

COURSE DESCRIPTIONS – BY QUARTER

Class attendance is mandatory.

A student that misses more than three meetings of a semester course, or more than five sessions of an annual course, or attended less than 75% of the meetings in condensed courses, will not be eligible to take the final exam. Attendance is mandatory in workshops and seminars.

FALL SEMESTER

Seminar: Information Technology Law

Prof. Michael Birnhack - TAU

Credits: 4

Course number: 1411731801

Time: FALL SEMESTER

Course Description:

The law regulates, or attempts to regulate information flows in various ways. When we commodify it, it is intellectual property. When the government or others limit the flow, it is a matter of freedom of expression. When we wish to control the data about ourselves, it is a matter of privacy. The seminar will discuss various issues related to the complex intersection of law and information technology. We will not discuss IP, which is discussed in other courses. We will focus on issues such as freedom of speech, the rise of new intermediaries, ISP liability, privacy and data protection. The seminar has two goals. First, to better understand the relationship between law and technology by exploring several case studies, on the topics mentioned above. Second, to practice academic legal research and writing. We shall meet for 12 classes during the fall semester, each of 2 hours and 30 minutes (with a break). Students will be required to submit a one page proposal within a month. Towards the end of the term students will present their research.

Grade Components: 80% Final Paper, 20% active participation and presentation of work

COURSE DESCRIPTIONS – BY QUARTER

Workshop: Information Technology Law

Prof. Michael Birnhack & Prof. Assaf Jacob – TAU & IDC

Credits: 3

Course number: 1411700501

Time: FALL SEMESTER

Course Description:

Digital networks have an almost infinite number of speech opportunities, communications, commerce and more, but also posed substantial challenges of copyright infringement, privacy violations, harm to one's reputation, terrorist activity, scams and more. What is the relationship between law and information technologies? This is the topic of the workshop. We will discuss these issues by way of critically reading several yet-unpublished works in progress on cutting-edge topics, written by leading scholars in Israel and abroad, and discussions the papers with the authors.

This is an advanced seminar, and assumes prior familiarity with the general themes of law and technology (please see pre-requisites). The workshop invites experts from Israel and abroad to present their current work, from law and other relevant disciplines. Students will be required to read papers in advance, comment in writing, participate in classes, and comment in the workshop itself.

For foreign / exchange students: students in the Law & Technology track of the International LL.M program are expected to take this workshop. Exchange and other foreign students should meet the prerequisite of having studied at least one course on internet law/cyber law/intellectual property / digital privacy. In case of doubt, please contact Prof. Birnhack *prior* to registration.

Grade Components: 70% written comments, 20% active participation, 10% oral comment

COURSE DESCRIPTIONS – BY QUARTER

Seminar: International Humanitarian Law

Dr. Eliav Lieblich - TAU

Credits: 4

Course number: 1411737101

Time: FALL SEMESTER

Course Description:

Tel Aviv University International Law Workshop serves as a forum in which leading international law scholars, from Israel and abroad, present their works in progress and address past and contemporary challenges to international law. The workshop also provides TAU students (including LL.M. and Ph.D. students) with the opportunity to read and comment on presented and classic texts. Students are assigned to write eight reaction papers and engage with the authors during the workshop's sessions.

Prerequisites: International Law

Grade Components: 85% Reaction Papers, 15% active participation.

COURSE DESCRIPTIONS – BY QUARTER

FALL SEMESTER - FIRST QUARTER

Course: The Economic Dynamics of Law

Prof. David M. Driesen - Syracuse University, School of Law

Credits: 2

Course number: 1411734750

Time: FIRST QUARTER

Course Description:

This course examines the use of economic values to guide law. It contrasts the use of efficiency concept to guide law with the idea of analyzing law's economic dynamics to avoid systemic risk while keeping open economic opportunities. Studied applications will include antitrust, environmental law, intellectual property, and financial regulation

Grade Components: Final Paper

COURSE DESCRIPTIONS – BY QUARTER

Course: Freedom of Speech in the Digital Age

Prof. Oren Bracha - University of Texas

Credits: 2

Course number: 1411735750

Time: FIRST QUARTER

Course Description:

New digital communication and processing technologies offer unprecedented opportunities for speech as well as for its censorship and manipulation. The class will cover select topics in the area of freedom of speech law. We will discuss the effect of technology and institutions on speech, how existing law interacts with these factors to protect speech (or fails to do so) in this new age and the values and social interests at stake.

Class attendance is mandatory. A student that misses more than four classes will not be eligible to take the final exam.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Risk Derivatives and Financial Crises

Adv. Menachem Feder

Credits: 2

Course number: 1411660401

Time: FIRST QUARTER

Course Description:

Derivatives are financial instruments that are used by sophisticated market players to manage financial risks. Derivatives are a crucial component of today's markets, but often are considered exotic or are misunderstood.

This course will explore the concept of financial risk and how, financially and contractually, that risk is controlled through the use of derivatives. Specifically, the course will examine the risks addressed by derivatives, the design and nature of derivatives, the differences between exchange-traded and off-exchange traded derivatives, the use of derivatives for hedging, speculation and arbitrage, the risks generated by derivatives, the legal architecture of derivative transactions and the legal and regulatory treatment of derivative trades. Finally, the course will explore the concept that derivatives cause, or at least contribute significantly, to financial crises and will review the ongoing policy debates over the use and oversight of derivatives around the world. This course will consider a number of past, including recent, financial crises and will touch on various areas of commercial law, including banking, bankruptcy, corporations and insurance.

Grade Components: 100% In Class Exam, with open books

COURSE DESCRIPTIONS – BY QUARTER

Course: Introduction to Intellectual Property

Adv. Tony Greenman & Adv. Eran Bareket

Credits: 2

Course number: 1493100701

Time: FIRST QUARTER

Course Description:

The course will introduce the student to the theoretical basis and the legal foundations of intellectual property protection. We will examine the fundamentals of the laws of the traditional forms of intellectual property: copyright and related rights, patents, designs, trademarks and trade secrets, as well as more modern concepts, such as the right of publicity and IP in traditional knowledge. In particular, we will explore the subject matter, scope and term of protection, as well as questions of ownership and infringement. Emphasis will be placed on the balancing of IP rights with the public interest, such as the right of free speech and the free flow of information, and on the influence of advances in technology on that balance. Additionally, we will discuss the international regimes of protection and different approaches to the subject matter in various jurisdictions.

(Mandatory for International LL.M. - Technology Track students without a prior background in IP).

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Antitrust Policy

Prof. David Gilo - TAU

Credits: 2

Course number: 1411729801

Time: FIRST QUARTER

Course Description:

The course will give an overview of antitrust policy. We will study how to analyze oligopolistic markets and harm to competition from various practices, including cross ownership among rivals, most favored consumer clauses, price matching practices, vertical restraints, loyalty discounts, excessive pricing by dominant firms and vertical mergers.

Grade Components: 100% In Class Exam with open books

COURSE DESCRIPTIONS – BY QUARTER

Course: Chinese Corporate and Securities Law

Prof. Hui Robin Huang - Faculty of law, Chinese University of Hong Kong

Credits: 2

Course number: 1411734850

Time: FIRST QUARTER

Course Description:

This course is designed to provide students with an opportunity to study key issues of Chinese corporate and securities laws more in-depth than is often the case in the typical introductory Chinese law course. Its primary objective is thus to develop a sophisticated, contextual and practical understanding of a number of relevant areas of law which are concerned with company and securities in China. Principal topics include Chinese financial regulatory framework, incorporation, corporate governance issues, shareholder remedies, securities offering and listing, market misconduct, and takeover of listed companies.

Grade Components: 100% Final Paper

COURSE DESCRIPTIONS – BY QUARTER

Course: Introduction to Business Law

Dr. Hadar Jabotinsky - TAU

Credits: 2

Course number: 1493101901

Time: FIRST QUARTER

Course Description:

This course is designed to provide the students with a basic understanding of business law and a better understanding of what falls into the category of business law. As part of the course the students will be exposed to several bodies of laws, primarily corporate law, securities law and competition. Upon completion of the course the students will be able to analyse business law questions that arise in commercial settings and apply concepts and doctrines covered in the course.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Criminal Justice in Israel

Prof. Kenneth Mann - TAU

Credits: 2

Course number: 1411704401

Time: FIRST QUARTER

Course Description:

This course will focus on central characteristics of the criminal legal process in Israel. We will look at Israeli legal process in comparative perspective, using United States case law as a backdrop for identifying critical issues in criminal justice. The course will give special emphasis to a “downside-up” empirical view of how the legal process actually operates in police stations, prosecutors’ offices, the courts and in prisons. We will develop an empirical model of criminal justice, and compare it with law-in-the books. Emphasis will be given to the important differences in criminal justice for the poor as compared to the rich, and how those differences become evident at different stages of the criminal process, such as in plea bargaining, the conduct of criminal trials, sentencing and in appeals. Special attention will also be given to lawyers’ ethics in criminal defense representation and prosecutorial advocacy. We will also look at use of administrative detention in matters related to national security offenses, refugee entry and illegal immigration. Overall we will try to identify distinctive aspects of the Israeli legal process as compared to the American legal process.

Grade Components: 80% Take Home Exam, 20% Papers.
Class participation is a prerequisite for taking the exam.

COURSE DESCRIPTIONS – BY QUARTER

Coursera: Economic Growth and Distributive Justice

Prof. Yoram Margalioth - TAU

Credits: 2

Course number: 1882140102 - Coursera

Course Description:

Background-

Students of the faculty will be offered, at the beginning of the first semester, an online course under the platform of Coursera, which was developed by Stanford University Prof.s. As of now, over 110 leading universities worldwide offer courses in Coursera. Tens of thousands of students all around the globe will take the course at the same time. Most of them, however, will not receive any credit. Some of them will receive a certificate from Coursera testifying that they finished the course successfully. Tel Aviv University students can receive 2 credits for this course, as it is considered as a third division course.

Course Description:

The course will seek to enrich students with basic knowledge and understanding of how the state functions in the socio-economic sphere, while presenting and analyzing those main policymaking tools that are available to it. This basic knowledge is important for every resident and especially for those with voting rights. No previous knowledge of math, economics or law is assumed.

The course will cover the tax system and how the government balances between tax collection and government expenditures, as well as explain basic terms and discussions about: social welfare (happiness), the function of social welfare, public goods, externalities, inequality, poverty, minimum sustainability, the tension between social division of goods and effectiveness (efficacy ?), minimum wages versus wage subsidies (negative income tax), GDP (gross domestic product), free trade, optimal tax models, capital gains tax, family taxation, gift taxing (philanthropy), the consequences of globalization (with an emphasis on international tax) and an attempt to predict the necessary adaptations to the future workplace (market).

The course structure-

1. Lessons Structure - 6 online lessons, 1.5 hours each, divided into short units. Once a week a new lesson will be uploaded to the course website. Additionally, a review lesson will be held in Tel Aviv University prior to the exam.
2. In-video questions will pop up during the video lessons. The questions are not part of the grading, but for the students to review how well they understood the course material. The correct answers will be revealed immediately after the student's answers.
3. Lessons Watching - Students may watch the online video lessons whenever and wherever they want (very flexible); They can do so using their computers and or smartphones, by downloading the Coursera Application. Online connection is not always necessary, since the video lesson may be downloaded to computers.
4. Online Quizzes – 2 online quizzes will be held by the end of the second and fourth lessons. Students may take the quizzes until a deadline that will be published later on. Students may take the quizzes as many times as they want in order to improve their grade. Each Quiz is worth 5% of the final grade.

COURSE DESCRIPTIONS – BY QUARTER

5. Final Exam – the course final exam is an in-class exam that will be held in Tel-Aviv University. Students may use their notes and a calculator during the exam. The exam is worth 90% of the final grade.
6. Final Grade – Final Exam in class (90%) and 2 online quizzes ($2 \times 5\% = 10\%$).

Grade Components: 90% In Class Exam, with open books, 10% Quizzes.

COURSE DESCRIPTIONS – BY QUARTER

Course: Freedom of Religion, Secularism & Minority Rights
Prof. Faizan Mustafa - NALSAR Law University, Hyderabad
Credits: 2
Course number: 1411735150
Time: FIRST QUARTER

Course Description:

The course will deal with the importance of freedom of religion in plural societies. This freedom includes freedom from religion and freedom within religions. Freedom of religion also deals with the relationship of religion with the state and individual's autonomy in religious matters vis-à-vis state's power to restrict this vital freedom. The course will also examine the issue of secularism- Should it mean the mere neutrality of the state in religious matters or it must necessarily include rights of religious minorities particularly in countries South Asia. The issue of should secular countries permit diverse religious laws in personal matters or enact a uniform civil law will also be discussed. At the end of the course students would be expected to write a term paper.

Grade Components: Final Paper

COURSE DESCRIPTIONS – BY QUARTER

Course: Contemporary legal theory and the nature of legal knowledge

Prof. Archana Parashar - Macquarie University, School of Law

Credits: 2

Course number: 1411735350

Time: FIRST QUARTER

Course Description:

This unit introduces major critical orientations, both fairly traditional and recent. It brings together critical theories that combine the post structural and feminist concerns about construction of knowledge and responsibility of the thinker for holding certain views. The unit is intended for those with a specific interest in critical contemporary theory of law and exploring its potential for social justice.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: International Legal Perspectives on the Israeli-Palestinian Conflict

Dr. Daphna Shruga - UN

Credits: 2

Course number: 1411707101

Time: FIRST QUARTER

Course Description:

The course will examine the Israeli-Palestinian conflict in both its external and internal dimensions: the conflict between Israel and its Arab neighbors, between Israel and Palestinians of the occupied territories, and, within Israel, the status of the Arab-Israelis. In focusing on selected legal issues at the core of the conflict, this course will examine the origin and chronology of the conflict, the claims for a title to the land and their relevancy to present-day discourse; the peace agreements with Egypt and Jordan; the legal status of the West Bank and the Gaza Strip in a perspective of time, and the questions of the applicability of the laws of occupation and human rights law, the Israeli settlements and Jerusalem; the Camp David Accords, the Oslo Accords and other peace initiatives not pursued; the status of Palestine in the UN and in the region; the problem of the Palestinian refugees, its origin and scope; The Arab-Israelis and their claim to civil, economic and political equality; the road to reconciliation: transitional justice, or are Israelis and Palestinians ready for a Truth Commission?

Prerequisites: International Law.

Grade Components: 100% In Class Exam, with open books

COURSE DESCRIPTIONS – BY QUARTER

Course: Introduction to Russian Property Law

Prof. Ekaterina Tyagay - Kutafin Moscow State Law University (MSAL)

Credits: 2

Course number: 1411735550

Time: FIRST QUARTER

Course Description:

The course will introduce Israeli and international students to Russian Property Law. It will uncover historical background under which various forms of property developed in Russia. It will focus on the evolution of the Russian rights of estate system (including but not limited to the classic continental ownership). Students will gain a clear understanding of correlation between such legal categories as “rights of estate”, “proprietary rights”, and “contractual rights in respect of things” under Russian law. One of the main aims of the course is to make students fully acquainted with the system and classification of rights of estate that include the “absolute” right of ownership and a number of “limited” real rights (such as the right of the lifetime inheritable possession of a land plot; the right of permanent (perpetual) use of a land plot; servitudes; the right of economic management of property; and the right of operative administration of property).

Prerequisites: Basic knowledge of Legal Theory and Civil Law is recommended. Knowledge of Russian Law is not required.

Grade Components: 100% Final Paper

COURSE DESCRIPTIONS – BY QUARTER

FALL SEMESTER - SECOND QUARTER

Course: The Humanitarian Law of Armed Conflict

Prof. Eyal Benvenisti - TAU

Credits: 2

Course number: 1411724401

Time: SECOND QUARTER

Course Description:

The aim of this course is to explore the potential and limits of the law governing the conduct of hostilities. We will examine the evolution of The Hague rules of land warfare, the Geneva Conventions and their Additional Protocols, their application in current conflicts, including the war on terrorism, as well as their interface with international human rights law, while focusing on specific questions such as the right to participate in hostilities, the choice of weapons, the distinctions between combatants and civilians, the treatment of detainees and prisoners of war, and belligerent occupation. We will also look at the modalities for enforcing this law and in particular assess the promise and limits of international criminal law.

Pre-requisites: International Law.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Is Judaism a Religion? Debates in Modern Jewish Thought
Prof. Leora Batnitzky - Princeton University, Department of Religion
Credits: 2
Course number: 1411734550
Time: SECOND QUARTER

Course Description:

This course focuses on the distinctly modern question of whether Judaism is a religion, culture or nationality. For the first two thirds of the course we will consider eighteenth and nineteenth century European arguments about defining Judaism and Jewishness, especially as these arguments relate to debates about the modern nation state, liberalism and the emergence of Zionism. We will read a diverse array of modern Jewish thinkers, such as Moses Mendelssohn, Samson Raphael Hirsch, Heinrich Graetz, Hermann Cohen, Martin Buber, Solomon Maimon, the Vilna Gaon, Sholem Aleichem, Moses Hess, Theodor Herzl, Ahad Ha'am and Abraham Isaac Kook. In this context, we will also consider a number of arguments made in a distinctly American context, such as those of Mordecai Kaplan and Leo Strauss. The final third of the course will turn to the questions of how different conceptions of Judaism as religion, culture, and nationality play out in twentieth and twenty first century debates about conversion to Judaism, both within and outside of the State of Israel.

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Constitutionalism in Asia

Prof. Wen-Chen Chang - National Taiwan University College of Law

Credits: 2

Course number: 1411734650

Time: SECOND QUARTER

Course Description:

This course is designed to offer an up-to-date understanding of constitutionalism in Asia, covering a representative number of Asian jurisdictions including China, Hong Kong, India, Japan, Mongolia, Nepal, South Korea, Taiwan and the ten ASEAN states. The students are introduced to leading constitutional cases and selected materials in those jurisdictions and guided to critically examine constitutional jurisprudences developed in those Asian jurisdictions and compared them with what has been developed elsewhere, particularly in the West.

Due to the time constraint, this course does not cover all topics related to constitutionalism in Asia, but instead focuses only on three key subjects including 1) constitution making and state building, 2) constitutional moments and constitutional change, and 3) judicial review ranging from institutional designs of judicial review to judicial appointment and judicial independence.

The teaching material for this course is taken from the casebook: Wen-Chen Chang, Li-ann Thio, Kevin YL Tan and Jiunn-rong Yeh eds, CONSTITUTIONALISM IN ASIA: CASES AND MATERIALS (Oxford, Hart Publishing, 2014)

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: American Privacy Law

Prof. Matthew Kugler - Northwestern University

Credits: 2

Course number: 1411734950

Time: SECOND QUARTER

Course Description:

Course description: This course examines the American law of information privacy: an individual's ability to control his or her personal information. The aim of the course is to understand how courts and legislatures seek to protect privacy as new technologies and new institutional practices emerge. It examines the theoretical justifications for privacy protection and traces the development of American privacy law from its origins in tort through modern statutory and agency regulation. Evaluation will be based on a final exam.

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Behavioral and Classical Contract Theory Applied to a Case Study of a Construction Contract

Prof. Henrik Lando - Copenhagen Business School

Credits: 2

Course number: 1411735050

Time: SECOND QUARTER

Course Description:

The course views a construction contract and events that unfolded during a construction project in the light of both classical and behavioral contract theory. Behavioral theory includes both biases in decision making and social preferences.

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: The International Law of Work

Prof. Guy Mundlak - TAU

Credits: 2

Course number: 1493100601

Time: SECOND QUARTER

Course Description:

Young women labor stitching jeans in Bangladesh; fishermen in Southern United States losing their jobs to Vietnam; care live-ins work around the clock; construction workers in Germany remain unemployed at the time Polish workers are being posted in Germany; consumers boycott Nike, but hesitate before paying premium prices for fair trade coffee; trade unions around the world support their fellow dock-workers in the Liverpool port. What do we make of these examples?

As labor and capital markets transcend domestic borders, the objectives of labor law can no longer be confined solely to actions within the nation state. The purpose of this course is twofold. First, to identify the diverse components of international employment and labour law, the institutions, the claims and the methods for advancing social protection to workers world-wide. This inquiry spans beyond traditional instruments that are associated with labor law, and includes trade law, private international law, international human rights and corporate social responsibility. It further seeks to embed the study of legal instruments in the broader economic and sociological debates on globalization. The second goal is to critically assess how international developments affect domestic labor law and our perception of the ethical and economic values that underscore this body of law.

Course Objectives

- To understand the debates about globalization
- To embed legal dilemmas in social and economic context
- To test our moral intuitions about dilemmas of global justice
- To piece together the various components of the loose body of law that we designate as international labor law.
- To start from the local premises of labor law we are familiar with and to test them in the move from the national to the international

Grade Components: Take Home Exam, with up to 5 points for active class participation

COURSE DESCRIPTIONS – BY QUARTER

Course: Vitality of Scripture and Reading Practices in Ancient Judaism

Prof. Hindy Najman - University of Oxford

Credits: 2

Course number: 1411735250

Time: SECOND QUARTER

Course Description:

What constitutes Scripture? What are its boundaries? What is the connection between one's conception of scriptural development and one's philological practice? Modern philology is supposed to illuminate scriptural development in antiquity, but can scriptural development also shed light on modern philology? These are the questions addressed by this course.

What constitutes scripture? This question has been answered in two main ways: either by focusing on canonization and the institutionally authorized texts produced thereby; or by privileging the earliest layer or source of a text in the hope of recovering what actually happened or the original words of a prophet or a scribe. The traditions of biblical scholarship emerged at a time of historicism and under the influence of an 18th century Protestant interest in the recovery of the origin of scripture. From such a perspective, changes or additions to the text appear problematic, inauthentic or even fraudulent.

This course offers a different perspective, arguing that Scripture is constituted by a dialectical tension between authority and creativity. Insofar as Scripture is authoritative, it is also generative. Readers of Scripture who believe in its authority are also driven to maintain its present relevance by generating new readings and new texts formulating those readings. But this generativity can also be perceived as a threat to Scripture's authority. What if the new life, to which it gives rise, supplants the original, assuming its authority? What if the child replaces the parent? This is what motivates the attempt, by scripturally authorized figures to prevent the generation of threatening offspring, who might undermine scriptural authority. But, like declarations that prophesy has ended – declarations made by non-prophets like rabbis and priests, of course – such attempts at closure show the scholar that, in an important sense, no such closure has happened, because the attempts are only necessary insofar as threatening offspring continue to be born.

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Shareholder Litigation

Prof. David Webber - Boston University School of Law

Credits: 2

Course number: 1411724350

Time: SECOND QUARTER

Course Description:

This course will examine U.S. shareholder litigation, with a primary focus on securities fraud class actions. We will explore the doctrinal foundations of the securities class action, including the substantive elements of securities fraud and the distinctive procedural problems of such actions. We will explore the academic and public policy debates over securities litigation, and its utility as a means for enforcing the securities laws and compensating defrauded investors.

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

SPRING SEMESTER

Seminar Business Law: Transnational Perspectives

Dr. Ido Baum - ICA

Credits: 3

Course number: 1493102001

Time: SPRING SEMESTER

Course Description:

Diversification is the first rule of good investment. It therefore follows that capital often seeks transnational investment opportunities. In this seminar we will discuss the implications of globalization on corporate law, corporate governance, securities regulation, competition (AKA antitrust) law and business formation. We will do so by considering how different norms influence cross-border business activity.

Students are expected to actively participate in the discussions and contribute insights from their own legal systems. While significant parts of the class discussions will inevitably focus on corporate law and tangent areas of law, students may write their seminar dissertation on a wider variety of business law topics.

Prerequisites: the seminar is available to students enrolled to the business law track. Other students with relevant academic or professional background may apply after consulting with the Dr. Baum.

Grade Components: 80% dissertation, 20% Class Participation and presentation.

COURSE DESCRIPTIONS – BY QUARTER

Workshop: Private Law Theory

Prof. Hanoch Dagan & Prof. Avihay Dorfman - TAU

Credits: 3

Course number:

Time: SPRING SEMESTER

Course Description:

The Private Law Theory Workshop is a forum for ongoing scholarly research in private law and a Law Faculty course. The Workshop presents new scholarship on topics in and around contract, torts, property, and unjust enrichment. Students who take the workshop for credit submit written comments—in English or in Hebrew—on the papers presented. Sessions include a brief presentation followed by an open discussion (q. & a.) with the participation of students and faculty. The discussions will proceed under the assumption that the presented paper has been read carefully by all the participants.

Grade Components: 80% Reaction Papers, 20% high quality participation.

COURSE DESCRIPTIONS – BY QUARTER

Workshop: International Law

Professor Aeyal Gross & Dr. Natalie Davidson - TAU

Credits: 3

Course number: 1411710801

Time: SPRING SEMESTER

Course Description:

Tel Aviv University International Law Workshop serves as a forum in which leading international law scholars, from Israel and abroad, present their works in progress and address past and contemporary challenges to international law. The workshop also provides TAU students (including LL.M. and Ph.D students) with the opportunity to read and comment on presented and classic texts. Students are assigned to write eight reaction papers and engage with the authors during the workshop's sessions.

Prerequisites: International Law

Grade Components: 85% Reaction Papers, 15% Active Participation.

COURSE DESCRIPTIONS – BY QUARTER

Seminar: Law, Religion and Secularism

Dr. Lena Salaymeh - TAU

Credits: 4

Course number: 1411715440

Time: SPRING SEMESTER

Course Description:

This seminar explores the nature of law before and after secularism. Broadly, secularism demands and presupposes the separation of "religion" from politics, the privatization of religion, and the diminished social significance of religion. But, even in the modern world, religion and politics cannot be separated. This seminar will examine case studies on religious law and secular law in the premodern and modern worlds. We will contrast religious law prior to secularism with religious law after secularism, with particular attention to how religious communities "reconceptualize" their legal systems in reaction to secularism. We will also investigate the ways in which modern nation-states secularize religion. Students interested in writing on any aspect of law and "religion" is welcome in the class.

Grade Components: 75% Papers, 25% Presentation

COURSE DESCRIPTIONS – BY QUARTER

Workshop: Legal History

Prof. Assaf Likhovski & Dr. Lena Salaymeh - TAU

Credits: 3

Course number: 1411738201

Time: SPRING SEMESTER

Course Description:

The legal history workshop provides an introduction to the field of legal history. The workshop presents a wide range of legal-historical topics, research questions, and methods. The course will consist primarily of weekly meetings in which local and international legal historians will present and discuss their works-in-progress. Participants will gain insight into the mechanics and dilemmas of legal history research and writing, exposure to current trends in the field, and experience in critiquing scholarship effectively and fairly. In addition to being graded on class participation, students will write several short (2-page) critiques of the articles.

Grade Components: 60% 6 highest grades on response papers (unlimited submissions); 30% Attendance and participation in class discussions; 10% Mandatory first paper due in class in week 2

COURSE DESCRIPTIONS – BY QUARTER

Workshop: Law & Economics

Prof. Avraham Tabbach & Dr. Shay Lavie - TAU

Credits: 3

Course number: 1411731501

Time: SPRING SEMESTER

Course Description:

This workshop will provide students the opportunity to engage with ongoing research in the economic analysis of law, written by leading worldwide scholars. At most of the meetings, invited speakers will present works in progress, and an in-class discussion will follow. Students are required to read, before sessions, the papers to be presented and to submit brief written comments on eight papers throughout the semester. Grades will be based on the written comments' quality as well as class participation. Enrollment is permitted to students who have completed their first year in law school; as topics change, students may take the workshop multiple times.

Grade Components: 100% Papers.

COURSE DESCRIPTIONS – BY QUARTER

SPRING SEMESTER – THIRD QUARTER

Course: The Law of Deception

Prof. Gregory Klass - Georgetown University Law Center

Credits: 2

Course number: 1411735850

Time: THIRD QUARTER

Course Description:

The law of deception comprises laws and regulations that attempt to prevent dishonesty, disinformation, artifice, cover-up and other forms of trickery, or to avert mistake, misunderstanding, miscalculation or other false beliefs. So defined, the law of deception cuts across traditional legal categories such as tort, contract, criminal law, consumer protection and securities law. This seminar examines common issues of design and justification in the law of deception. Readings are a mix of primary and secondary materials on topics such as historical developments, types of informational wrongs, the choice between fault and strict liability, remedies, special pleading and other procedural rules and constitutional issues.

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: International Intellectual Property Law

Dr. Amir Khoury -TAU

Credits: 2

Course number: 1411656901

Time: THIRD QUARTER

Course Description:

Unlike many fields in law, the national laws dealing with intellectual property protection are substantially affected by international agreements and conventions pertaining to the protection of IP rights. This course follows the development of these agreements namely how they were conceived and how they have evolved over time.

The course reflects on the changes that have occurred within the international IP régime namely with the advent of the World Trade Organization. It also considers the "trade-off" which leads countries to adopt that régime. The course also devotes attention to the "North-South" debate between Developed and Developing countries ("have"s & "have-not"s, respectively) and considers how this has been (and is being) resolved.

Grade Components: 100% In Class Exam, without books, syllabus is allowed

COURSE DESCRIPTIONS – BY QUARTER

Course: Mergers & Acquisitions: US Public Company Practice

Mr. Yoel Kranz, Columbia University School of Law

Credits: 2

Course number: 1411736050

Time: THIRD QUARTER

Course Description:

The U.S. market for both hostile and friendly business combination transactions involving public companies is among the most active and sophisticated in the world. Using materials and analysis drawn from real-life transactions, we will consider options available to public companies in preparing for a future merger transaction and the various takeover defenses that it might choose to employ. We will examine fiduciary duties owed to shareholders, as well as the art of deal protection once a bargain is struck.

Grade Components: 90% Take Home Exam, 10% Class Participation

COURSE DESCRIPTIONS – BY QUARTER

Course: Licensing of Intellectual Property

Adv. David Mirchin

Credits: 2

Course number: 1493101101

Time: THIRD QUARTER

Course Description:

This is an advanced licensing class for students who already have a solid foundation in intellectual property law and contract law. The focus will be practical rather than theoretical, and the course will address real-world business and legal scenarios faced by technology companies. The purpose of the course is to familiarize students with a wide range of licensing issues and ways to address divergent interests. We will cover in-depth licensing of software, content and inventions. We will review the purpose of various key terms in licensing agreements, the interests of each party, and a variety of fallback and alternative solutions which could serve your client and "make the deal happen." The course will address some specific legal issues related to licensing, such as the enforceability of clickwrap agreements, and website terms of use never agreed to by users, the impact of bankruptcy upon a license, and licensing of open source software.

Students will also learn about various forms of agreement related to intellectual property licenses, such as Software-as-a-Service (SaaS) agreements and software escrow agreements.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Church Law: Structure, Authority and Property Church Law

Dr. Yifat Monnickendam - TAU

Credits: 2

Course number: 1411729901

Time: THIRD QUARTER

Course Description:

With the rise of Christianity, Christian legal systems became established in the Byzantine east and the European west. These two legal systems form the basis of modern Canon law; while tied to modern legal systems, eastern and western Canon law also offers unique jurisprudence and different ways of legal thinking. In the first part of this course, we will focus on the broad perspective of eastern and western Canon law, including jurisprudence, the authority of the Church and the Bishops, the courts, the judicial process and the role of customs. We will also become acquainted with the main sources of these two legal systems, which we will study using methods drawn from Legal History and Comparative Law. In the second part of this course, we will focus on a few questions relating to property and ownership in western and eastern Canon law.

Grade Components: 100% In Class Exam (without books)

COURSE DESCRIPTIONS – BY QUARTER

Course: American Federalism and its Counterparts

Prof. Suzanne Stone - Yeshiva University, NY

Credits: 2

Course number: 1411739350

Time: THIRD QUARTER

Course Description:

This course will explore federalism, a system of government that recently has been touted as “the most important political device” for accommodating the world’s most burning conflicts, including in the Middle East. We will focus on the interaction of state and federal government and state and federal courts in the United States and explore how federalism is implicated in conflicts about equality, immigration, social justice, and the protection of indigenous peoples. In the latter part of the course, we will compare the relationship between Native American tribes and other US governments with the patterns that have emerged between First Nations, the provinces, and the central government in Canada. We also will look briefly at the evolving federalist system of the European Union and the relevance of federalism to regions with internal tensions.

Grade Components: In Class Exam 100%.

COURSE DESCRIPTIONS – BY QUARTER

Course: The Role of Religion in War and PeaceBuilding

Prof. Suzanne Stone - Yeshiva University, NY

Credits: 2

Course number: 1493101801

Time: THIRD QUARTER

Course Description:

The religious-ethnic-nationalist conflicts in the Middle East and elsewhere have given rise to a dramatic re-examination of the role of religion in both promoting and preventing conflict. This course examines how diverse religious traditions view world order, the morality of and norms governing war, and post-war reconciliation. We will explore these topics from a variety of disciplinary perspectives: comparative law, sociology of religion, political theory, and religious studies. The course will combine theory with case studies drawn from the contemporary Middle East, including Israel.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: The History of English Law

Dr. David Schorr - TAU

Credits: 2

Course number: 1411670001

Time: THIRD QUARTER

Course Description:

The course is an introduction to the history of English (and to some extent, British) law, including not only such fundamentals such as the common law, the law of equity and constitutional law, but also secondary elements such as ecclesiastical law, the law merchant, and colonial law. Readings will be taken primarily from historical sources.

Beyond the function of any comparative-law course in helping the student gain a deeper understanding of his or her own legal system, English law has particular importance for appreciating a number of important historical and theoretical issues that cut across time and place, including legal pluralism and the relationship between law and religion.

The course will focus on specific historical issues and developments from various periods that highlight central topics in the history of English law. Basic knowledge of the English legal system and its central institutions in their historical context will help develop participants' skills in using and evaluating claims based on English law. The exposure to various types of historical primary sources will also help students make intelligent use of English legal sources in their professional lives.

Grade Components: 80% In Class Exam (without books), 20% papers.

COURSE DESCRIPTIONS – BY QUARTER

SPRING SEMESTER – FOURTH QUARTER

Course: Transitional Justice

Prof. Leora Bilsky - TAU

Credits: 2

Course number: 1493101201

Time: FOURTH QUARTER

Course Description:

Transitional justice scholarship studies legal responses to collective violence, and asks how these responses affect collective memory and the state's liberalization. Unlike a military revolution that sustains its authority by brute force; democratic regimes are committed to the rule of law and are inclined to address the evils of the previous regime with the help of legal devices. However, the new regime's commitment to the rule of law also makes it aware of the dangers of using ex post facto laws and indulging in 'victor's justice.' At such times, the various expectations from the law—to punish the guilty, ascertain the truth about the old regime, and enhance reconciliation in society—seem to overwhelm the legal system and to push it in opposite directions. As a result, trials of transition bring to the foreground the clash between politics and justice. In this course we will focus on the two main approaches to the problem which have evolved since World War II: exemplary criminal trials (Nuremberg, Eichmann, and others) and truth commissions, and examine them from the perspective of the relationship between law and politics. We will consider the politics of domestic transitional measures as well as of international criminal trials and other transnational legal mechanisms used in political transitions.

Grade Components: Each student is required to write 4 one-page response papers. These papers will not be graded, but are required in order to pass the class + In Class Exam.

COURSE DESCRIPTIONS – BY QUARTER

Course: Explorations in Constitutional Law, Politics & Design Around the World

Prof. William Forbath - The University of Texas at Austin

Credits: 2

Course number: 1411739450

Time: FOURTH QUARTER

Course Description:

This course explores some of the most important constitutional issues around the globe today. Most fundamental may be the challenge of creating a durable framework for liberal democracy in the context of nations emerging from tyranny and/or violent ethno-racial conflict. Bills of Rights are not the only tools in the constitution framers' toolkit. Constitution-framers also have sometimes adopted direct forms of ethno-racial group representation in national legislatures, as well as federalism arrangements that give rival ethno-racial groups their "own" territorial based states or provinces. What are the pros and cons of such devices for overcoming deep conflicts? What about constitutional provisions that outlaw political parties that preach ethno-racial hatred?

Not every effort to constitutionally weld together different ethno-racial groups or "nations" succeeds. The fragility of some efforts gives rise to the recurrent problem of secession. Should constitution-framers make any provision for it? And whether they do or not, how should courts address the issue when it arises – as it has in the recent past, in Canada and in parts of Europe?

The remainder of the course will take up a few cutting-edge issues in the domain of constitutional rights and their interpretation and enforcement. Here we may examine such topics as the ways different constitutional systems treat "hate speech," the ways they address lawmakers' efforts to outlaw various forms of public religious observance like the wearing of the veil or burka, and the ways that courts seek to enforce so-called "positive" or "social" rights like the rights to health, housing, welfare and education.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Negotiation Theory and Strategy

Prof. Russell Korobkin - UCLA

Credits: 2

Course number: 1411735950

Time: FOURTH QUARTER

Course description:

Whether negotiating business deals or litigation settlement agreements, negotiation is a central part of practice for nearly all lawyers. This course teaches the multi-disciplinary theory of negotiation and provides students with daily opportunities to apply the theoretical insights by participating in negotiation simulations. The course is equally relevant to potential litigators and transactional lawyers (as well to students who plan to engage in some area of business rather than the practice of law per se). Topics include understanding the bargaining zone, persuasion, deal design, the use of power, the importance of social norms, and the special problems of multi-party negotiations. Grades will be based on a final paper applying the concepts learned in the course to a negotiation and on class participation to the extent permitted.

Grade Components: 100% Final Paper

COURSE DESCRIPTIONS – BY QUARTER

Course: Intellectual Property Law in Institutional Context

Prof. Michael J. Madison - University of Pittsburgh School of Law

Credits: 2

Course number: 1411736250

Time: FOURTH QUARTER

Course description:

Intellectual property law, policy, and theory should be understood not only in the context of rights and obligations affecting individual actors but also in the context of institutions that generate, preserve, and distribute innovative and creative material: markets, firms, collaborative, and informal groups. IP law plays different roles in different institutional contexts. The purpose of this course is to examine and compare a selection of such IP institutions.

Pre-requisites: Minimum: Any single course in intellectual property law.

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: European Corporate Law

Prof. Alessandro Pomelli - University of Bologna

Credits: 2

Course number: 1411736450

Time: FOURTH QUARTER

Course Description:

The course is meant to illustrate the main principles and concepts of European corporate law in a comparative and international perspective. The focus will be on European Union law and the law of its major Member States. In particular, the legal and economic analysis will center on types, formation and mobility of European companies as well as their financing, capital structure and corporate governance. Some real-world issues and judicial cases will be discussed and debated in class.

Grade Components: 100% In Class Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Law and Finance in Theory and Practice

Prof Katharina Pistor – Columbia Law School

Credits: 2

Course number: 1411736350

Time: FOURTH QUARTER

Course Description:

Law and Finance in Theory and Practice is a seminar designed to introduce students to understanding and analyzing the relation between law and finance in theory and in practice. Informed by the legal theories of finance (LTF), the seminar is based on the premise that a deep understanding of the legal institutions that code finance is indispensable for comprehending and regulating contemporary financial systems in domestic or global context.

Pre-requisites: Corporate law, banking or securities regulation

Grade Components: 100% Final Paper

COURSE DESCRIPTIONS – BY QUARTER

Course: Law & Economics of Insurance
Prof. Peter Siegelman - UConn Law School
Credits: 2
Course number: 1411736550
Time: FOURTH QUARTER

Course Description:

This course examines the economics of insurance and the consequences of laws and regulations governing insurance markets. Topics may include risk aversion and the demand for insurance, adverse selection, moral hazard, agency problems, regulation of competition in insurance markets, and the economics aspects of particular types of insurance (liability, auto, etc.)

Grade Components: 100% Take Home Exam

COURSE DESCRIPTIONS – BY QUARTER

Course: Visual Arts & the Law

Professor Kurt Siehr - Max Planck Institute

Credits: 2

Course number: 1411558850

Time: FOURTH QUARTER

Course Description:

The course "Visual Arts and the Law" introduces into public international law, private international law and national law on the matter of protection of cultural objects and the cultural heritage. Also the law of the European Union is considered. The course touches on export prohibitions, stolen property, cultural property in times of war and times of peace and Holocaust art.

Prerequisites: It may be of some advantage if students had some knowledge in public and private international law.

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Grade Components: 100% Final In Class Exam with open books.