

**INTERNATIONAL AND COMPARATIVE LAW CLASSES
FALL 2020**

226.2 sec. 001 - Foreign Relations Law



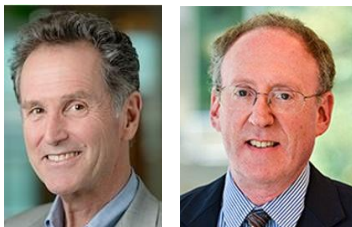
Instructor: John Choon Yoo

August 17, 2020 to November 23, 2020

M 6:25 PM - 8:15 PM

The course examines the law governing the conduct of American foreign relations. First, we will consider the distribution of the foreign affairs power between the executive, legislative, and judicial branches. Special attention will be given to the original understanding of the foreign affairs power and how the constitutional design has (or has not) changed over time. Second, we will examine the statutory distribution of authority in foreign affairs. The course will conclude with a review of legal constraints on the foreign affairs power imposed by the states, the judiciary, and by international law.

245.9 sec. 001 - International Business Negotiations



Instructors: Howard Clowes and Jay Finkelstein

- **August 19, 2020 to November 24, 2020**
W 6:25 PM - 9:05 PM
- **October 03, 2020 to October 17, 2020**
Sa 10:30 AM - 1:30 PM
- **On 2020-10-22**
Th 7:00 PM - 10:00 PM
- **On 2020-11-07**
Sa 10:30 AM - 2:30 PM

This course is structured around a simulated negotiation exercise in which the students in this class will represent an African agricultural company (Malundian Cassava Corporation) and the students in a counterpart class Stanford Law School will represent a multi-national pharmaceutical company (KJH Pharmaceutical Corporation). The two companies are interested in working together to exploit a new technology developed by KJH Pharmaceutical that uses the cassava produced by Malundian Cassava Corporation. The form of their collaboration could be a joint venture, licensing agreement or long term supply contract. The negotiations will take place through written exchanges and through live negotiations.

The purpose of the course is to provide students with an opportunity (i) to experience the sequential development of a business transaction over an extended negotiation, (ii) to study the business and legal issues and strategies that impact the negotiation, (iii) to gain insight into the dynamics of negotiating and structuring international business transactions, (iv) to learn about the role that lawyers and law play in these negotiations, (v) to give students experience in drafting communications, and (vi) to provide negotiating experience in a context that replicates actual legal practice.

The course will begin with three introductory sessions focused on understanding and analyzing the facts, identifying substantive legal issues, and developing negotiation objectives and strategy in preparation for the negotiation exercise.

261.1 sec. 001 - International Business Transactions



Instructor: Katerina Linos

August 19, 2020 to November 24, 2020
W 10:00 AM - 12:40 PM

This course analyzes the contractual and regulatory issues that might arise when a business transaction involves international elements. Typical examples of such transactions include: concluding a supply deal with foreign providers, acquiring a foreign company, seeking financing from foreign investors, and financing a foreign company through the U.S. markets.

We will examine the background rules governing international business, including the extraterritorial application of domestic law and the role of international law in the US system. We will also study parties' freedom in choice of law and dispute resolution fora, including both courts and arbitral tribunals. We will discuss common transaction structures, as well as regulatory approvals needed to complete transactions, such as approvals from antitrust authorities or privacy regulators. We will then assess the main risks associated with a cross-border transaction, including foreign torts and dealing with sovereigns, and discuss contractual devices used to limit these risks' impact.

262.63 sec. 001 - Human Rights Advocacy Through Stories and Film



Instructors: Roxanna Altholz and Laurel E. Fletcher

August 18, 2020 to November 10, 2020

Tu 3:35pm to 5:25pm

This class explores the rewards and challenges of human rights advocacy by looking in depth at some of the iconic human rights campaigns and cases. For example, human rights advocates led the international campaign to outlaw torture, the struggle against impunity for genocide in Guatemala, the victory in South Africa's constitutional court recognizing access to HIV treatment as a human right, and the suit against the oil company Unocal for human rights violations. These landmark victories developed international human rights law through the mobilization of transnational advocacy networks. How and to what extent these efforts succeeded tells us much about the dynamics of international human rights advocacy. We will examine specific case studies through accounts by advocates, guest speakers involved in these struggles, as well as through film. Questions that we will consider include: What are the problems that lend themselves to being addressed by international human rights law and mechanisms? What are the strategies that human rights lawyers utilized and why? What ethical and other challenges did they face and how well were they resolved? Our goal is to expose students to the nature and dynamics of international human rights advocacy.

262.67 sec. 001 - Human Rights Investigations in the Digital Age



Instructor: Alexa Koenig

August 18, 2020 to September 29, 2020

Tu 3:35 PM - 5:25 PM

This class will introduce 1L students to the practice of digital open-source investigations: investigations that use social media and other publicly-available, internet-based sources to develop evidence for human rights advocacy and legal accountability. Students will learn the background information needed to effectively and ethically collect and authenticate information on war crimes, grave international crimes, and human rights abuses from digital sources. The course will be led by the Human Rights Center's executive director, Alexa Koenig.

This class is among the special Fall 2020 1L elective seminars designed to give entering 1Ls an extra opportunity to form connections despite our remote form of interaction. In light of that goal, these classes will expect real-time attendance and may not be recorded. These classes will all be graded on a Credit/No Credit basis and total written work requirement will be no more than 8 double-spaced pages.

262.68 sec. 001 - Human Rights and War Crimes Investigations



Instructors: Alexa Koenig and Eric Stover

August 20, 2020 to November 20, 2020

Th 3:35 PM - 5:25 PM

This seminar introduces the concepts and practices underlying human rights and war crimes investigations, including online open source investigations: investigations that use social media and other publicly accessible, internet-based sources to gather and verify evidence for advocacy and legal accountability. In addition to lectures and readings, the course will introduce students to the Investigations Lab at Berkeley Law's Human Rights Center,

a program that provides students with an opportunity to engage in real-world investigations with a number of organizations that are working to bring awareness to grave international crimes and other human rights abuses. Partners include legal investigators, investigative reporters, and human rights advocacy organizations (such as Amnesty International and Human Rights Watch). In the course, students will learn the fundamentals of conducting international investigations, including how to collect and authenticate documentary information--including digital evidence--of war crimes and human rights abuses.

263 sec. 001 - International Human Rights



Instructor: Saira Mohamed

August 20, 2020 to November 20, 2020

Th, F 11:20 AM - 12:35 PM

This course critically examines the international laws, actors, and institutions that play a role in the protection of human rights. The course includes discussion of conceptual foundations of human rights; the substantive protections of human rights law and the limits of the law in areas including the death penalty, systematic racism, and freedom of speech; international, regional, and national mechanisms for the interpretation, implementation, and enforcement of human rights, including civil, criminal, and non-legal methods of redress; and challenges to human rights enforcement and strategies for promoting protection of human rights.

263.1 sec. 001 - Advanced Topics in Corporate Governance: A Comparative Analysis of the U.S and Asia



Instructor: Zenichi Shishido

August 18, 2020 to September 22, 2020

Tu 6:25 PM - 8:25 PM

This is a seminar course focusing on a comparative analysis of business systems across the world, particularly those in the US and Asia. We will discuss the basic question: how does law matter to business practice?

To answer this question, we need to take into consideration two complementarities. First, the legal system in a given country consists of a variety of legal subject areas, including corporate law, securities regulation, labor law, bankruptcy law, and tax law, among others. These areas of law do not operate in isolation but rather in complement to affect the business practices in a country. Second, the law operates in conjunction with economic markets and social norms.

With this in mind, I propose the following framework: consider the firm as a forum for incentive bargaining among four major participants: management, employees, creditors, and shareholders. How do the complementary effects of various laws, markets, and norms affect the incentives of each participant? How has this affected the accepted business practices in a country, and in turn, the broader business system?

264.5 sec. 001 - Comparative Equality and Anti-Discrimination Law



Instructor: David Oppenheimer

August 17, 2020 to November 24, 2020
M, W 11:20 AM - 12:35 PM

Comparative Equality & Anti-Discrimination Law uses a problem-based approach to examine a global view of anti-discrimination law, comparing US, European, and other national, regional and international legal systems, including those of India, Brazil and South Africa. The course covers 8 topic modules:

1. Theories and sources of equality and anti-discrimination law;
2. Employment discrimination (race, sex, age, disability, LBGTQ+);
3. Sexual harassment/Violence;
4. Affirmative action (race, caste, origin)/gender parity;
5. Marriage equality (race, same-sex);
6. Hate Speech;
7. Disability rights; and
8. Secularism and the rights of religious minorities.

The class will meet for 75 minutes, twice a week for 14 weeks, on Zoom. Office hours will be by appointment, on Zoom.

264.6 sec. 001 - Health and Human Rights in Times of War and Peace



Instructors: Rohini Haar and Eric Stover

August 18, 2020 to November 20, 2020

Tu, Th 2:10 PM - 3:25 PM

This course will explore how international human rights and humanitarian laws and norms impact public health in times of armed conflict and in peacetime, and how health policies and practices may help promote human rights or potentially violate them. We will examine a wide range of topics including the role of health and legal professionals in documenting the health consequences of war crimes and human rights abuses; treating survivors of torture and sexual violence; addressing the special health and human rights concerns of vulnerable groups, including children, human trafficking survivors, and prisoners; and resolving conflicts between civil liberties and public health policies during epidemics. We will also examine the role of international humanitarian organizations in armed conflict, and health and human rights impacts of climate change and environmental degradation.

The course is offered through the UC Berkeley School of Public Health and School of Law.

267.51 sec. 001 - Introduction to Roman Law



Instructor: David Singh Grewal

August 18, 2020 to November 10, 2020

Tu 3:35 PM - 5:25 PM

This course will offer an introduction to Roman law focused on Roman legal institutions and ideas. As the root of most European legal systems, a study of Roman law provides insight into current structures. It offers comparisons to Anglo-American Common Law, which students will encounter in 1L classes. Readings will be drawn from a mix of primary and secondary sources. No knowledge of Roman law, Roman history, or Latin is assumed.

275.65 sec. 001 - Transnational Intellectual Property Law



Instructor: Robert P. Merges

August 18, 2020 to November 20, 2020

Tu, Th 11:20 AM - 12:35 PM

This course features comparative law discussions of important features of the major national IP systems in the world (China, Europe, the US). We cover Patents, Copyright, Trademarks, Trade Secrets, and Design Protection in each of these three major jurisdictions. The primary aim of the course is to add a solid international dimension to the student's understanding of the law and policy of IP law. An additional goal is to help prepare the student for the globalized IP practice that is rapidly emerging. The casebook for this course is the newly published Robert Merges and Seagull Song, *Transnational International Property* (Edward Elgar Publishers, 2018). One particular strength of this book is that it includes the most detailed and most recent English translation of important statutes, cases, and regulations in the field of Chinese IP law. It also includes extensive treatment of EU IP law, with a particular emphasis on Germany and the UK. Chapters include a basic introduction to US IP law in the covered fields as well.

275.66 sec. 001 - Chinese IP Law



Instructor: Mark Cohen

August 19, 2020 to November 24, 2020

W 10:00 AM - 12:40 PM

Intellectual property protection in China has never been more important in bilateral and multilateral trade relations than today.

Students will be exposed to case law, statutory, international law, empirical and other materials analyzing China's IP system. In the past, leading US and Chinese current and former officials, judges, and practitioners have also joined the class. The class is the oldest class taught in North America on China's IP system

The course does not require prior study of intellectual property law. Students who have taken Chinese intellectual property law in China have found the course offers a different content and perspective. Students interested in technology transfer, comparative law, Chinese law, international trade, and government relations have all benefited from the class in the past. Knowledge of Chinese is not required. Many non-Chinese speaking students have written successful papers by comparing China's IP regime to the US or third countries, discussing US cases, or analyzing trade implications of China's IP practices. Often these papers have been published.

The course covers patent, trademark, copyright, trade secret, design protection, and IP enforcement in China, including IP-related antitrust. It also covers the impact of Chinese IP regime on the United States, including transnational IP litigation, US customs remedies, and trade remedies.

The course will address the full range of controversial issues involved in Chinese IP: Does China effectively enforce IP? Does political pressure help? Is China out-innovating the US? Is China improving its IP system, including its courts, and are these reforms helping foreign companies? What is the impact of China's e-commerce environment on the US? Are there particular ethical considerations implicated in practicing IP law in China? etc. Students will have access to specialized IP databases to conduct research. The instructor will review drafts of the paper mid-semester, and will assist students after the class is over should they wish to submit their papers for publication.

Come to this class with an open-mind and be ready to re-examine prior perspectives on China's IP environment. We will all benefit from each other's experience.

283H sec. 001 - Int'l Human Rights Law Clinic Seminar



Instructors: Roxanna Altholz and Laurel E. Fletcher

August 19, 2020 to November 24, 2020

W 3:35 PM - 5:25 PM

This seminar functions as the companion course for the International Human Rights Law Clinic. It provides training on substantive human rights norms, exposes students to the various types of human rights work (monitoring, litigation, policy, legislation, research, etc.), encourages student to think critically about the goals and trade-offs of human rights methodologies in the context of strengths and limitations of the human rights movement, offers a structured context in which to reflect on the lawyering process, and provides students with the opportunity through student-led class sessions to present aspects of casework for group feedback and discussion (e.g. ethical problems, presentations, written advocacy, etc.).

Enrollment in the Clinic (4 units per semester) and Seminar (2 units) is by permission. Because of project demands, Clinic students may not enroll concurrently in another clinic or field placement.

283.1H sec. 001 - Advanced International Human Rights Clinic Seminar



Instructors: Roxanna Altholz and Laurel E. Fletcher

August 19, 2020 to November 24, 2020
W 3:35 PM - 5:25 PM

This seminar is the companion classroom component to the Advanced International Human Rights Law Clinic. Students who have completed the International Human Rights Law Clinic and International Human Rights Law Clinic Seminar are eligible to apply for enrollment in the Advanced International Human Rights Law Clinic and Advanced International Human Rights Law Clinic Seminar.

Students in this Advanced Clinic Seminar will take an active role in select sessions that are combined with the International Human Rights Clinic Seminar including, case rounds, guest speakers, and topical discussions. Advanced Clinic Seminar students will contribute to the design and facilitation of some seminar sessions. Students will engage in peer learning and critique, and develop leadership skills.

284.92 sec. 001 - COVID-19 and Global Inequality



Instructor: David Oppenheimer

August 20, 2020 to November 20, 2020

- **Th 07:00 AM - 09:50 AM**
- **Th 4:00 PM - 6:50 PM**

The COVID-19 pandemic has taken hundreds of thousands of lives and caused millions of people to lose their jobs and/or businesses. Its impact has been global, and it is commonplace for people to say, “we’re all in this together.” We’re not. In fact, the impact has been disproportionately felt by people who are already disadvantaged by reasons of race, ethnicity, gender, disability, poverty, age, and intersections of disfavored identity. This online multi-university law course will explore the global impact of the COVID-19 pandemic on members of

disadvantaged communities through the lens of equality law.

Topics of discussion are still under discussion, but will tentatively include:

Introduction to instructors and topics. (August 13) (recorded for Berkeley students)

Theories of equality. (August 20) (first class meeting for Berkeley students)

Sources of equality law (August 27)

Gender. (September 3)

Race and racism, including issues of police misconduct. (September 10)

Intersectional inequality. (September 17)

Poverty. (September 24)

Domestic Violence. (October 1)

Incarceration (October 8)

Low wage workers (October 15)

Migrants. (October 22)

Persons with disabilities (October 29)

Age (November 5) (Daylight Saving Time ends)

LGBTQI+. (November 12)

TBD (November 19) (last day for Berkeley students)

The class will be hosted by Berkeley and the University of Portsmouth (UK), and will include students and instructors from many universities spanning the globe. Other universities are still joining but at this point we have partners from Argentina, Australia, Brazil, Colombia, France, Italy, the Netherlands South Africa, and the United Kingdom. We are in discussions with universities in Canada, Hong Kong and India. By the time classes start we will probably have partners on six continents.

For Berkeley students, all class sessions will include students and faculty from North, Central and South America; some class sessions will also include students and faculty from Europe/Africa or Asia/Australia. For Berkeley students, the class meets once a week, on Thursdays, for 110 minutes. Because the class includes students and faculty from universities in many time zones, on some Thursdays it meets in the morning (8:00-9:50, or on one occasion at 7:00-8:50 after we return to standard time) while on other Thursdays it meets in the late afternoon (5:00-6:50, or twice at 4:00-5:50 after we return to standard time). For our first five meetings (August 20 and 27, September 3, 10 and 17) we will meet at 5:00 PM Pacific Daylight Time. The meeting times for each week will be clearly stated on the syllabus.

Berkeley students who are residing anywhere in North, Central or South America can take the course "live" on the same schedule as students present in Berkeley. Students who are unable to attend in real-time will be expected to watch class videos and may have opportunities for optional engagement in real-time sessions in other time zones.

In total, six Berkeley class meetings will be at 5:00 PM, five will be at 8:00 AM, two will be at 4:00 PM and one will be at 7:00 AM.

295.5H sec. 001 - International Human Rights Law Clinic



Instructors: Roxanna Altholz and Laurel E. Fletcher

August 17, 2020 to November 24, 2020

The International Human Rights Law Clinic allows students to design and implement creative solutions to advance the global struggle for the protection of human rights. Students are assigned to work on innovative human rights projects on behalf of individuals and marginalized communities that have been the targets of repression and violence. Clinic students prepare and conduct litigation before national and international judicial forums concerning human rights violations. They also engage in interdisciplinary empirical studies of the impact of human rights abuses--research that aims to achieve policy outcomes. Clinic projects frequently involve policy analysis and the drafting of statutes and standards to govern the conduct of state and non-state actors. Students enrolled in the clinic also take a seminar course that provides a forum for exploring the links between legal theory and their cases and projects.

Please visit <https://www.law.berkeley.edu/experiential/clinics/international-human-rights-law-clinic/> for more information on the work of the IHRLC.

295.5I sec. 001 - Advanced International Human Rights Clinic



Instructors: Roxanna Altholz and Laurel E. Fletcher

August 17, 2020 to November 24, 2020

This course is open to students who have previously enrolled in the International Human Rights Law Clinic and International Human Rights Law Clinic Seminar. Students enrolled in the Advanced International Human Rights Law Clinic will continue work on on-going projects or may work on new projects. Students are expected to take on additional responsibilities and demonstrate increasingly higher levels of professional performance. Students enrolled in this advanced clinic must also enroll in the companion course, the Advanced International Human Rights Law Clinic Seminar, which is a 1-unit course graded CR/NC.

295I sec. 001 - International Law in Practice



Instructors: Susan Schechter and Asa H. Solway

August 18, 2020 to November 20, 2020

Tu 08:00 AM - 09:50 AM

International Law in Practice presents students with interactive scenarios rooted in the practical application of international law from the perspective of international organizations, tribunals, governments and civil society. Topics may include: applicability of human rights obligations on non-state actors; inter-state disputes before the International Court of Justice; jurisdictional issues related to international criminal law; implementation of international legal instruments in domestic jurisdictions; and strategic litigation before the European Court of Human Rights and other regional bodies. Students will engage in discussions and interactive exercises from the role of international practitioners. The aim of the course is to provide students with an overview of the challenges related to the implementation of international law, the interaction between domestic and international systems and the procedure and institutions in which international law is practiced. Classes will feature presentations from senior lawyers working in the relevant fields of study. The course will be taught by Asa Solway '09, an international lawyer based in The Hague, Netherlands.

Please contact Sue Schechter, field placement director, sschechter@law.berkeley.edu before August 17, if you are interested in participating in this class.