among shareholders, directors, and officers; the responsibilities of management and controlling shareholders; and the issuance of corporate securities.

References:

- ✓ Klein, Ramseyer and Bainbridge, Business Associations, Sixth Edition
- ✓ The Nature of the Corporation: pp. 202-218, 328-332
- ✓ The Duties of Officers, Directors: pp. 332-373
- ✓ Closely Held Corporations: pp. 374-412, 599-629, 664-686
- ✓ Shareholder Voting: pp. 630-651, 533-543, 571-585
- ✓ Mergers & Acquisitions: pp. 768-818

Global Law Program – Visiting Professor

Course: SECURITIES REGULATION: A LAW AND ECONOMICS APPROACH

Professor: Merritt B. Fox

Workload: 15 hours

Credits: 1

Overview:

Welcome to Securities Regulation: A Law and Economics Approach.

Over the last few decades, finance has become a field of serious scientific study. It has been increasingly used by scholars as a method for analyzing issues in securities regulation.

Particularly in the United States, this trend has had a significant influence on decisions relating to securities regulation made by the legislature, the courts and the SEC. This course will explore the use of financial economics as a normative tool to suggest the best way to regulate securities transactions.

The course will use economic analysis to address four large topics that are central to the study of securities regulation: mandatory disclosure, insider trading regulation, enforcement through civil damage actions, and the allocation of regulatory authority with respect to transactions with transnational features.

The course will be taught around a set of lectures that will be backed by power point presentations, interspersed with questions and discussion. These power point presentations will be made available after each class. The critical thing to succeed in this course is that you master the ideas behind these presentations.

References:

- ✓ Langbein & Posner, Social Investing and the Law of Trust
- ✓ Modigliani and Posner; An Introduction to Risk and Return: Concepts and evidence
- ✓ Easterbrook & Fischel, Mandatory Disclosure and the Protection of Investors
- ✓ Coffee, Market Failure and the Economic Case for a Mandatory
- ✓ Roberta Romano, Empowering Investors: A Market Approach to Finance
- ✓ Merritt B. Fox, Retaining Mandatory Securities Disclosure: Why Issuer choice is not Investor Empowerment.

Global Law Program – Visiting Professor

Course: Business and Human Rights

Professor: David Bilchitz

Workload: 15 hours

Credits: 1

Overview:

The goal of this course is to explore a number of topics relating to the responsibility of business for human rights. Traditionally the focus has been on the obligations of states; yet, a recent growing movement has recognized the importance of considering the obligations of business (and corporations in particular) for the realization of rights. The course will take place over three evenings and the lectures are divided accordingly into topics that will be covered during those evenings. Students should read the material prescribed so that classes can discuss the interesting issues and questions that arise.

References:

- ✓ The French Declaration of the Rights of Man and Citizens (1789) available at <http://www.hrcr.org/docs/frenchdec.html>
- ✓ The IG Farben Trial (United States of America v Carl Krauch): please read as an overview and try and focus on relationship between individuals and corporation
- ✓ O De Schutte The Challenge of Imposing Human Rights Norms on Corporate Actors in O De Schutte Transnational Corporations and Human Rights (2006) Hart: Oxford
- ✓ Universal Declaration of Human Rights 1949
- ✓ OECD Guidelines on Multinational Enterprises
- ✓ Global Compact available at <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>
- ✓ D Kinley and J Tadaki 'From Talk to Walk: The Emergence of Human Rights Responsibilities for Corporations in International Law' pp 948-960.
- ✓ Human Rights Watch 'On the Margins of Profit'
- ✓ Fiona McLeay 'Corporate Codes of Conduct and the Human Rights Accountability of Transnational Corporations: a Small Piece of a Large Puzzle' in O De Schutte (ed). Transnational Corporation and Human Rights (2006) Hart: Oxford
- ✓ Access to Justice: Human Rights Involving Corporations – Brazil; Study by Connectas for the International Commission of Jurists available at <http://www.icj.org/dwn/database/ExecSumm-ElecDistJuly2011.pdf>
- ✓ D Bilchitz 'Corporate Law and the Constitution: Towards Binding Human Rights Responsibilities for Corporations' South African Law Journal (2008) 771-789 (only second part of article)
- ✓ SA Companies Act Section 7 and section 76
- ✓ *Khumalo v Holomisa*
- ✓ Ruggie framework and Guiding Principles on Remedies

Global Law Program – Visiting Professor

Course: TRADE POLICY FORMULATION AND PARTICIPATION IN WTO DISPUTE SETTLEMENT BY LEADING EMRGING ECONOMIES

Professor: James Nedumpara

Workload: 15 hours

Credits: 1

Overview:

Emerging economies such as Brazil, China and India occupy a central role in driving the global trade agenda. These economies have also opened up their markets significantly in the last two decades and have undertaken key economic reforms. These emerging economies, also being Members of the World Trade Organization (WTO) have played a key role in shaping the WTO jurisprudence by being either a complainant or a respondent in some of the landmark WTO disputes.

This short course will provide a bird's eye view of the shifts in trade policy undertaken by the above emerging economies over a period of time and their current thrust in trade policy formulation. The course will also examine a few selected cases involving the above countries which have had a systemic importance for the WTO and in illuminating the WTO jurisprudence. This course will seek to examine and appreciate the role and importance of some of these cases within the overall context of the trade policy orientation of the concerned economy.

Given the short nature of the course, only a few reading materials are indicated in the syllabus. However, the course instructor will provide brief case notes and power point slides before the commencement of the class.

References:

- ✓ Arvind Panagariya, *India in the 1980s and 1990s: A Triumph of Reforms* (2003)
- ✓ Pedro da Motta Veiga, *Brazil's Trade Policy: Moving Away From Old Paradigms*, 2008
- ✓ Jeffery Gertler, What China's WTO Accession is All About? (2002)
- ✓ WTO Secretariat, Summary of Trade Policy Review of India (2011)
- ✓ WTO Secretariat, Summary of Trade Policy Review of China (2010)
- ✓ WTO Secretariat, Summary of Trade Policy Review of Brazil, (2009)
- ✓ edited cases are available at www.worldtradelaw.net

Global Law Program – Visiting Professor

Course: Understanding Business Litigation

Professor: Larry A. Weiser

Workload: 15 hours

Credits: 1

Overview:

The United States of America does not have a single legal system. Instead, dozens of systems operate simultaneously, each with its own, largely independent structure. These include one for the federal government; one for each of the fifty states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands; and one for each of many Native American tribes.

To understand the various legal systems, it is necessary to understand the allocation of power between the states and the central government.

Federal power is limited to those areas entrusted to the central government by the Constitution of the United States. Congress is empowered, among other things, to regulate interstate and foreign commerce, establish post offices, declare war and maintain order, raise and maintain armed forces, punish counterfeiting and piracy, regulate naturalization, and make rules on bankruptcy, patents, and copyrights. In addition to its specific powers, Congress is authorized to make all laws a necessary and proper@ for carrying into execution the powers vested in the central government. Within the areas enumerated, but only within them, Congress may legislate and thereby impose criminal and civil responsibility upon individuals. It cannot define crime generally for the nation as a whole, nor can it establish a general national law of torts, contracts, or domestic relations. But when Congress acts within the sphere of its constitutional authority, it is supreme and its laws supersede any conflicting state laws.

All power not vested in the federal government is reserved to the several states, each of which is legally the equal of every other. Thus, each state has its own laws on virtually every aspect of human interaction, from crime to contract, and dealing with virtually every societal goal and function, from environmental protection to education. No one of them is allowed to usurp the legitimate powers of any other any more than it is allowed to interfere with legitimate federal power. It is not surprising, therefore, that the law varies significantly from state to state. Conduct that is criminal in Kentucky may be completely legal in Minnesota; grounds for divorce in Nevada may differ vastly from those recognized in Vermont; and a prosecution that would have to be initiated by the indictment of a grand jury in Maine may be initiated in California by the accusation of a prosecuting attorney.

References:

- ✓ Riggs v. Palmer - 22 N.E. 188 (N.Y. 1889), EARL, J.

Global Law Program – Visiting Professor

Course: Law, Development, and Globalization

Professor: Cesar Garavito

Workload: 15 hours

Credits: 1

Overview:

This course explores the challenges of law and development in a global context characterized by three fundamental transformations: the rise of the global South in world politics and economics, the revolution in information technologies, and the deterioration of environmental conditions. Based on a combination of legal and social scientific documents and videos, we will analyze the relations and tensions between these processes, and the legal frameworks that are emerging to deal with them.

We will begin with an overview of contemporary theories and empirical studies on law, institutions and development. We will then discuss specific areas of transnational and national regulation where the above processes have given rise to heated academic, policy and legal debates. Finally, we will apply the conceptual and empirical tools acquired in the first two sections of the course to the study and discussion of specific cases that embody the dilemmas of contemporary law and development, including the Belo Monte dam case in Brazil.

References:

- ✓ Acemoglu, D. and J. Robinson. *Why Nations Fail: The Origins of Power, Prosperity, and Poverty* (Random House, 2012.)
- ✓ Faundez, Julio. "Law and Development Lives On", in *Law and Development*, J. Faundez, ed. (Routledge, 2012)
- ✓ Ferraz, Octavio. "Brazil: Health Inequalities, Rights, and Courts", in *Litigating Health Rights*, A. Yamin & Siri Gloppen, eds (Harvard Univ. Press, 2011)
- ✓ Fraser, Nancy. "Reframing Justice in a Globalized World". *New Left Review* 36 (2005)
- ✓ Rodríguez-Garavito, C (1). "Ethnicity.org: Global Governance, Indigenous Peoples, and the Right to Prior Consultation in Social Minefields", *Journal of Global Legal Studies*, 2011.
- ✓ ----(2) "Towards the Sociology of the Global Rule of Law Field", in Y. Dezalay & B. Garth, eds. *Lawyers and the Rule of Law in an Era of Globalization* (Routledge, 2011).
- ✓ ---(3). "Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America", *Texas Law Review* (2012)
- ✓ Rodríguez-Garavito, C. & Y. Lam. "Law, Development and the Environment in the New Global South: The Belo Monte Case in Brazil" (draft)
- ✓ Shelton, D. & D. Anton, *Environmental Protection and Human Rights* (Cambridge Univ. Press, 2010).
- ✓ Trubek, D. "Developmental States and the Legal Order: Toward a New Political Economy of Development and Law" (draft)

Global Law Program – Visiting Professor

Course: Courts and Public Policy: A Latin American Perspective

Professor: Matthew Taylor

Workload: 15 hours

Credits: 1

Overview:

This course analyzes the effects of Latin America's courts on public policy. Rising independence, increasing resources, and the wave of democratization that has taken place over the past generation have pushed many of the region's courts to the forefront of policy debates.

Courts play an essential role in protecting human rights, adjudicating crimes, checking and balancing other branches of government, defending property rights, and guaranteeing the rule of law. However, as the third, unelected branch of government, the judicialization of politics and policy frequently places courts in a difficult strategic position. They may be used by third parties to constrain the executive or legislative branches, employed to alter the policy agenda, or activated to change the course of contentious policies. In doing so, courts may run up against policy preferences that diverge from their legal preferences, with the menacing possibility that a sincere decision on legal grounds may trigger conflict or non-compliance.

Drawing on a vibrant recent literature regarding courts and public policy in Latin America, this course will explore various dimensions of courts' activation, their strategies and their policy impacts. We will approach this question from a number of analytical perspectives, most from outside the canon of legal scholarship. The objective of this course is two-fold: first, to illustrate how scholars from outside the legal field evaluate the effects of courts on public policy; and second, to illustrate the breadth of new empirical research on courts' policy effects in Latin America.

References:

- ✓ Courtis, Christian. 2006. "Judicial enforcement of social rights: Perspectives from Latin America." In *Courts and Social Transformation in New Democracies: An Institutional Voice for the Poor*, ed. Roberto Gargarella, Pilar Domingo, and Theunis Roux. Burlington: Ashgate Publishing.
- ✓ Couso, Javier and Lisa Hilbink. "From Quietism to Incipient Activism: The Ideological and Institutional Roots of Rights Adjudication in Chile." In Gretchen Helmke and Julio Ríos-Figueroa, eds., *Courts in Latin America*, Cambridge: Cambridge University Press, 2011.
- ✓ Da Ros, Luciano. "Judges in the Formation of the Nation State: Professional Experiences, Academic Background and Geographic Circulation of Members of the Supreme Courts of Brazil and the United States." *Brazilian Political Science Review* 4, no. 1 (2010): 102-130.
- ✓ Dahl, Robert A. "Decision Making in a Democracy: The Supreme Court as a National Policy Maker." *Journal of Public Law* 6 (1957): 279-.
- ✓ Friedman, Barry. 2005. "The Politics of Judicial Review." *Texas Law Review* 84, no. 2: 257-337.
- ✓ Gillman, Howard. 2001. "What's Law Got to Do with It?" *Journal of Law & Social Inquiry* 26: 465.
- ✓ Helmke, Gretchen. "The Logic of Strategic Defection: Court-Executive Relations in Argentina under Dictatorship and Democracy." *American Political Science Review* 96, no. 2 (2002): 291-303.
- ✓ Helmke, Gretchen and Julio Ríos-Figueroa, "Introduction." In *Courts in Latin America*. Cambridge: Cambridge University Press, 2011, pp.1-26.



- ✓ Kapiszewski, Diana, and Matthew M. Taylor. "Doing Courts Justice?: Studying Judicial Politics in Latin America." *Perspectives on Politics* 6, no. 4 (2008): 741-67.
- ✓ Kapiszewski, Diana. "Tactical Balancing: High Court Decision Making on Politically Crucial Cases." *Law & Society Review* 45, no. 2 (2011): 471-506.
- ✓ Navia, Patricio and Julio Ríos-Figueroa. "The Constitutional Adjudication Mosaic of Latin America." *Comparative Political Studies* 38, no. 2 (2005): 189-217.
- ✓ Ruibal, Alba M. "Self Restraint in Search of Legitimacy: The Reform of the Argentine Supreme Court." *Latin American Politics & Society* 51, 3 (2009): 59-86.
- ✓ Scribner, Druscilla L. "The Judicialization of (Separation of Powers) Politics: Lessons from Chile" *Journal of Politics in Latin America* 2, no. 3 (2010): 71-97.
- ✓ Silva, Virgílio Afonso da and Fernanda Vargas Terrazas. "Claiming the Right to Health in Brazilian Courts: The Exclusion of the Already Excluded?" *Law & Social Inquiry* 36, no. 4 (2011): 825-853.
- ✓ Taylor, Matthew M. *Judging Policy: Courts and Policy Reform in Democratic Brazil*. Stanford: Stanford University Press, 2008.
- ✓ Wilson, Bruce M., Juan Carlos Rodríguez-Cordero, and Roger Handberg. "The Best Laid Schemes...Gang Aft a-Gley: Judicial Reform in Latin America -- Evidence from Costa Rica." *Journal of Latin American Studies* 36 (2004): 507-31.