



### **Indigenous Peoples Law**

Professor Christine Zuni Cruz  
Univ. of New Mexico School of Law

January 14-18, 2008  
8:45 am – 10:45 am

This course provides a historical and a contemporary perspective on the internal law of Indigenous peoples, domestically and internationally. It is not a survey of the law; rather it provides a general introduction to the types of law by which Indigenous peoples govern themselves, as well as a format to discuss the development and effect of this law. This course is intended to familiarize students not only with traditional and contemporary aspects of the internal law of tribes, but also to consider the complex interrelationship between the two. The tremendous influence exerted by outside forces on the internal law of indigenous peoples will also be considered in a critical manner.



### **Jury System**

The Honorable Nancy Gertner  
U. S. District Court, Massachusetts

January 14-18, 2008  
8:45 am – 10:45 am

Highly publicized criminal trials have focused renewed attention on the American jury system -- the O.J. Simpson trial, the trial of four white police officers accused and initially acquitted of the beating of Rodney King; the trial of Byron DeLa Beckwith, a white supremacist accused of the racially motivated murder of Medgar Evers, an African American civil rights activist, whose two trials resulted in mistrials. On the civil side, criticisms swirled around ostensibly over generous mega verdicts in personal injury or malpractice cases, or the jury's competence to decide complex scientific or financial information or cases involving sensitive First Amendment claims.

The purpose of this seminar is to analyze the jury system, in both criminal and civil settings, on two levels. The first is the level of fundamental principles: What is the system designed to do; its premises; its procedures; the values it enacts. The

second in the level of impact: What the system actually accomplishes; the net effect of the procedures (such as rules governing jury selection, jury deliberations and evidentiary rules).

The course will proceed roughly through the stages of a trial in three steps: Unit I -- the jury selection process; Unit II -- the trial; Unit III -- the verdict and post-verdict state, calling upon the materials and raising some of the questions described above; Unit IV -- First Amendment issues; and, Unit V -- general institutional concerns, the future of the system, alternative models.



### **Law Culture & Politics**

Professor Leonard Kaplan  
Univ. of Wisconsin School of Law

January 14-18, 2008  
11:00 am – 1:00 pm

This seminar will examine the major tendencies in legal thought in the United States starting from the work of Holmes to present notions of post modernism. The examination will focus on the genealogies of this thought through law, i.e, how each tendency "begat" the next. The second genealogy that we will look at is the way in which the changes responded to changes in culture and politics. Included in the analysis will be Langdell's formalism, American Legal Realism, McDougal and Lasswell's policy analyses, Fuller's "natural law" and its impact on Dworkin, the Legal Process School /inter alia/.



### **Death Penalty**

Professor Carol Steiker  
Harvard University

January 14-18, 2008  
2:30 pm – 4:30 pm

This course will survey the Supreme Court's Eighth Amendment jurisprudence as it relates to the administration of capital punishment in America. We will examine the foundational cases that first "constitutionalized" the death penalty in the 1970's (*Furman v. Georgia* (1972), as well as *Gregg v. Georgia* (1976) and its quartet of accompanying cases). We will follow the complex evolution of these cases to the Court's recent decisions

abolishing capital punishment for juvenile offenders and offenders with mental retardation (*Roper v. Simmons* (2005) and *Atkins v. Virginia* (2002)). We will try to assess what theories of appropriate state punishment should or do underlie these constitutional doctrines. Finally, we will try to assess what the death penalty's future will be, both in terms of current challenges (such as whether the planned execution of a man convicted of the rape of child in Louisiana will be permitted as the first execution for a crime other than murder in more than 40 years) and in terms of the possibilities for constitutional abolition.



### **Comparative Corporate Law**

Professor Gordon Walker  
La Trobe University School of Law

January 14-18, 2008  
11:00 am – 1:00 pm

This class begins by conceptualising company and securities law in the former British enclaves in the Southern hemisphere in three ways. It first looks at the initial reception of UK law in the Southern hemisphere up until the adoption of the Company Act 1948 (UK). This part of the story is variously called, "transplanting", "path dependence" or "diffusion". Second, we look at the attempts to carve new pathways in the region that depart from UK law; here, Australia provides a striking example Third, we look at the ways in which these jurisdictions have borrowed from and influenced each other. This process of "rediffusion" is particularly evident in Malaysia (influenced by modern Australian law) and small South Pacific jurisdictions that have adopted versions of New Zealand law. Hence, although the focus of the class is on Australian and New Zealand law, it will become apparent that an understanding of the law in these jurisdictions facilitates an understanding of the law in cognate jurisdictions such as Singapore, Malaysia and Hong Kong.

**NOTE: SEE BACK PANEL OF BROCHURE FOR LAST CLASS INFORMATION**

# Last Class Schedule

**January 17, 2008**

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\*4:30 PM – 6:30 PM  
Law Culture and Politics  
*Professor Leonard Kaplan*

**January 18, 2008**

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\*4:30 PM – 6:30 PM  
Indigenous Peoples Law  
*Professor Zuni Cruz*

**January 23, 2008**

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\*12:45 PM – 1:45 pm  
Comparative Corporate Law  
*Professor Gordon Walker*

\*12:45 PM – 1:45 pm  
Jury System  
*The Honorable Nancy Gertner*

**January 24, 2008**

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12:45 PM – 1:45 pm  
Death Penalty  
*Professor Carol Steiker*

\* Open to all William S. Richardson School of Law  
Faculty and Students.

THE WILLIAM S. RICHARSON SCHOOL OF LAW  
**J - T E R M    2 0 0 8**



**January 14-26, 2008**  
**HONOLULU, HI**

For more information regarding J-Term  
courses please contact the William S.  
Richardson School of Law Student  
Services at (808) 956-7966.