

## **LAW 821. SEMINAR: Corporate Governance**

Credits: 3 hours

Instructor(s): Prof. Georgiev

Pre-Selection: <https://emorylaw.wufoo.com/forms/lsr-fall-2021-preselection-seminars-and-csw/>

Prerequisite: BA or an equivalent introductory course in corporate law

Grading Criteria: Participation & Paper(s)

Enrollment: Limited to those pre-selected, remaining seats will NOT be made available during Open Enrollment.

Description: Corporate governance is in a state of tremendous flux as a result of the global financial crisis of 2008-09, the corporate accounting scandals of the early 2000s, heightened public scrutiny of corporate conduct, and the rise of shareholder activism. This seminar will provide an overview of the main academic theories of corporate governance and examine some of the ongoing debates about the efficacy and adequacy of recent reforms, such as the Sarbanes-Oxley Act of 2002, the DoddFrank Act of 2010, and related SEC rulemaking. Possible topics include: the structure and composition of the board of directors, executive compensation, shareholder activism, the role of proxy advisory firms, the financial crisis, corporate social responsibility, and the nexus between SEC disclosure obligations and corporate governance practices. Scheduling: Students should be available to present their papers (or serve as discussants of others' papers) during an all-day research symposium. This symposium will be held on Saturday, November 10, in lieu of several regularly scheduled class meetings at the end of the semester. \*Last Updated Fall 2018

## **LAW 796. SEMINAR. Counterterrorism**

Credit: 3

Instructor(s): Prof. Carson

Prerequisite: None, although courses such as National Security Law and International Humanitarian Law would be helpful

Grading Criteria: Paper (Satisfies Upper-level Writing Requirement)

Preselection: <https://emorylaw.wufoo.com/forms/lsr-fall-2021-preselection-seminars-and-csw/>

Description: This course will expose students to the major principles of U.S. counterterrorism law. This course will highlight the wide range of legal issues implicated by such laws and efforts both domestically (CONUS) and abroad (OCONUS). This course will be rooted in legal foundations, although conversations will also include relevant policy considerations. Through this course of instruction, students will analyze issues involving international and domestic law as it relates to counterterrorism activities, the authorities for use of force, offensive operations overseas, surveillance of terrorists, capture, detention, and interrogation of terrorism suspects, prosecutions in military commissions and domestic courts, and other legal authorities for addressing terrorism-related issues. Attendance Policy: Mandatory attendance at weekly lectures. Participation is 30% of final grade.

### **LAW 843. SEMINAR: International Environmental Law & Vulnerability**

Credits: 3 hours

Instructor(s): Prof. Samandari

Preselection: <https://emorylaw.wufoo.com/forms/lsr-fall-2021-preselection-seminars-and-csw/>

Prerequisite: None, however, a background in Int'l Law will be helpful

Grading Criteria: 30-page Seminar Paper

Enrollment: Class is available during Open Enrollment until capacity is met.

Description: This seminar will examine the development of international environmental law, focusing on the major areas of global environmental protection including climate change and biodiversity loss. The course will unpack principles underlying the regime, including, the “polluter pays” principle, precaution, sustainable development, vulnerability, and others. We will delve into new developments in climate change law around the world. We will also learn about the growing movement towards granting legal person-hood to nature. The goal is to understand the current trajectory of international environmental law and the need for global environmental cooperation to expand in a socially just manner.

### **LAW 817. SEMINAR: Implementation of U.S. Law in International Law**

Credits: 3 hours

Instructor(s): Prof. Van der Vyver

Preselection: <https://emorylaw.wufoo.com/forms/lsr-fall-2021-preselection-seminars-and-csw/>

Prerequisite: None

Grading Criteria: Paper

Enrollment: Class is available during Open Enrollment until capacity is met.

Description: An overview of American foreign policy, highlighting among other things what has come to be known as American exceptionalism and contrasting that with the post-World-War I American policy of isolationism, the promotion of American interests in international law, and a shift in American foreign policy brought about by the Obama administration; The prosecution of offenses against the law of nations in the United States, with special emphasis on Article VI, Clause [2], and Article 1, Section (8), Clause [10], of the Constitution, and with special reference to the prosecution of torture and genocide in the United States; Non-ratification by the United States of the Convention on the Rights of the Child, with special emphasis on the influence of religious groups that oppose the ratification on biblical grounds, and the role of federalism (the rights of the child are almost exclusively within the jurisdiction of states) that may preclude the federal authorities from ratifying the Convention; The United States and the jurisprudence of international tribunals, with special emphasis on reluctance of the United States to submit itself to the jurisdiction of such tribunals, the Nicaragua Case in which the International Court of Justice in the 1980s condemned the United States for its assistance to the Contras, and the

fairly recent judgment of the U.S. Supreme Court in the case of *Medelln v. Texas*, as well as decisions of the American Commission on Human Rights relating to non-compliance by the United States with the Vienna Convention on Consular Relations (by not always informing an alien detainee of his or her right to consular assistance); The International Criminal Court (ICC), with special emphasis on the positive role played by the United States in the drafting of the ICC Statute, hostility of the Bush administration toward the ICC, and re-engagement by the Obama administration with the ICC in 2009 to become a cooperating non-party State; and how this is to be reconciled with the American Servicemembers Protection Act, which in essence prohibits the United States from cooperating in any way with the ICC. Military Interventions by the United States, with special reference to provisions in the U.N. Charter that instruct Member States not to settle their international disputed through the taking up of arms, questions as to legality under the norms of international humanitarian law of anticipatory self-defense, humanitarian interventions, and wars of liberation, the Reagan Doctrine, and the recent armed interventions in Kosovo, Afghanistan, and Iraq.

**LAW 844. SEMINAR: Judicial Behavior**

Credits: 3 hours

Instructor(s): Prof. Shepherd, Joanna

Pre-Selection: <https://emorylaw.wufoo.com/forms/lsr-fall-2021-preselection-seminars-and-csw/>

Prerequisite: None

Grading Criteria: Class Discussions & Final Paper

Enrollment: Limited to those pre-selected, remaining seats will NOT be made available during Open Enrollment.

Description: How do judges decide cases? Some argue that judges primarily rely on legal factors to make their decisions, while others contend that judges decide cases in order to advance their own policy preferences. More recent studies of judicial behavior have concluded that judges may also be influenced by an aversion to reversal, an attempt to reduce their workload, and efforts to stay on the bench or attain a promotion. An understanding of judicial behavior is critical in policy debates about judicial selection methods, recusal rules, campaign finance reform, removal standards, and many other procedural rules and institutional norms. It is also an important factor in predicting litigation outcomes. In this class, we will explore theories of judicial behavior, examine the empirical evidence about how judges decide cases, and discuss the policy implications arising from the evidence. While some experience with empirical analysis would be helpful, it is not required.