

# Benjamin N. Cardozo School of Law

## Academic Calendar

### Spring 2015

Thursday, January 1	New Year's Day, no classes, <i>building closed</i>
Monday, January 19	Martin Luther King holiday, no classes, <i>offices closed</i>
Wednesday, January 21	Spring classes begin
Thursday, April 2	<i>Friday schedule</i>
Friday, April 3 – Sunday, April 12	Spring break, no classes; <i>Offices close early on Friday, April 3<sup>rd</sup> and Thursday, April 9<sup>th</sup>. Building is closed on Sunday, April 5<sup>th</sup> and Friday, April 10<sup>th</sup>.</i>
Wednesday, April 29	<i>Thursday schedule</i> ; last day of classes
Thursday/Friday, April 30 - May 1	Make Up Days (if needed)
Monday, May 4 – Friday, May 15	Final Examinations
Sunday/Monday, May 24-25	Shavuot, <i>building closed</i>
Monday, May 25	Memorial Day, <i>building closed</i>
Thursday, June 4 @ 2:00 PM	Graduation at Avery Fisher Hall

**Spring 2015 Cardozo Law Classes  
Available to New School University Students**

<b>Course</b>	<b>Professor</b>	<b>Seats Available for NSU Students</b>	<b>Meeting Days/Times</b>	<b>Primary Project</b>
<b>Administrative Law</b>	Herz	5	T, W, F 11:00 - 11:54 AM	In-School Exam on Thursday, May 14 at 8:45 AM
<b>Comparative Law</b>	Suk	3	T, Th 2:30 - 3:51 PM	In-School Exam on Friday, May 15 at 8:45 AM
<b>Constitution and US- Foreign Affairs</b>	Halberstam	2	T, Th 12:00 - 1:21 PM	In-School Exam on Wednesday, May 13 at 8:45 AM
<b>Employment Law</b>	Suk	5	T, W, F 11:00 - 11:54 AM	In-School Exam on Thursday, May 14 at 8:45 AM
<b>European Legal Systems and the Holocaust</b>	Weisberg	2	T 6:00 - 7:54 PM	Paper
<b>International Human Rights</b>	Rona	4	M, W 2:30 - 3:51 PM	Take-Home Exam
<b>International Law</b>	Pearlstein	5	T, Th 12:00 - 1:21 PM; F 12:00 - 12:54 PM	In-School Exam on Wednesday, May 13 at 2:00 PM
<b>Jurisprudence</b>	M. Stone	3	M, W 2:30 - 3:51 PM	Paper/Take-Home Exam Option
<b>Public Health Law and Policy</b>	Gerwin	2	F 11:00 AM – 12:54 PM	Take-Home Exam

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## **Administrative Law**

Professor: Herz

Credits: 3

Pre/Corequisite: None

Class begins Wednesday January 21<sup>st</sup>

The Constitution, like junior high school civics classes, suggests that Congress, the President, and the courts govern in the United States. In reality, however, we live in the “administrative state”: individuals and firms (and, thus, most clients) are most directly and significantly affected not by the actions of Congress, courts, or the President, but rather by those of administrative agencies. This course will introduce the institutions, procedures, and theories of the administrative state. We will explore the constitutional foundations of the modern administrative state, the scope of executive and congressional oversight of agency activity, the procedural and substantive constraints on agency rulemaking and adjudication, and the scope and availability of judicial review of agency action. As time permits, we will also devote some attention to the justifications for and tools of government regulation.

## **Comparative Law**

Professor: Suk

Credits: 3

Pre/Corequisite: None

Class begins Thursday January 22<sup>nd</sup>

This course is an introduction to the comparative study of different legal systems. It will focus on comparing and contrasting the United States’ legal system to those of France and Germany. There will also be some attention to non-Western legal traditions, such as those of China, Japan, and Islam. The emphasis throughout will be on 1) the purposes and methods of comparative legal inquiry, 2) differences between the common law and civil law traditions and their contemporary relevance, and 3) the ways in which differences in legal doctrines, practices, and institutions reflect larger differences in social structure, culture, and historical development. Particular topics for comparative study may include: conceptions of human dignity, equality, and citizenship; civil and criminal procedure; the definition and punishment of criminal acts; welfare, employment, and consumer protection law; contracts; the structure and regulation of business enterprises; legal education and the legal profession; the administrative state; separation of church and state; and intellectual property.

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## **Constitution and US Foreign Affairs**

Professor: Halberstam

Credits: 3

Pre/Corequisite: None

Class begins Thursday January 22<sup>nd</sup>

This course examines how the Constitution impacts on the conduct of U.S. foreign affairs. It addresses questions such as: May the U.S. enter into international agreements even if 2/3 of the Senate does not give its advice and consent? May the U.S. enter into treaties on matters that in the absence of a treaty are subject to state, not federal law? Are there constitutional impediments to U.S. participation in an International Criminal Court? What is the Act of State doctrine? When are foreign states immune from suit in U.S. courts? May a U.S. citizen be deprived of property (or claims to property) without compensation when it is the interest of U.S. foreign relations to do so? Does the Fifth Amendment right to trial by jury apply to trials conducted by the U.S. abroad? Does the Constitution bar trial in the U.S. of someone kidnapped abroad and forcibly brought to the U.S.? Does the Fourth Amendment apply to searches abroad? Who decides whether and when U.S. forces should be sent abroad? Whether and when they should return to the U.S.? Are U.S. courts bound by decisions of the International Court of Justice? May the President direct state courts to give effect to ICJ decisions by providing review of state convictions where such review is barred by state law?

This is a particularly exciting time to consider these questions. While some of these questions have existed since the Founding, world events make them particularly relevant now.

## **Employment Law**

Professor: Suk

Credits: 3

Pre/Corequisite: None

Class begins Wednesday January 21<sup>st</sup>

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.

# Spring 2015 Cardozo Law Classes Available to New School University Students

## **European Legal Systems and the Holocaust**

Professor: Weisberg

Credits: 2

Pre/Corequisites: None

Class begins Tuesday January 27<sup>th</sup>

The seminar explores the ways in which law played a key role in facilitating the genocide in Europe during World War II. With a focus on the fully functioning and highly dissimilar legal systems of the Third Reich and Vichy France, we examine the discourse of judges, lawyers, law professors and government officials relating to “the Jewish question.” We explore the grotesque “jurisprudence” that rationalized discrimination, expropriation, imprisonment and death. We examine the postwar response of law to the horrors, and we explore very recent attempts in American federal courts to bring a measure of justice to Holocaust victims and their heirs. Throughout, our work is designed to integrate what we learn into the present-day understanding of how lawyers behave and speak, particularly during a “state of exception” or perceived crisis. Each student will be responsible for an oral presentation and a final paper.

## **International Human Rights**

Professor: Rona

Credits: 3

Pre/Corequisite: None

Class begins Wednesday January 21<sup>st</sup>

This course will assess the political theories, laws and institutions that address recognition and protection of human dignity. The idea that humans have rights under international law is both radical and essential: radical because international law traditionally governed state-to-state relations, not ones between the state and individuals; essential because states often cannot or will not protect fundamental notions of human dignity in the absence of an international legal superstructure.

We will explore the idea of human rights as a body of international law, its origins, progress, implementation and enforcement. We will study its relation to other bodies of international law, such as the laws of armed conflict, international criminal law, refugee law and the law of state responsibility, as well as its relation to domestic legal frames of civil rights and civil liberties. We will discuss distinctions between the so-called 'first generation' of civil and political rights and the 'second generation' of social, economic and cultural rights as well as distinctions between individual and group rights. We will consider whether non-state entities such as armed groups and businesses such as extractive industries and private military and security contractors have human rights obligations.

We will explore discrimination, including on the basis of sex, sexual orientation, race and disability and we will measure progress toward its elimination.

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We will consider 'cultural relativism' vs. the concept of universality of rights; tensions between various rights (e.g., freedom of expression and association vs. non-discrimination, life vs. choice and death penalty); and the effects of globalism, contemporary conflicts, and the rise of the national security state on human rights.

Evaluation will be by class participation and take-home exam.

### **International Law**

Professor: Pearlstein

Credits: 4

Pre/Corequisite: None

Class begins Thursday January 22<sup>nd</sup>

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.

### **Jurisprudence**

Professor: M.Stone

Credits: 3

Pre/Corequisite: None

Class begins Wednesday January 21<sup>st</sup>

“Justice,” according to the philosopher John Rawls “is the first virtue of social institutions.” We might think of social institutions just insofar as they distribute burdens and benefits appropriately, and in so far as they articulate fair norms of interaction between persons. The topic of this seminar will be theories of justice: Drawing on the traditions of jurisprudence and political philosophy, we will examine various accounts of what justice requires and what the role of law might be in giving concrete shape to those requirements. Topics to be considered include the distinction between corrective and distributive justice (and the embodiment of this distinction in different legal structures), contemporary theories of distributive justice (utilitarian, libertarian, liberal, communitarian, feminist, etc.), and a number of specific contemporary problems concerning law and justice: e.g., the moral limits of markets, reserve discrimination, same sex marriage. This seminar is ideal for JD, LL.M. or other graduate students who seek a more theoretical understanding of the nature of the principles which structure and unify the law. We will proceed by discussion of a range of jurisprudential and philosophical writings. Members of the seminar may elect either to write a final paper or to take a take-home exam.

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## **Public Health Law and Policy**

Professor: Gerwin

Credits: 2

Pre/Corequisite: None

Class begins Friday January 23<sup>rd</sup>

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.