



245.9 sec. 001 - International Business Negotiations

Instructors: Jay Finkelstein and Joe Sorenson

Units: 3

Class Number: 31332

Meetings:

W 6:25 PM - 9:05 PM

Location: Law 244

August 18, 2021 to November 19, 2021

Sa 10:30 AM - 1:30 PM

Location: Off Campus

October 09, 2021 to October 16, 2021

Th 7:30 PM - 10:30 PM

Location: Off Campus

On 2021-10-21

Sa 10:30 AM - 1:30 PM

Location: Off Campus

On 2021-10-30

Sa 10:30 AM - 2:30 PM

Location: Off Campus

On 2021-11-13

The course is structured around a simulated negotiation exercise that will cover the entire Fall semester in which the students in this class will represent an African agricultural production company (Malundian Cassava Corporation) and the students in a similar class at Stanford Law School will represent a US pharmaceutical company (KJH Pharmaceutical Corporation).

The two companies are interested in working together to exploit a new technology developed by KJH Pharmaceutical (KJH) that uses the cassava produced by Malundian Cassava Corporation (MCC). The form of their collaboration could be a joint venture, a licensing agreement or a long term supply contract.

The negotiations will take place through written exchanges and through live negotiations, which will be conducted both

in person (four sessions) and via videoconference/Zoom or teleconference (one session). All negotiation sessions will be held at the offices of DLA Piper in San Francisco.



261.1 sec. 001 - International Business Transactions

Instructor: Katerina Linos

Units: 3

Class Number: 31788

Meeting:

W 10:00 AM - 12:40 PM

Location: Law 170

August 18, 2021 to November 19, 2021

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.



261.2 sec. 001 - International Litigation and Arbitration

Instructor: Neil A.F. Popovic

Units: 3

Class Number: 33047

Fall 2021

International and Comparative Law Classes

Meeting:

Tu, Th 8:35 AM - 9:50 AM

Location: Law 12

August 17, 2021 to November 23, 2021

This course is intended to prepare students for practice in the overlapping fields of international litigation and international commercial arbitration. The field is an exciting and growing area of practice. Whether as student or practitioner, this area of law brings one into contact with other legal systems and legal cultures. For many, this interaction with other legal cultures makes practice in this area particularly stimulating and challenging.

There are no prerequisites for the course, although Civil Procedure, Federal Courts, International Law and Conflict of Laws are helpful. The course tracks in parallel the processes of international litigation and arbitration from initiation to enforcement. The subject is large. The course emphasizes arbitration proceedings; it does not address in any detail choice of law theories which are better considered in a course on Conflict of Laws. Likewise, although this course introduces many aspects of "International Civil Litigation," that course may be taken concurrently as it covers the subject in greater depth. The course in general avoids suits involving governments, leaving those aspects to either "International Law" or "International Trade."



261.73 sec. 001 - Self Determination of Peoples in International Law

Instructor: Asa H. Solway

Unit: 1

Class Number: 31992

Meetings:

Th 6:25 PM - 9:05 PM

Location: Law 140

On 2021-08-19

F 10:00 AM - 12:00 PM

Location: Law 140

On 2021-08-20

F 3:10 PM - 5:30 PM

Location: Law 140

On 2021-08-20

Fall 2021

International and Comparative Law Classes

Sa 09:30 AM - 12:30 PM

Location: Law 140

On 2021-08-21

Sa 2:10 PM - 5:10 PM

Location: Law 140

On 2021-08-21

Self-determination is a fundamental principle of international law. It is also the subject of considerable disagreement amongst the international community. This course considers the legal underpinnings of self-determination as a fundamental right, outlined in the United Nations Charter, of all peoples to freely choose their sovereignty and international political status without interference. Students will be exposed to and participate in current debates over the legality of modern self-determination movements and respective national and international responses. Topics may include decolonization and secession, internal versus external self-determination, minority rights, state sovereignty and claims to natural resources. Case studies will focus on debates within the international community on applicable law and the impact of political influence on international decision making. Cases to be considered include the International Court of Justice's separate Advisory Opinions on the Chagos Archipelago and Kosovo and modern self-determination movements including those of Quebec, Catalonia and various members of the Unrepresented Nations and Peoples Organization. Students will participate in in-class scenarios reflecting the interests of States, self-determination movements and other actors. Course work will include reading and a short (8-10 page) paper following the course focused on a case study to be determined in coordination with the lecturer.



262.5 sec. 001 - Comparative Constitutional Law

Instructor: Amnon Reichman

Units: 2

Class Number: 31913 |

Meeting:

W 6:25 PM - 9:30 PM

Location: Law 141

August 18, 2021 to October 06, 2021

How are fundamental rights -- freedom of speech and religion, equality, property, privacy, voting, due process -- defined and protected in other constitutional democracies? How are emergencies constitutionally regulated? How are questions of standing, justiciability and remedies handled? And most importantly: what lessons can we learn from the constitutional experience of other jurisdictions?

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, with an eye to the relationship between courts, markets, technology and politics. Students interested in public law adjudication, globalization and transnational regulation will therefore find the exercise useful.



262.68 sec. 001 - Human Rights and War Crimes Investigations

Instructors: Alexa Koenig and Eric Stover

Units: 2

Class Number: 31756

Meeting:

Th 3:35 PM - 5:25 PM

Location: Law 141

August 19, 2021 to November 23, 2021

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.



262.81 sec. 001 - Anticorruption Compliance

Instructor: Hana Ivanhoe

Unit: 1

Class Number: 31914

Meetings:

Th 6:25 PM - 9:05 PM

Location: Law 170

On 2021-11-04

Fall 2021

International and Comparative Law Classes

F 10:00 AM - 12:00 PM

Location: Law 170

On 2021-11-05

F 3:10 PM - 6:10 PM

Location: Law 170

On 2021-11-05

Sa 09:00 AM - 12:00 PM

Location: Law 170

On 2021-11-06

Sa 1:30 PM - 4:10 PM

Location: Law 170

On 2021-11-06

Anticorruption 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.



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

Instructor: Zenichi Shishido

Unit: 1

Class Number: 31701

Fall 2021

International and Comparative Law Classes

Meeting:

Tu 6:25 PM - 8:35 PM

Location: Law 111

August 17, 2021 to September 21, 2021

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?

Each week, students will be exposed to readings in business law theory, as well as more recent scholarship that applies those theories to case studies of modern US and Asian firms. Through the readings and participation in class discussions, my hope is that students will learn to think critically about the dynamic interplay of legal systems, economic markets, and social norms and their combined effects on business systems. This class will be a great introduction to US business law via a comparative law approach with Asia.

This course will have a 8-10-page final paper.



264.51 sec. 001 - Comparative Equality Practicum Seminar

Instructor: David Oppenheimer

Unit: 1

Meeting:

W 6:25 PM - 7:15 PM

Location: Law 136

August 18, 2021 to November 19, 2021

Students enrolled in the Comparative Equality Law Practicum & Seminar will conduct legal research and advocacy work on equality law cases and/or policy papers under the supervision of Professor David Oppenheimer. Projects may include amicus briefs, policy papers, and intervention in litigation in the United States and elsewhere around the globe.

The plans for the fall semester are still in the planning stages, but in past semesters we have worked on:

- An amicus brief for the Supreme Court of Japan on behalf of a feminist activist who spoke out against pornography and was sued for defamation;
- A policy paper on discrimination against Muslim women and girls in Europe;
- A project to reform sexual harassment laws across Africa;
- An intersectional employment discrimination case involving disability rights for communities of women of color, with the hope of having an impact on the opportunities of women of color with disabilities to be treated equally in STEM positions.



264.52 sec. 001 - Comparative Equality Practicum

Instructor: David Oppenheimer

Units: 1-3

August 16, 2021 to November 23, 2021

Students enrolled in the Comparative Equality Law Practicum & Seminar will conduct legal research and advocacy work on equality law cases and/or policy papers under the supervision of Professor David Oppenheimer. Projects may include amicus briefs, policy papers, and intervention in litigation in the United States and elsewhere around the globe.

The plans for the fall semester are still in the planning stages, but in past semesters we have worked on:

- An amicus brief for the Supreme Court of Japan on behalf of a feminist activist who spoke out against pornography and was sued for defamation;
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International and Comparative Law Classes



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

Instructors: Rohini Haar and Eric Stover

Units: 3

Class Number: 31359

Meeting:

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

Location: Law 115

August 17, 2021 to November 23, 2021

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.



270.72 sec. 001 - Pathways to Carbon Neutrality

Instructors: Daniel A. Farber, Robert D. Infelise, and Fan Dai

Units: 2

Class Number: 31989

Meeting:

M 3:35 PM - 5:25 PM

Location: Law 134

August 16, 2021 to November 22, 2021

To avoid severe harm from climate change, society will need to drastically reduce emissions in the next few decades, and to limit global warming to well below two degrees, countries need to achieve carbon neutrality by mid-century. Subnational governments - states/provinces and cities -- are setting up their policies and targets towards this target. Examples include California's 2045 Carbon Neutrality Pathway and Shanghai's 2025 carbon emission peaking plan. These

pioneering efforts will ultimately need to be replicated at a much larger scale.

This interdisciplinary workshop will explore the policy and legal challenges facing these plans. The instructors and outside speakers will address the economic and technological unknowns that confront these plans, strategies and innovation for overcoming them. In both China and the U.S., subnational governments must work within the frame of constitutional structures and national legislation, raising federalism issues. In the United States, these issues take the form of preemption and dormant commerce clause limitations on state actions. In China, the relationship between national and local governments can also be complex. Apart from these federalism issues, speakers will also address the problems of designing the legal and regulatory mechanisms to achieve carbon reduction goals. Finally, the class will also consider emerging national efforts in China and the U.S., as well as other major economies to achieve dramatic emissions limitations.



275.65 sec. 001 - Transnational Intellectual Property Law

Instructor: Robert P. Merges

Units: 3

Class Number: 31790

Meeting:

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

Location: Law 170

August 17, 2021 to November 23, 2021

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.

Course requirements include class participation, and a take-home final.

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283H sec. 001 - International Human Rights Law Clinic Seminar

Instructors: Roxanna Altholz and Laurel E. Fletcher

Units: 2

Meeting:

W 3:35 PM - 5:25 PM

Location: Law 115

August 18, 2021 to November 19, 2021

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

Unit: 1

Meeting:

W 3:35 PM - 5:25 PM

Location: Law 115

August 18, 2021 to November 19, 2021

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

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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.



295.5H sec. 001 - International Human Rights Law Clinic

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

Units: 4 – 6

August 16, 2021 to November 23, 2021

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.



295.5I sec. 001 - Advanced International Human Rights Clinic

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

Units: 1 – 10

August 16, 2021 to November 23, 2021

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

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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.

*****Please view all [teaching evaluations for the course - degree students only](#)*****