

Spring 2014 Cardozo Law Classes

Available to New School University Students

Course	Professor	Seats Available for NSU Students	Meeting Days/Times	Primary Project	Comments
Citizenship, Equality and International Human Rights	Rosenberg/Reddy	2	Monday 4:00 – 5:54 PM	Paper	Pre or Co-requisite: International Law; the pre/co-requisite can be waived by permission of the instructors.
Climate Change and the Law	Herz	5	Wednesday 4:00 – 5:50 PM	Take-Home Exam	Pre/Co-requisite: None, though Environmental Law would be helpful
Contemporary Conflicts and the Law	Pearlstein	2	Tuesday & Wednesday 1:30 -2:20 PM Friday 1:00 – 1:50 PM	Paper	
Employment Law	Suk	5	Tuesday & Thursday 2:30 – 3:45 PM	In-School Exam on 5/13 at 2:00 PM	
Environmental Law	Herz	5	Tuesday, Wednesday & Friday 11:00 – 11:50 AM	In-School Exam on 5/13 at 8:45 AM	
International Business Transactions	Chekroun	2 (1 taken)	Tuesday & Thursday 2:30 – 3:45 PM [1/28 – 4/3]	Take-Home Exam	Intensive class: ends early on April 3 rd .
International Dispute Resolution	Baker	2 (1 taken)	Wednesday 4:00 – 5:50 PM	In-School Exam on 5/8 at 8:45 AM	
International Law	Halberstam	5 (3 taken)	Monday 1:30 – 2:24 PM Tuesday & Thursday Noon to 1:15 PM	In-School Exam on 5/6 at 8:45 AM	
Introduction to Israeli Law	Martin	2	**see course description for meeting dates**	Paper	Intensive class: see description for list of class meeting dates, including Sunday class sessions.

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Public Health Law and Policy	Gerwin	2 (1 taken)	Friday 11:00 AM - 12:50 PM	Take- Home Exam	
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Citizenship, Equality and International Human Rights

Professor: Rosenberg/Reddy

Pre or Corequisite: International Law; The pre/co-requisite can be waived by permission of the instructors.

Begins Monday January 27th

Citizenship is the relationship between an individual and a state, by which, in common parlance, they could be said to 'belong' to each other. This belonging, in most states is conveyed by a combination of place of birth and descent, and results in assignments of citizenship that are so intuitively logical that in most cases they are never examined. Neither is the host of rights, privileges nor duties that attend citizenship usually analysed. The 'core content' of citizenship remains undefined.

The growing importance of citizenship can be viewed as a consequence of the rise of the modern, bureaucratic state. The human rights movement has been complicit in the elevation of the state to a position of prime importance in the legal universe, holding it responsible even for violations committed by non-state agents and in some cases for protection of individuals on other states' territories.

Restricted access to political, economic and social rights, which would constitute discrimination if based on other grounds, is viewed as legally permissible where it is on the basis of lack of citizenship. Citizenship is virtually the only ground upon which states can legitimately decline responsibility for some individuals. Simultaneously, recognition of citizenship is being transformed from a situation of acceptance to being embodied in standardized, biometric identity documents. Ambiguity in citizenship, which in the past might have meant individuals enjoyed functional citizenship in most spheres, now usually results in effective denial of citizenship, even where individuals merit recognition of their citizenship as a legal matter.

Lack of citizenship—or the lack of documentation of citizenship, which may be indistinguishable from lack of citizenship itself—is clearly a significant handicap in the modern world. Restricting citizenship may serve several purposes for a state, including reducing its economic responsibilities and enacting an idea of the state as composed of a specific ethnic or cultural group. Individuals who are denied recognition of citizenship by any state—stateless people—present a challenge to the modern state system, which is grounded on the notion that all individuals belong to some state. Globalization, international conflicts, and evolving migration patterns have created challenges to the current citizenship regime resulting in an estimated fifteen million stateless people around the globe. And it is only in the last decade that the concern over the issue of statelessness developed as a human rights issue separate from that of refugees.

This course will examine the bases of citizenship, implicit and explicit, and its role in the modern state. It will address citizenship as a ground for restriction of rights and analyse the justifications for such restrictions. It will consider procedures for recognition and documentation of citizenship, and role of both legal norms and politics in these processes. Lack of citizenship and specific instances of statelessness will be addressed, along with the developments of international law in response to statelessness.

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Climate Change and the Law

Professor: Herz

Pre/Corequisite: None, though Environmental Law would be helpful

Begins Wednesday January 22nd

This course will review the science, policy, and, most of all, law regarding human-induced changes to the world's climate. We will begin with a brief overview of the science of climate change and a consideration of the possible technological and regulatory responses. The bulk of the class will be spent on legal requirements that seek to mitigate climate change by controlling the emission of greenhouse gasses (GHGs). Topics will include the EPA's extensive current and planned regulatory initiatives under the Clean Air Act, the Kyoto Protocol and the larger international process pursuant to the UN Framework Convention on Climate Change, the European Union's trading regime, the wide variety of state initiatives (including limits on GHG emissions, regional cap and trade programs, incentives or requirements for the development of alternative energy sources), and a brief examination of proposed federal legislation. If time permits, we may also look at legal aspects of adaptation to climate change.

Contemporary Conflicts and the Law

Professor: Pearlstein

Pre/Corequisite: None

Begins Friday January 17th

This course explores the laws regulating state use of force in the pursuit of national security. Beginning with an overview of the web of domestic and international law that constrains the exercise of state power – including international human rights law, international humanitarian law (the law of war), and elements of constitutional and statutory law – the course examines the legality of the state practices reported regularly on the front pages of today's papers. Topics to be addressed include state use of armed force in self-defense; targeted killing, detention, rendition and trial of terrorist suspects; problems of human intelligence collection; and the involvement of private security contractors in traditionally governmental functions. The final sessions of the course will look at the effectiveness of different methods by which states aim to secure compliance with law in this realm, including the role of the courts. Drawing as much as possible on case studies from recent events, the course will consider throughout the sufficiency of current laws to handle the challenges posed by contemporary conflicts, and explore options for addressing the dilemmas that remain.

Grades will be based on class participation (20%) and a research paper, on a topic to be approved by the professor, due at the end of the semester (80%).

Employment Law

Professors: Suk

Pre/Corequisite: None

Begins Thursday January 16th

A survey course covering the statutory and common-law rules governing the employer-employee relationship. Among the issues to be considered in this course include employment at will, employment discrimination, the regulation of wages and hours, laws governing employee leaves of absence from work, workplace health and safety, and the enforcement of employee rights.

Environmental Law

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Professor: Herz
Pre/Corequisite: None
Begins Friday January 17th

This course begins with a survey of the ecological and economic justifications for government regulation to protect the environment. It then examines different strategies and tools for doing so. The primary focus is on three major federal anti-pollution statutes: the Clean Air Act, the Clean Water Act, and Superfund. In addition, we will consider the common law as a source of environmental protection, Environmental Impact Statements and other information-based regulatory strategies, and economic instruments such as emission taxes and marketable permits, and the developing law surrounding global climate change. Depending on time and student interest, we may touch on the intersection of international trade and the WTO with environmental protection, the Endangered Species Act, and land use issues. However, this is primarily a course about pollution and the protection of public health; we will not spend much time on natural resource issues, wilderness protection, endangered species, and the like.

This is a survey course. Because environmental law is predominantly statutory, students will have to come to grips with some statutory minutia; there is a statutory supplement. The overall goal, however, is not to learn the endless details of these complex statutes but to introduce the basic problems and approaches that characterize contemporary environmental regulation.

International Business Transactions

Professor: Chekroun
Pre/Corequisite: None
Begins Tuesday January 28th

At the heart of the debate over globalization and the financial crisis are the international trade and finance transactions that have become the center of much economic activity across the world. We will analyze the legal regimes that shape this trade in United States, international and foreign law systems in areas such as international sales contracts, customs law, trade regulation, comparative corporate governance, foreign corrupt practices, extraterritorial regulation, foreign direct investment issues, dispute resolution, and corporate social responsibility. We will examine international policy and regulation by the WTO, the IMF, the European Union, and other international bodies. Our examination of these issues will involve an awareness of the impact of socioeconomic and cultural differences on international business ventures.

International Dispute Resolution

Professor: Baker
Pre/Corequisite: None
Begins: Wednesday January 22nd

This course introduces students to the theory and practice of resolving international commercial disputes. The course will compare and contrast the benefits and drawbacks of international litigation, arbitration, and mediation as means of resolving disputes between private parties from different countries and between private parties and governments. Students will participate in a simulated cross-cultural arbitration and mediation, and will view audio-visual materials demonstrating international mediations and arbitrations. In addition to covering the law governing international litigation, arbitration, and mediation, there will be an emphasis on the practical, how-to aspect of conducting such proceedings.

International Law

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Professor: Halberstam
Pre/Corequisite: None
Begins Thursday January 16th

This is the basic course in international law and should be taken before, if possible, or otherwise together with, courses dealing with specific areas of international law. It provides an overview of international law, including sources and application of international law, state sovereignty, jurisdiction, the International Court of Justice, sovereign immunity, the act of state doctrine, formation and effect of international agreements, use of force, relation of international law to national law; nationality, human rights, and terrorism.

Israeli Law, Introduction to

Professor: Martin
Pre/Corequisite: None

The course is designed to introduce the student to Israeli law and the Israeli legal system. We will pay special attention to those areas where the Israeli law and system differ from the law and practice in the US.

The course will look at the legal aspects of creation of a state, the incorporation of religious law in a secular system, a different type of constitution, and the development of the Israeli Supreme Court into an "activist" court. We will also consider the more "standard" areas of Israeli law - such as contracts, torts and procedure.

All materials will be in English; a knowledge of Hebrew is not necessary. The grade for the course will be based on class participation and a final paper that examines some aspect of Israeli law or the Israeli legal system using a comparative perspective.

This class will meet on the following dates and times:

Thur., 1/30: 9:00 - 10:50 AM;
Mon., 2/3: 9:00 - 10:50 AM;
Thur., 2/13: 9:00 - 10:50 AM;
Sun., 2/16: 10:00 - 11:50 AM;
Mon., 2/17: 9:00 - 10:50 AM;
Thur., 2/27: 9:00 - 10:50 AM;
Mon., 3/3: 9:00 - 10:50 AM;
Thur., 3/13: 9:00 - 10:50 AM;
Sun., 3/16: 10:00 - 11:50 AM;
Mon., 3/17: 9:00 - 10:50 AM;
Thur., 3/27: 9:00 - 10:50 AM;
Mon., 3/31: 9:00 - 10:50 AM;
Mon., 4/28: 9:00 - 10:50 AM; and
Thur., 5/1: 9:00 - 10:50 AM.

Public Health Law and Policy

Professor: Gerwin

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Pre/Corequisite: None

Begins Friday January 17th

This course will examine the legal issues and policy debates associated with government efforts to protect the health of citizens, populations, and communities. The course will focus on topics that currently occupy the United States' political and legal agenda, including the extent of constitutionally-authorized and politically-desirable laws or government actions in mandating health protections, conducting surveillance, reducing risk and preventing risky behavior, and responding to public health emergencies. While focusing primarily on public health rather than health care, the course will examine proposals for expanding American's access to health services by reforming the health care system. The course will utilize a text and assigned additional readings but will remain open to discussion of current issues as they arise. The final grade will depend upon the quality of the in-class contribution and a take-home exam.