

Spring 2021
International and Comparative Law Classes



**211. 12 sec. 001 - The U.S. Legal Profession: Professional Responsibility in
Global Perspective**

Instructor: Rachel Stern

Units: 3

January 19, 2021 to April 30, 2021 (Tu, Th 08:35 AM - 09:50 AM)

Drawing from various disciplines, this course is designed to teach you about the variety of practice settings in which lawyers work, both in the United States and around the world. While most law school courses teach the substance of the law, with a focus on the issues that are most important to clients, this course revolves around the profession you are entering, and aims to give you a sense of what you will experience once you are there.

Why study the legal profession? This course will cover many of the issues that confront the legal profession globally, such as unequal access to justice, the profession's demographics and social structure, the challenges of maintaining independence in the face of political power, and the effects of globalization. In preparation for the role you will take up as a future leader of the profession, this course will ask you to develop a perspective on which criticisms of the profession are justified and what policy responses are appropriate. Looking at these issues in comparative perspective will also push you to develop a global view of the profession, to better understand the common challenges lawyers face around the world and to appreciate the ways in which the American legal profession is unusual.

As we discuss the legal and ethical issues that lawyers confront across jurisdictions and practice settings, we will cover many of the American Bar Association's Model Rules of Professional Conduct. These rules are tested on the Multistate Professional Responsibility Exam, as well as on the bar exam of California and many other states, and an important objective of the course is to make sure you are familiar with them. We will go well beyond the straightforward rule to consider ambiguity in the law and how lawyers do and should respond to it. A major theme of our discussion will be about how workplaces shape lawyers' sense of their role and obligations, as much or more than ethics rules, disciplinary committees, liability controls, and a lawyer's individual conscience.



230.2 sec. 001 - Police Interrogations and Investigations: A Comparative Perspective

Instructor: Charles Weisselberg

Units: 2

January 19, 2021 to April 30, 2021 (Tu 08:00 AM - 09:50 AM)

The early stages of criminal investigations are often outcome-determinative, and this is true across nations, societies, and types of criminal justice systems. This course takes a comparative approach to the early stages of criminal investigations with a particular emphasis on investigations and interrogations by police and prosecutors. The seminar will cover some aspects of U.S. law and practice. But we will spend more time examining developments in other nations and systems.

We will begin with the context for criminal justice reforms, discussing the structure and function of governmental institutions, such as police, courts, prosecution and defense; regulation of police investigations; interrogation theory and practice; rates of crime; and various nations' criminal justice priorities. This is a very interesting time to take a comparative approach. A number of countries in Latin America are moving from record-based forms of adjudication to oral trials. Japan adopted a lay judge system for certain serious cases, and is recording most interrogations. These reforms in the adjudicative process influence how investigations are conducted and evidence is collected. Decisions from the European Court of Human Rights, and directives from the European Parliament and the Council of the European Union, are prompting changes in nations' laws and investigative procedures in much of Europe. Criminal justice systems provide a lens through which to examine various nations' values, cultures, and institutions.

A 12-18 page paper is required. First drafts of the paper are due March 18, and the final papers will be due May 10. Prior enrollment in Criminal Procedure-Investigations is suggested, but not required. Students with knowledge, experience or interest in other systems (including LL.M. students) are encouraged to enroll.



245.9 sec. 001 - International Business Negotiations

Instructor: Jay Finkelstein

Units: 3

January 03, 2021 to January 07, 2021 (M, Tu, W, Th, Su 08:00 AM - 3:30 PM)

January 08, 2021 (F 08:00 AM - 10:45 AM)

This class which has previously involved international travel will be taught this year via Zoom. The class remains partnered with a counterpart class at Tel Aviv University and will offer a cross-cultural negotiation experience. The class will be completed (except final paper) by January 8, 2021.

ENROLLMENT IN THIS CLASS IS BY APPLICATION. THERE WILL BE AN INFORMATIONAL MEETING ON October, 27 AT LUNCH (12:50, PACIFIC TIME) FOR INTERESTED STUDENTS TO LEARN ABOUT THE CLASS AND OBTAIN THE APPLICATION (which can also be requested by email to jay.finkelstein@dlapiper.com). THE CLASS IS LIMITED TO 14 STUDENTS. THERE WILL BE THREE 3-HOUR PREPARATORY SESSIONS HELD ON DECEMBER 21, 22, and 23rd. ATTENDANCE AT THESE MEETINGS, WHILE OPTIONAL, WILL BE ONE OF THE FACTORS I CONSIDER WHEN MAKING ENROLLMENT DECISIONS. Questions should be directed to the instructor at jay.finkelstein@dlapiper.com.

This course is structured around a simulated negotiation exercise in which the students in this class will represent a multinational pharmaceutical company (KJH Pharmaceutical Corporation) and the students in a counterpart class at Tel Aviv University will represent an African agricultural company (Malundian Cassava Corporation) and the students in a counterpart class. 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. This course will also give participants the opportunity to work across cultures with students from a different country.

NOTE: this class has been taught via Zoom multiple times since March 2020, including with Tel Aviv University, and the Zoom experience is substantially equivalent to the in-person class (albeit without the travel). In addition, the Zoom experience is an introduction to the future of law practice, as many negotiations will continue to be conducted via online platforms.

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.

The class will engage in five days of face-to-face Zoom negotiations with the counterpart class from Tel Aviv University as well as participate in separate discussion and strategy sessions in breakout rooms. These classes will be held January 3 through Jan 8. (NOTE: In Israel, Sunday is the first day of the week). We will also schedule various social sessions with the TAU students and possible other activities TBD. A final debrief session will be held on January 8th.

The thrust of this course is class participation and active involvement in the negotiations process. Students are expected to spend time outside of class, working in teams, to prepare for class discussions involving the written exchanges as well as to prepare for the live negotiations. Class discussions will focus on the strategy for, and progress of, the negotiations, as well as the substantive legal, business and policy matters that impact the negotiations, and policy matters that impact the negotiations.

Applications are in the Supplemental File at the end of the course description, and are due November 2nd.



251.21 sec. 001- Business Strategy in the Global Political Economy

Instructor: Vinod Aggarwal

Units: 2

January 19, 2021 to March 30, 2021 (Tu, Th 2:10 PM - 3:25 PM)

This course, jointly listed in the Haas School of Business and Berkeley Law, focuses on how one should formulate and integrate market and nonmarket strategies in a complex global economy. What are the implications for firm strategies of the anti-globalization backlash? Most business strategy courses focus on the organization of the firm and analysis of the market environment within which companies operate.

Yet an important element in pursuing competitive advantage is the ability of a firm to mold or influence the nonmarket business environment - the rules, regulations, domestic institutions, and international regimes that define the context of the market in which they operate.

Many actors influence the nonmarket environment including governments, international organizations, the media, non-governmental organizations, and a host of activist groups. This nonmarket environment often determines the profit and loss opportunities for firms in many industries including biotechnology, telecommunications, the automobile industry, and consumer electronics - to name only a few. Firms that take the nonmarket environment as "given" often fall behind their competitors, despite having developed strategies for the market in which they operate.

This course focuses on the development of tools to analyze the nonmarket environment of business and considers the policy making process in the United States, Europe, Japan, China, India, and as well as other emerging markets. Topics include anti-globalization, domestic political institutions and policymaking, corporate political strategies, government regulation and deregulation, industrial policy, trade policymaking, and international institutions. The course focuses on a managerial approach

to help executives and consultants design and implement complementary market and nonmarket strategies that will allow them to compete successfully in the global political economy.



252.3 sec. 001 - International Antitrust Law

Instructors: Rachel Brass, Joel Sanders

Units: 2

January 22, 2021 to April 30, 2021 (F 08:00 AM - 09:50 AM)

The course will compare the approaches of various regimes (including, for example, the U.S., European Union, China, Korea, Japan, and Brazil) to specific antitrust/competition law issues, with a specific focus on the practical realities of global antitrust/competition law enforcement. The course will cover issues involving client advice, criminal investigations, civil litigation, and dealings with competition authorities. Specific topics will include cartels, dominance (abuse of monopoly power), mergers, the intersection between intellectual property and antitrust, extraterritoriality and comity, privilege and privacy, vertical restraints, and private damages actions. Reading assignments will include academic writing and case study materials. We plan to include role playing opportunities and written assessments based on “real world” skills (e.g., client memoranda and white papers).

Joel Sanders is a retired partner and Rachel Brass is a partner in the Antitrust & Competition practice at Gibson, Dunn & Crutcher LLP. Joel started his career with the United States Department of Justice, Antitrust Division, where he represented the United States in both criminal and civil enforcement matters. In private practice, we have handled a wide range of antitrust matters, including global cartel investigations, mergers, internal investigations, and complex civil litigation. We have represented clients in antitrust and competition matters before more than a dozen different international competition authorities, as well as the U.S. DOJ and Federal Trade Commission. We have litigated antitrust cases across the country and in the U.S. Supreme Court.



261 sec. 001 - International Law

Instructor: Katerina Linos

Units: 4

January 19, 2021 to May 04, 2021 (M, Tu, Th 2:15 PM - 3:25 PM)

This course provides an introduction to international law broadly defined. It presents the basic concepts that every lawyer should know about the international dimensions of law in the modern world, and offers a rigorous foundation for advanced courses in this field. After covering the sources of international law, we will discuss a wide range of specific topics, from international human rights and the use of force, to international environmental law, trade and investment, and international business transactions.

Why study international law? Legal systems today are highly interconnected. We will see that changes in laws that appear entirely domestic in character can have global consequences. Conversely, foreign countries’ laws, international norms, and treaties can shape how domestic legal systems evolve. With its dominant role in the development and enforcement of the rules connecting the world, the U.S. often finds itself at the center of both these forces. International law is essential for careers in many government agencies, international organizations and tribunals. In addition, American lawyers today often represent U.S. companies doing business abroad or foreign companies doing business here.

The course has no prerequisites, and no prior knowledge will be assumed. That said, LLM students and others who already have

a background in international law are encouraged to take the course. A particular emphasis of this course will be the use of international law in domestic litigation and law reform. Additionally, we will examine how politics and culture inform the negotiation and enforcement of international agreements, and draw on a growing theoretical literature on international law and international relations. This course is required for students who wish to complete the certificate in international law.



261.17 sec. 001 – International Organizations

Instructor: Katerina Linos

Units: 3

January 22, 2021 to April 30, 2021 (F 10:00 AM - 12:40 PM)

This class has two goals: to introduce students to international organizations, networks and other forms of global governance, and to provide the space for students to write a 30 page paper on an international topic.

We will examine how international organizations and transnational networks develop international law and use legal and non-legal tools to shape domestic practices. While international organizations have limited enforcement capabilities, “almost all nations observe almost all principles of international law almost all of the time.” Drawing from legal and social science literatures, we will study how hard and soft international law shape the conduct of governments, courts, NGOs, expert networks and mass publics. We will investigate mechanisms that generate conformity and non-conformity with international norms, including coercion, political economy considerations, learning and socialization.



261.21 sec. 001 - Foreign Investment Arbitration Seminar

Instructor: Jan H. Dalhuisen

Units: 1

February 19, 2021 to February 26, 2021 (F 08:45 AM - 12:00 PM)

February 20, 2021 to February 27, 2021 (Sa 08:45 AM - 12:00 PM)

This is a one-unit introduction course into foreign investment arbitration as part of foreign investment protection. The course will deal with the various types of foreign investment arbitrations, the conduct of the proceedings, the alternatives, and the criticisms that are increasingly made against this type of private dispute resolution of major public policy issues.



261.22 sec. 001 - International Commercial Arbitration Seminar

Instructor: Jan H. Dalhuisen

Units: 1

January 29, 2021 to February 05, 2021 (F 08:45 AM - 12:00 PM)

January 30, 2021 to February 06, 2021 (Sa 08:45 AM - 12:00 PM)

This is a one-unit introduction into international commercial arbitration. The course will deal with the differences with ordinary litigation, the powers of arbitrators as compared to ordinary judges, the conduct of the proceedings, the applicable procedural and substantive law, the meaning of the arbitration's international character, the handling of public policy issues and third party interests, the criticisms, and the status of, challenges to and international recognition of the award.



261.7 sec. 001 - Disputes with Sovereigns

Instructor: David Bowker

Units: 1

February 25, 2021 (Th 6:25 PM - 9:00 PM)

February 26, 2021 (F 10:00 AM - 12:30 PM)

February 26, 2021 (F 3:10 PM - 6:10 PM)

February 27, 2021 (Sa 10:00 AM - 12:30 PM)

February 27, 2021 (Sa 2:10 PM - 5:10 PM)

This course will cover a range of U.S. and international law issues concerning disputes with sovereigns. It will begin with an overview of basic concepts under public international law, including the legal status, rights, and duties of sovereigns toward their own nationals and foreign nationals, with particular focus on investor-state and commercial disputes. The course will also focus on foreign sovereign immunity with the goal of giving students a solid foundation regarding the practice of international litigation under the Foreign Sovereign Immunities Act (FSIA). Students should expect to gain a nuanced understanding of the various exceptions to immunity under the FSIA and public international law, as well as a broader comparative understanding of certain foreign laws on immunity. We will also cover bilateral investment treaties and investor-state arbitrations under the framework of the International Centre on the Settlement of Investment Disputes (ICSID), including key rights, duties, theories of liability, and a range of landmark cases. The course will conclude with an overview of sovereign-related disputes in other international venues, including the International Court of Justice, state-to-state disputes, United Nations tribunals, and the World Trade Organization.



262.3 sec. 001 - International Trade

Instructor: David Grewal

Units: 3

January 25, 2021 to May 04, 2021 (M 3:35 PM - 6:15 PM)

This course will examine the laws, policies, and multilateral institutions governing the global trade in goods and services, with a particular focus on the main multilateral trading body, the World Trade Organization (WTO). After an introduction to WTO rules concerning tariffs, non-tariff barriers, as well as the exceptions to these disciplines provided for by public policy and other rationales, we will turn to a series of specific areas, including trade and national security, services, agriculture, regional agreements, and environmental concerns. No prior knowledge of international trade or of international law is required.



262.5 sec. 001 - Comparative Constitutional Law

Instructor: Amnon Reichman

Units: 2

January 21, 2021 to April 30, 2021 (Th 10:00 AM - 11:50 AM)

How are fundamental rights -- freedom of speech and religion, equality, property, privacy, voting, due process -- defined and protected in other constitutional democracies? How is judicial independence maintained? How are questions of standing, justiciability and remedies handled? And most importantly: what lessons can we learn from the constitutional experience of other jurisdictions? These questions will be at the heart of our foray into the comparative constitutional realm. Obviously, we will also be mindful of emergency powers and their impact.

Students will be offered the opportunity to examine and critically evaluate key features of constitutional jurisprudence in selected jurisdictions. Attention will be paid to methodology -- how do we compare? -- as well as to possible justifications (and

limits) of the comparative enterprise. The course will then focus on the practical insights that can be drawn from the different separation-of-powers and rights-protection schemes modern democracies adopt. Obviously, we will also be mindful of emergency powers and their impact on rights and separation of powers with an eye to the relationship between constitutional law, markets, technology and politics. Students interested in public law adjudication, globalization and transnational regulation will therefore find the exercise useful.



262.62 sec. 001 - From Minority Rights to Human Rights -- 1878 to the Present

Instructor: Richard M. Buxbaum

Units: 1

January 19, 2021 to March 02, 2021 (Tu 3:35 PM - 5:25 PM)

This course will review the almost two centuries-long and to this day controversial history of "Minority Treaties". The "Great Powers" that helped new nations to gain national autonomy from the decaying Ottoman Empire provided that help on condition that these nations in their turn guaranteed the religious, ethnic and linguistic minority populations within their borders political, civic, social and cultural rights. Particularly in the Balkans these obligations were bitterly resented and poorly enforced.

Yet at the end of World War I, when more new nations were formed (in Central/Eastern Europe and in the Near and Middle East), the Allies doubled down on this imposed treaty regime policy. In the 20 years before World War II the resentment both of dominant groups and of newly subservient groups stranded by new borders outside their "homeland" rose to the point that the system was a non-trivial factor contributing to that war.

The United Nations, making minority rights part of the early postwar Compacts and Conventions, at first continued this tradition now made necessary but also aggravated by decolonization in South and Southeast Asia and Africa. And the difficulties continue to this day -- see only Syria, India, Israel, Myanmar, the Cameroons and -- perhaps surprisingly -- Belgium for examples.

"Minorities", however, encompass more than linguistic, religious and ethnic categories, even when expanded to include Indigenous Communities, Migrant Laborers, and the growing number of War and Climate Refugees. Rather, the postwar issues also concern Women and Children, LTGBQI groups and the Disabled.

This is a legal as much as a political and socio-cultural subject, which we will explore (in this short seven-week time frame) through a judicious selection of primary and secondary sources. as well as a couple of visiting experts. A Course Reader, with links to sources for required and recommended reading, will be provided.



262.65 sec. 001 - Human Rights and Social Justice Writing Workshop

Instructors: Carolyn Patty Blum, Eric Stover

Units: 3

**January 19, 2021 to April 30, 2021
(Tu, Th 11:20 AM - 12:35 PM)**

Human rights is a body of domestic and international law that seeks to promote human dignity, equality, and justice. Writing about topics within this field of law opens up many possibilities for grappling with the root causes and prevention of human suffering, the protection of citizens living in armed conflict or under authoritarian or corrupt states, and the broad array of ways to seek and gain justice.

This seminar will provide an opportunity to prepare a piece of writing suitable for publication. The written product could examine topics within the broad categories of legal accountability, transitional justice, war crimes, health and human rights, climate change, gender-based violence, the rights of LGBTI persons, counter-terrorism policies, gun violence, forensics, and migrant and refugee rights. The seminar will begin with a discussion of how to create the architecture and content for excellent scholarly writing. For the bulk of the semester, students will present their work, one to two times. The professors will provide students with a template for feedback to each other in the seminar sessions.

The seminar is co-taught by Professors Carolyn Patty Blum, Clinical Professor of Law, Emerita, and Eric Stover, Faculty Director of the UCB Human Rights Center. Blum was the founder of the law school's International Human Rights Law Clinic and previously taught this seminar at Berkeley Law. She has extensive experience representing refugees and litigating human rights cases in U.S. courts and working in and writing about transitional justice, human rights and culture, counter-terrorism policies, criminal accountability, and extradition. Stover's expertise is in public health, qualitative methodologies, international humanitarian and criminal law, human trafficking, torture, war crimes, and forensics. Together, they bring decades of experience and a belief in the importance of clear and thoughtful writing as precursor to any future career in law or policy.

Over the semester, participants will draft a 30-page piece of academic writing, such as a chapter for a Masters or PhD dissertation, an article for an academic journal, or a long-form journalistic piece. The course is designed for JD, LLM, JSD and PhD candidates from the JSP programs, as well as graduate students from other departments and schools. The final product can be used to meet the Berkeley Law's legal writing requirement. Students will be assigned to one of the professors to be their primary supervisor. The course requirements will be weekly readings, including a careful reading of the works-in-progress of their classmates, active class participation, and the submission of a final, polished paper (with at least one complete revision)



262.81 sec. 001 - Anticorruption Compliance

Instructor: Hana Ivanhoe

Units: 1

January 20, 2021 to March 03, 2021 (W 3:35 PM - 5:25 PM)

Anti-corruption law has become an increasingly important area of practice for in-house and outside counsel alike in recent years. It is also increasingly the subject of international and intergovernmental organization scrutiny.

Corruption adversely impacts economic development and stability. Multinational corporations have the power to advance that economic development through trade and investment, but are ethically, and in certain cases legally, bound to ensure that such trade and investment are pursued transparently. For this reason, states are increasingly legislating against and enforcing regulations proscribing corruption.

This course will examine the global phenomenon of corruption and the existing legal and voluntary frameworks under both US and international law to govern it. The course will focus primarily on corporate corruption with a comprehensive study of the US Foreign Corrupt Practices Act (FCPA), related decisions, enforcement actions and enforcement agency guidance. It will focus specifically on the role of the in-house counsel and compliance professional in reducing potential liability risks under the law. The course will then evaluate and compare existing international frameworks for combating corruption globally (including the OECD Convention on Combating Bribery) and will close with an examination of private initiatives, voluntary frameworks, standards and guidelines for preventing corporate acts of corruption.



264.1 sec. 001- Ocean and Coastal Law

Instructor: Holly Doremus

Units: 3

January 19, 2021 to April 30, 2021 (Tu, Th 2:10 PM - 3:25 PM)

This course will cover the law governing the oceans, from the coastal zone to the high seas, and from the local and state level to the global level. We will briefly cover the historical legal treatment of the oceans and their resources, and the transition from a perception of inexhaustible resources to one of ecological and economic crisis. We will talk about fisheries, shipping, and fossil fuel extraction; about governing coastal development; about the balance between public and private rights; about the federalism structure of ocean and coastal management in the US; about dividing or sharing rights among nations; about the role of science in ocean management; and about efforts to deal with the impacts of warming, rising, and acidifying seas. Students will have the choice of taking a final exam or writing a substantial paper.



265.2 sec. 001 - Asian Legal Systems

Instructor: Laurent Mayali

Units: 2

January 19, 2021 to April 30, 2021 (Tu 6:25 PM - 8:15 PM)

This course will provide an introduction to the different legal systems of various Asian countries, with emphasis on China, Japan, Korea, and Taiwan. Classes will include lectures and presentations by members of the Asian legal profession, including professors, judges, and practitioners.

The course requires a 12-15 page paper.



265.4 sec. 001- Jewish Law

Instructor: Kenneth A. Bamberger

Units: 1

January 19, 2021 to February 16, 2021 (Tu 11:20 AM - 12:30 PM)

March 02, 2021 to March 16, 2021 (Tu 11:20 AM - 12:30 PM)

April 6, 2021 (Tu 11:20 AM - 12:30 PM)

April 20, 2021 (Tu 11:20 AM - 12:30 PM)

This course provides an introduction to Jewish law. The course will consider foundational questions about the relation between law and ethics, the advocacy system and its alternatives, the legal role of rights and obligations, and legal evolution in the face of change -- and offer a comparative lens from which to reflect on the US legal system. It will consider a variety of substantive legal areas to illuminate overarching themes. Students will be expected to write short reflection papers. Together with Prof. Bamberger, the class will include guest teaching by Berkeley Rabbi Yonatan Cohen.



271.71 sec. 001 - International Environmental Law

Instructor: Neil A.F. Popovic

Units: 2

January 22, 2021 to April 30, 2021 (F 08:00 AM - 09:50 AM)

This course is a seminar on the role of law in the management of international environmental issues. Students will benefit from but need not have taken courses in international law and or environmental law.

The course will include a brief overview of public international law as it relates to the environment.

Throughout the course, we will look at international environmental law “in context” - i.e., why (or whether) international environmental law matters in contemporary society.

Participants in the course will study a range of environmental issues, legal sources and institutions. The course will cover substantial ground but will not attempt to treat every important aspect of international environmental law. There is too much happening in the field to cover it all meaningfully in a one-semester, two-unit seminar.

We will explore a range of sources of international environmental law, including treaties, customary international law and case law. We will examine the protection of various environmental sectors, the regulation of environmentally harmful activities, climate change, and the relationship between international environmental law and other aspects of international law and policy. We will also take a step back to ponder the effectiveness of international environmental law as a means of influencing human conduct (individual, government and corporate) and protecting the environment. Students will examine substantive and procedural approaches to environmental protection.

Grades will be based on two written assignments to be handed out during the semester, and classroom participation. The written assignments count for 2/3 of the grade; class participation counts for 1/3. Written assignments will be handed out in class, and generally will be due two weeks later.



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

Instructors: Roxanna Altholz, Laurel E. Fletcher, Sharma Pokharel

Units: 2

**January 20, 2021 to April 30, 2021
(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 - Int'l Human Rights Law Clinic Seminar

Instructors: Roxanna Altholz, Laurel E. Fletcher, Sharma Pokharel

Units: 1

January 20, 2021 to April 30, 2021

(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.



288.4 sec. 001 - Refugee Law and Processes

Instructor: Kyra S. Lilien

Units: 3

January 20, 2021 to May 04, 2021 (MW 11:20 AM - 12:35 PM)

This course will explore US refugee and asylum law and process, beginning with its roots in the UN Refugee Convention and passage of the 1980 Refugee Act and continuing through current case law, executive orders, and Attorney General opinions affecting asylum and refugee admission.

By the semester's end, students will understand the legal requirements for asylum and refugee status in the US, having applied them to various real-world scenarios. Students will also gain deeper insight into the impact of recent changes to refugee and asylum policy in the US.

The course will employ hypothetical cases and simulations to highlight various topics in refugee protection, including unaccompanied minors, gender and LGBTI-based claims, and the tension between meeting international obligations to refugees while ensuring national security and addressing transnational crime.

This course is essential for students interested in asylum representation, as well as for those interested in refugee rights, human rights, immigration law, and public international law.

Students will complete a take-home midterm analyzing asylum eligibility for a hypothetical case. Students will then build on this initial analysis through a moot court hearing and, as a final paper, a full legal brief on asylum eligibility. As this is an applied learning course, class participation is essential, and it will count toward the final grade.

This course will satisfy the Option 1 writing requirement.



288.42 sec. 001 - The Future of Asylum: The Case of the U.S.-Mexico Border

Instructor: Kate Jastram

Units: 1

January 20, 2021 to March 03, 2021 (W 6:25 PM - 8:15 PM)

Asylum is under pressure around the world, with many developed countries in particular seeking to evade their treaty obligations to refugees, and rising numbers of forcibly displaced persons. As we mark the 70th anniversary of the 1951 Refugee Convention, what is the future of asylum? This class will explore the past, present and future of the international refugee regime using the U.S.- Mexico border as a case study. We will examine the international and domestic law rationale for having an asylum system in the first place: who benefits, who is left out, and why? We'll assess measures taken by the U.S. government since 2017 to deny access to territory and to procedures; to deter through criminal prosecution, family separation and detention; and to defy Congressional intent and international law by redefining terms, overruling precedent, and politicizing asylum adjudication. We'll then look at efforts to counter these steps - by representation of individual asylum seekers, by challenging policies in court, by engaging in the administrative rulemaking process, by working with Congress on oversight and marker bills, by forming new coalitions inside and outside the U.S., and by public education and messaging. If there is a new direction in January, we will discuss legal avenues and pitfalls for unwinding the thicket of changes made by the executive branch, potential legislative priorities, and operational issues that will challenge any administration in reviving a system that has been essentially destroyed, much less making it better than it was before. If the government stays on the same course, we will explore what other levers could be used to protect refugees. There are no prerequisites for this course, and it is open to 1Ls. It is an excellent introduction to the law, policy, and politics of a critical humanitarian and national security issue.



295H sec. 001 - UN Human Rights Law and Practice: Advanced Away Field Placement Seminar

Instructors: Eric Richardson, Susan Schechter

Units: 1

January 20, 2021 to April 30, 2021 (W 11:20 AM - 12:45 PM)

UNHR Law and Practice: Advanced Away Field Placement Seminar is the required course component for all students doing the Spring 2021 UNHR Away Field Placement in Geneva, Switzerland where they will each serve as a student legal advisor to a diplomatic mission. Seminar topics will include coverage of: Country Resolutions, especially those relevant to the March Human Rights Council Session; Thematic Resolutions: Civil and Political Rights and Economic and Social Rights and the Sustainable Development Goals; What Diplomats Can Be Like; Looking Ahead to the March HRC Meeting; Non-Discrimination and the Inclusion Agenda; and other topics. The Seminar will include lectures, negotiation activities, and presentations.

Students who have been accepted into this Program and attended the Fall offering of Law 295F: UN Human Rights Law and Practice: Away Field Placement Seminar are eligible to participate in this spring Away Field Placement Seminar. Please contact Sue Schechter, field placement director, sschechter@law.berkeley.edu if you have any questions or want to learn more about this Away Field Placement Program.



295.5H sec. 001 - International Human Rights Law Clinic

Instructors: Roxanna Altholz, Laurel E. Fletcher, Astha Sharma Pokharel

Units: 1-10

January 19, 2021 to May 04, 2021 (Unknown)

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.



295.5I sec. 001 - Advanced International Human Rights Clinic

Instructors: Roxanna Altholz, Laurel E. Fletcher, Astha Sharma Pokharel

Units: 1-10

January 19, 2021 to May 04, 2021 (Unknown)

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.



295.7K sec. 001 - UN Human Rights Law and Practice: Away Field Placement

Instructors: Eric Richardson, Susan Schechter

Units: 10-12

January 19, 2021 to May 04, 2021 (Unknown)

Students who have been accepted into the UNHR: Geneva Away Field Placement Program and attended the Fall offering of Law 295F are eligible to participate in this Spring 2021 Away Field Placement. Eligible students are required to enroll in this course for their fieldwork units. Students participating in this Program must receive permission from the Office of Student Services and the Field Placement Director to earn 10-12 units away from the law school campus. Students will be doing legal work under the supervision of the Program's Director with their assignments to designated diplomatic missions in Geneva. While students participate in the UNHR field placement component in Spring 2021, they will also be required to enroll in the 1-unit Law 295H: UN Human Rights Law and Practice: Advanced Away Field Placement Seminar. In addition, students will also be required to conduct a reflective component as part of their Away Field Placements. Students interested in learning more about this Spring Away Field Placement Program are invited to reach out to the Field Placement Program at fieldplacementprogram@law.berkeley.edu.



208I sec. 001 - International and Foreign Legal Research

Instructor: Marci Hoffman

Units: 3

January 21, 2021 to April 30, 2021 (Th 3:35 PM - 6:15 PM)

Do you want to be prepared to work in an international venue or practice in an area of international or comparative law? If so, you need this course. We will cover research methods and sources for international, foreign and comparative legal research, utilizing both print and electronic materials.

Students will learn basic concepts of legal research, research strategies, evaluation of materials in various formats, search techniques for effective use of databases, and research organization. Topics include public international law, foreign law, private international law, the European Union, the United Nations and more. Class sessions will involve the use of research guides and materials to orient students to the topic, the sources, and appropriate research methodology. Students will conduct research in class using both print and electronic resources. Grading will be based on in-class or homework assignments that allow the student to use and evaluate the various sources; a brief oral presentation based on the topic for the final research guide; and a final research guide on an international or foreign law topic (a 30-page paper). At the end of the semester, students will have practical knowledge and experience in doing legal research, including selecting and using a variety of international and foreign legal sources. You will also gain confidence in your research abilities and become a more effective and efficient researcher overall.

While there are no prerequisites for this course, it is assumed that students will have some basic familiarity with legal research techniques. Requires a significant paper of 30 pages or longer.

Note to 1L students: You are not able to use this course to satisfy your writing requirement.