

UNIVERSITY of HAWAI‘I at MĀNOA
WILLIAM S. RICHARDSON
SCHOOL OF LAW

2011 January Term Course Descriptions

LAW 546C: The Supreme Court in U.S. Constitutional and Political History
Richard Fallon, Harvard Law School

Course Description- This seminar will examine the relationship between decision-making by the Supreme Court and developments in national politics over the course of United States history. On the other hand, both defenders and critics of judicial review often characterize it as a “countermajoritarian” institution, with defenders portraying the Court as a vital defender of minority rights. On the other hand, it is also widely believed that, as a nineteenth-century commentator put it, “the Supreme Court follows the election returns.” In this seminar, we will test these competing hypotheses by examining the relationship between Supreme Court decision-making and surrounding national political currents from *Marbury v. Madison* through the current day. Students in the seminar will read substantial chunks of a recent book by Barry Friedman, *The Will of the People: How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution* (2009), which highlights the Court’s responsiveness to public opinion, as well as selected cases and other materials. The extent to which Professor Friedman’s thesis is or is not correct will be a central question in the seminar. A further question is whether an enriched understanding of the Court’s history should influence normative judgments about what the judicial role *ought* to be in American government.

Law 546D: Sports and the Law
Derrick Heggans, Wharton School, University of Pennsylvania

Course Description- How do we apply the law to the business of sports? How do legal issues govern and affect the everyday operation and experience of sports as we know it? We will examine the practical application of the law in a variety of contexts with respect to sports. We will use a 360 degrees approach to examine issues related to various transactions within the business of sports (e.g. Player Services Agreements, Endorsement Contracts, Sponsorship Agreements, Vendor Agreements, Land Use and Distribution Agreements). We will conduct a thorough examination of Tort Law’s application to the world of sports as well as the growing explosion of the emphasis on Intellectual Property Law with the expansion of technology and media. We will also review the role of Antitrust Law in the History of Sports as well as Title IX’s impact on sports and greater society. The format of this seminar will be conducted in an interactive fashion with lecture and discussion, with significant student participation in class with respect to addressing the issues. Cases and other reading materials will be provided in preparation for in-class discussion.

LAW 546G: Asian Comparative Environmental Law
Jae- Hyup Lee, Seoul National University School of Law

Course Description – This course aims to provide a comparative overview of the environmental and energy-related laws of Korea, Japan, and China. It will deal with the historical development of environmental laws and policies in these countries, basic governmental structures in environmental administration, specific environmental laws and policy instruments, court opinions and jurisprudence, and recent legislations related to the climate change. Its most focused geographic area is Korea; however, some common environmental problems and their policy responses in the East Asian region will also be discussed.

Law 546H : Comparative Constitutional Property Law
Gregory Alexander, Cornell Law School

Course Description- This seminar examines various aspects of constitutional protection of property from a comparative perspective. Among the topics considered are: (1) Why constitutionalize property at all? (2) Eminent domain and the “public use” requirement; (3) Are regulatory takings recognized in other countries? (4) The proportionality doctrine; and (5) What counts as “property” for constitutional purposes? We will compare American law and theories with its counterparts in other jurisdictions, notably Canada, Germany, and South Africa. Materials will include case reports (all in English), statutory and constitutional materials; and excerpts from academic writings, especially G.S. ALEXANDER, *THE GLOBAL DEBATE OVER CONSTITUTIONAL PROPERTY* (Univ. of Chicago Press, 2006).

LAW 546I: High-profile trials, gangs, juvenile justice, white-collar crime and the death penalty
Laurie Levenson, Loyola Law School – Los Angeles

This course will explore hot issues in the criminal justice system, including: (1) The causes of crime and whether we should decriminalize drugs, euthanasia and consensual sexual behaviors; (2) White collar and Internet crimes; (3) Juvenile crimes, gang violence and gun control; (4) The effect of the media on the criminal justice system and the lessons of high-profile cases; (5) Alternative sentencing, prison reform and the death penalty. Students will participate in simulated exercises, read and discuss articles, and watch videos relevant to the class discussion.

Law546J: Immortality and the Law-Understanding the Law of the Dead
Ray Madoff, Boston College Law School

Course Description- What does it mean to be dead under American law today? To what extent does the law respect the wishes of the dead with regard to their bodies, property and reputation? To what extent should it do so? This course explores some of the conflicting rules regarding people’s ability to exert control after death as well as the philosophical, psychological and sociological justifications for these rules.