

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

## FALL SEMESTER

**Workshop: MPI-TAU Transnational Legal History (via ZOOM)**

**Dr. David Schorr - TAU**

**Credits: 3**

**Course number: 1411766501**

**Time: FALL SEMESTER**

**Course Description:**

The Transnational Legal History Workshop brings together advanced students and senior researchers from Germany, Israel, and beyond for a weekly intercontinental meeting emphasizing the critical reading and deliberative skills that are crucial building blocks in the training of young lawyers and legal historians, and the catalyst for good scholarship at all levels. Leveraging the international format of the course, it focuses on legal history with transnational, international, global, and comparative aspects, rather than traditional national legal history. The Workshop will also help participants build professional and social ties that will set the stage for future research collaboration and improve students' English skills.

The Workshop will meet synchronously by Zoom on a near-weekly basis over the course of the semester, extending a week or two into the winter vacation. Each week will feature a guest author whose draft paper will be pre-circulated among participants. Students will be required to write a number of short critiques of the papers. At the weekly meeting, after a brief oral presentation by the guest, participants will discuss the paper, giving students the opportunity to engage in constructive scholarly debate with authors and with their peers in Germany and elsewhere.

**Prerequisites:** Open to research students and undergraduates who have completed any workshop.

**Grade Components:** 20% Class Participation, 80% Written Comments

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**Workshops and Seminars:** class attendance is mandatory

## **FALL SEMESTER - FIRST QUARTER**

**Course: International Armed Conflicts and Crises and Challenges of Human Rights**

**Prof. Vinod Kumar - National Law University Delhi (via ZOOM)**

**Credits: 2**

**Course number: 1411761850**

**Time: FIRST QUARTER**

**Course Description:**

Firstly, the proposed Course would provide inter-disciplinary theoretical perspectives (philosophical, legal and political) about the discipline of IHL, which is also known as the 'Law relating to International Armed Conflict'.

The Course seeks to build a holistic understanding of the students/participants about practical application of the fundamental principles and rules of IHL in various geo-political conflict zones across the continents. Secondly, the Course would explore the complex dynamics and angularities of international armed conflicts in different conflict zones and would also try to understand the crises and challenges of human rights which these armed conflicts have posed before the humanity in unprecedented ways. Thirdly, the Course would not only problematize the crises and challenges but also try to explore possible ways and means of dealing with them within the existing normative framework of IHL as a self-contained discipline of international law.

**Grade Components:** 75% Final Paper, 25% Active in-Class Participation & Bonus

## **COURSE DESCRIPTIONS – BY QUARTER – 2021-2022**

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**Workshops and Seminars:** class attendance is mandatory

**Course: US Trademark and Unfair Competition Law**

**Prof. Stacey Dogan - Boston University School of Law**

**Credits: 2**

**Course number: 1411761650**

**Time: FIRST QUARTER**

### **Course Description:**

This course will examine the precepts of trademark and unfair competition law in the United States. We will investigate issues of ownership, protectability, and infringement in the context of words, symbols, slogans, product design and trade dress. The course also will handle related issues, depending on class interest, such as: trademark's common law roots, false and comparative advertising, parody, the right of publicity, the First Amendment, a comparison of how copyright and trademark treat 'functional' designs, the influence of misappropriation law and fears of free riding, and the challenge of applying trademark laws in the Internet context.

**Grade Components:** 100% Take Home Exam

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**Workshops and Seminars:** class attendance is mandatory

**Course: Introduction to Intellectual Property**

**Adv. Tony Greenman & Adv. Sarit Erez**

**Credits: 2**

**Course number: 1493100701**

**Time: FIRST QUARTER**

**Course Description:**

Intellectual property is a key driver of the modern economy. 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. We will explore the subject matter, scope and term of protection, as well as questions of ownership and infringement. We will also discuss 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. During the course, short exercises may be assigned, that will allow the students to get bonus points for the final grade.

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**Workshops and Seminars:** class attendance is mandatory

**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:** The course's grade will consist of 20% protective grade for attendance in class and 80% for the exam (that is, if the grade for attending classes is higher than the grade in the exam, then the final grade will be 80% the grade of the exam and 20% the grade for attendance in class and if the grade for attendance is not higher than the grade in the exam, then the final grade will be the grade of the exam). The meaning of attendance: if the student will attend all classes but three, the student will receive a grade of 100 for attendance and then attendance can be a protective grade as mentioned above. For a student who will not attend this number of classes the grade will be determined solely by the exam. Due to the bonus-like nature of the protective grade for attendance, it will not be relevant if absence from class is justified by any kind of justification. 100% In-Class Exam (with books).

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**Workshops and Seminars:** class attendance is mandatory

**Course: Risk Derivatives and Financial Crises**

**Adv. Menachem Feder**

**Credits: 2**

**Course number: 1411660401**

**Time: FIRST QUARTER**

**Course Description:**

This course covers one of most essential yet paradoxical topics in financial law: derivatives. Derivatives constitute a fundamental component of today's financial markets, yet are commonly considered exotic and inscrutable. Sophisticated market players regularly use derivatives, yet onlookers often label derivatives as toxic. In recent years, the dangerous reputation has held sway. Following the worldwide financial crisis of 2007-08, market observers blamed derivatives for spreading the contagion of the crisis and destabilizing the global financial system. As a result, public awareness, but not public understanding, of derivatives shot up. The objective of this course is to develop student understanding of financial risk and financial risk management via derivatives and of the role of law in controlling the use of derivatives.

In this course, we will get to know derivatives, studying financial risk and how derivatives work to manage that risk, and study the extent to which derivatives have been involved in various corporate and systemic collapses or near-collapses. Ultimately, we will critically examine the concept that derivatives cause, or at least contribute significantly to, financial crises and review the ongoing policy debates over the use and oversight of derivatives around the world. We will consider a number of recent financial crises and will touch on various areas of commercial and corporate law, including banking, bankruptcy, corporate governance and insurance.

**Grade Components:** 100% In-Class Exam (with books).

## **COURSE DESCRIPTIONS – BY QUARTER – 2021-2022**

### **VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Course: History of English Law**

**Dr. David Schorr - TAU**

**Credits: 2**

**Course number: 1411670001**

**Time: FIRST QUARTER**

### **Course Description:**

Was Brexit constitutional? What does "constitutional" even mean in Britain? What was Magna Carta really about? Why were defendants in medieval England crushed with heavy weights until they agreed to be tried by jury? Why did criminal trials have no lawyers or witnesses? How could a legal system have no remedy for breach of contract? What's the connection between equity and Continental legal systems? In an attempt to understand the law and legal culture at the root of many legal systems today, these questions and more will be addressed in this course.

**Grade Components:** Papers 20%, In-Class Exam 80% (without books)

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Course: International Intellectual Property Law**

**Prof. Amir Khoury - TAU**

**Credits: 2**

**Course number: 1411656901**

**Time: FIRST QUARTER**

**Course Description:**

While intellectual property is registered and protected on the national level there is a deep connection between national laws and international norms that exist with multiple intellectual property related conventions and agreements. In this course I shall share with you the story behind these agreements and the international organizations that have created them. In addition, I shall share with you ideas for the road ahead in the ever evolving world of international intellectual property regulation.

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



## **COURSE DESCRIPTIONS – BY QUARTER – 2021-2022**

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**Workshops and Seminars:** class attendance is mandatory

**Course: US Free Speech Law and Digital Platform Regulation**

**Prof. Ellen P. Goodman - Rutgers Law School**

**Credits: 2**

**Course number: 1411762650**

**Time: FIRST QUARTER**

### **Course Description:**

This course will explore various topics in emerging US information policy involving freedom of expression, press protections and subsidies, digital platform regulation, AI regulation, and privacy. Students will acquire basic knowledge about the First Amendment of the U.S. Constitution, the political economy of U.S. legislation and regulation (including interest group pressures and the complicated politics of digital information flows), and the interaction between various legal interventions (e.g., U.S state and federal and European). Students will be expected to prepare for and participate in class discussion.

**Grade Components:** 100% Take Home Exam

## **COURSE DESCRIPTIONS – BY QUARTER – 2021-2022**

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**Workshops and Seminars:** class attendance is mandatory

### **Course: Corporate Finance for Lawyers**

**Adv. LizAnn Eisen - Cravath, Swaine & Moore LLP**

**Credits: 2**

**Course number: 1411756250**

**Time: FIRST QUARTER**

### **Course Description:**

Using real-life examples and simulations, this course will cover the day-to-day function of lawyers practicing corporate finance (both in-house and as outside counsel). Topics will include basic corporate finance principles, accounting for lawyers and how to learn and stay on top of current issues and trends, non-GAAP measures, relations with the CFO, audit committee and board of directors and significant shareholders, capital raising and other transformative transactions and financings, developing high quality compliance and risk management policies and procedures, the impact of significant litigation and government investigations. We will focus on substantive areas as well as ethical, business, policy and reputational concerns.

**Prerequisites:** Corporations; Business Associations or similar course

**Grade Components:** 100 % Final Paper

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

## FALL SEMESTER - SECOND QUARTER

**Course: Constitutionalizing labour rights: A perspective from India**

**Prof. Vasanthi Nimushakavi – Nalsar University of Law (via ZOOM)**

**Credits: 2**

**Course number: 1411762350**

**Time: SECOND QUARTER**

**Course Description:**

The course will be located in the ongoing debate about constitutionalizing labour rights. While traditionally it has been believed that labour rights are best protected not through the law and the courts but by Unions and democratic movements, there has been an increasing shift towards constitutionalizing labour rights. The course will examine the merits of constitutionalizing labour rights in India.

**Prerequisites:** An interest in labour and constitutional issues

**Grade Components:** 100% Take Home Exam

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Course: International Employment Law**

**Prof. Sean Cooney – The University of Melbourne**

**Credits: 2**

**Course number: 1411762050**

**Time: SECOND QUARTER**

**Course Description:**

As labour and capital markets transcend domestic borders, the objectives of labour law can no longer be confined solely to actions within the nation state. The purpose of this subject is two-fold. 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 worldwide. This enquiry spans beyond traditional instruments that are associated with labour law, and includes trade law and corporate social responsibility. It further seeks to embed the study of legal instruments in the broader economic and sociological debates on globalisation and the use of digital technologies. The second goal is to critically assess how international developments affect domestic labour law with a particular focus on the European Union, the United States, China and India.

**Grade Components:** 100% Take Home Exam

## **COURSE DESCRIPTIONS – BY QUARTER – 2021-2022**

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**Workshops and Seminars:** class attendance is mandatory

**Course: Contract governance and strategy**

**Prof. Lisa Bernstein – University of Chicago Law School**

**Credits: 2**

**Course number: 1411761950**

**Time: SECOND QUARTER**

### **Course Description:**

This class focuses on contract governance—the ways that contracting parties devise (apart from contract provisions backed by the threat of court imposed damages) to better ensure that contracts are performed and, often, that innovation occurs within the contracting relationship. Working in teams and presenting answers to case studies of different industries from manufacturing contracts for tractor parts, to medical devices, to toys, to biotech alliance agreements, students will learn new ways to create value for their clients. Special attention will also be paid to the choice of contractual partner and different context specific approaches to contract negotiation. Along the way, we will explore the close connection between contract governance and business strategy concluding with a look at the US auto industry that illustrates how closely these considerations are and should be intertwined.

**Grade Components:** TBD

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**Workshops and Seminars:** class attendance is mandatory

**Course: Theories of Justice: from Plato to Rawls**

**Prof. Michael Stanislawski – Columbia University**

**Credits: 2**

**Course number: 1411762550**

**Time: SECOND QUARTER**

**Course Description:**

This course examines the theories of justice held by thinkers from antiquity to the present, including Plato, Aristotle, the Hebrew Bible, the New Testament, Aquinas, Maimonides, Machiavelli, Hobbes, Locke, Rousseau, Wollstonecraft, Marx, Nietzsche, and Rawls. Each thinker will be evaluated both in his or her historical context and as a participant in the millennial debate over what constitutes a just society.

**Grade Components:** 100% Final Paper

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Course: Licensing of Intellectual Property**

**Adv. David Mirchin - Meitar Liquornik Geva Leshem Tal**

**Credits: 2**

**Course number: 1493101101**

**Time: SECOND QUARTER**

**Course Description:**

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, trademarks and patents, as well as open source software and creative commons. 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." Students will also learn about various forms of agreement related to intellectual property licenses, such as Software-as-a-Service (SaaS) agreements, software maintenance agreements, Service Level Agreements, and software escrow agreements.

**Prerequisites:** This is an advanced licensing class for students who already have a foundation in intellectual property law and contract law.

**Grade Components:** 100% Take Home Exam

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Course: Start-Up Law**

**Dr. Ayal Shenhav & Adv. Gal Hoffman - GKH Law Office**

**Credits: 2**

**Course number: 1493102201**

**Time: SECOND QUARTER**

**Course Description:**

Israel is known as "Start Up Nation". During the course Start Up Law we will review the Israeli Start Up Eco System and the major legal and financial events of a start up from formation until exit.

We will discuss the following topics:

1. Israeli Start Up Eco-System – how Israel became "Startup Nation" (key policy decisions)
2. Founder Agreements
3. Incorporation of the company - Key corporate and tax aspects
4. Venture Capital Funds- Structure and operations
5. Venture Capital Funds – Investment Transactions
6. Raising funds through Crowd Funding Platforms
7. Commercialization of Technology – Licensing Agreements, Distribution Agreements, Software as a Service ("SAAS") and more.
8. Employment Law Issues for Start Ups (Non-Compete, Employee Inventions)
9. Stock Option Plans.
10. M&A Transactions
11. The IPO process
12. Government Support and Incentives for Start Ups – The Israeli Innovation Authority.

**Grade Components:** 90% Take Home Exam, 10% Paper.



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**Workshops and Seminars:** class attendance is mandatory

## SPRING SEMESTER

**Seminar: Law & Information Technology**

**Prof. Niva Elkin Koren - TAU**

**Credits: 4**

**Course number: 1493102401**

**Time: SPRING SEMESTER**

**Course Description:**

Information technology is affecting every aspect of our lives, transforming work, trade, communities, politics and governance. The law is called upon to respond to these changes, by applying old doctrines to the new information environment. At the same time, however, courts and legislators are also playing a key role in shaping technological innovation, business models, social relations and political structures.

This seminar explores the complex relationship between law and information technology. It offers an in-depth exploration of some of the challenges to law in the digital era, emphasizing regulatory options and policy considerations. The study of law in the digital environment further offers an opportunity to explore new types of governance, using digital platforms, Artificial Intelligence and data, and to re-examine some premises regarding the law and how it operates.

The seminar is designed to facilitate the writing of research papers. Students will be required to submit a thesis statement of the topic (including a preliminary bibliography) for approval, and to present their initial findings towards the end of the semester.

**Grade Components:** 70% Final Paper, 20% presentation of the research 10% active in-class participation.

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Seminar: Corporate Governance and Capital Markets**

**Dr. Kobi Kastiel**

**Credits: 4**

**Course number: 1493102001**

**Time: SPRING SEMESTER**

**Course Description:**

In this seminar we will explore the current hot debates and wide range of policy issues in the law governing corporations and capital markets. Issues to be discussed include the allocation of power between managers and shareholders, hedge funds and shareholder activism, the rise of institutional investors and index fund stewardship, executive compensation, controlling shareholders and the use of control enhancing mechanism (such as dual-class structures and corporate pyramids), corporate social responsibility, stakeholder capitalism and securities regulation. During the course, we will also use a comparative approach to consider how different norms and rules governing corporations and capital markets influence cross-border business activity.

Readings will mainly be law review articles and discussion papers. 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 Dr. Kastiel.

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

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**Workshops and Seminars:** class attendance is mandatory

**Seminar: Global Governance and Human Rights**

**Dr. Doreen Lustig - TAU**

**Credits: 4**

**Course number: 1411935401**

**Time: SPRING SEMESTER**

**Course Description:**

In August 2018, Greta Thunberg—then still a schoolgirl in her home city of Stockholm—began to protest outside the Swedish Parliament to draw attention to climate change crisis. In just one year, her weekly protest on the steps of the Swedish Parliament turned into a global movement. Speaking at the beginning of the UN's Climate Action Summit, the 16-year-old activist criticized world leaders: "The eyes of all future generations are upon you, and if you choose to fail us, I say, we will never forgive you." Indeed, Thunberg's transnational activism and global reach have distinct and original features and yet they resonate with earlier historical attempts of transnational civil society agents to rally against established political institutions for the sake of a greater cause and on behalf of dispersed majorities and silenced groups.

This course is dedicated to exploring four key junctures in the history and theory of global governance and the vision and the efforts of civil society activists who sought to shape the international legal order.

**Section I** will be dedicated to *humanitarianism and peace* as two (early) and prominent visions for global justice. We will explore the historical circumstances that led to the early codification of the laws of war and examine the lost history of the Anglo-American peace movements. **Section II** will explore key historical and philosophical debates in international human rights jurisprudence to provide a detailed exposition of another vision for global justice. Human Rights have sparked the imagination of international lawyers at least since the second world war. Toward the 1970s that spark was invigorated by treaty-law, institutions, civil society organizations and a growing cadre of experts committed to promoting human rights as a vision for global justice. This section will be dedicated to several enduring human rights critiques and will examine the tensions that the practice of human rights today highlights. In **Section III** we will delve into the enduring challenge of corporate accountability for human rights violations. **Section IV** will return to Greta Thunberg and the quest for climate justice. We will explore the transnational litigation on climate change and delve into the novel attempts to apply constitutional and human rights law to promoting climate justice.

**LLM Students:** will be required to submit response papers, actively participate in class, develop a research project and write a final seminar paper that builds on the theoretical tools and concepts acquired in the class. Please note that LLM students are obliged to study **only sections I-III**.

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**Workshops and Seminars:** class attendance is mandatory

**Grade Components:** 80% Final Research paper, 10% Response papers, 10% In Class Participation.

**LLB Students:** will be required to submit response papers, actively participate in class and submit a take-home exam in either English or Hebrew. Students could take this course as an English course if they submit all their assignments in English.

**Grade Components:** 80% Final Exam, 10% Response papers, 10% In Class Participation.

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Workshop: International Law**

**Prof. Aeyal Gross, Dr. Eliav Lieblich & Dr. Natalie Davidson – TAU**

**Credits: 3**

**Course number: 1411766601**

**Time: SPRING SEMESTER**

**Course Description:**

Tel Aviv University's 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 six reaction papers and engage with the authors during the workshop's sessions.

**Prerequisites:** International Law

**Grade Components:** 90% Reaction Papers, 10% Active Participation.

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Workshop: Private Law Theory**

**Prof. Hanoch Dagan & Prof. Avihay Dorfman - TAU**

**Credits: 3**

**Course number: 1411764301**

**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 private law, broadly conceived to include contract, torts, property, remedies, labor and employment, family, and private international law. Students who take the workshop for credit submit written comments on subset of the 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.

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Workshop: Economic Analysis of Law**

**Prof. Avraham Tabbach & Dr. Shay N. Lavie - TAU**

**Credits: 3**

**Course number: 1411765701**

**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. In the first meetings, we will provide a general background concerning different types of papers in the economic analysis of law. Then, 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 several papers throughout the semester. Grades will be based on the written comments' quality as well as 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:** 85% Papers, 15% in-class participation.

**VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

## SPRING SEMESTER – THIRD QUARTER

**Course: Chinese Legal Culture: Tradition and Transaction**

**Prof. Xiaohui Li – China University of Political Science and Law**

**Credits: 2**

**Course number: 1411762850**

**Time: THIRD QUARTER**

**Course Description:**

This course will draw out the framework of Chinese legal tradition and will give general knowledge of its modern transaction for well understanding of Chinese law. A variety of topics will be covered, including “Chinese legal history,” “Chinese constitutional framework”, “the legislation organs and legal sources”, “courts system and procuratorates”, “judicial reform” etc. The course will try to stimulate the students to think some fundamental problems of the nature of law through cultural comparison, such as “law and morality”, “philosophy of punishment”, etc. The central theme of the course is how does the largest developing country face the coming challenges with the long oriental legal moralism tradition.

**Prerequisites:** Familiar with ancient and modern Chinese history

**Grade Components:** 100% Take Home Exam



**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Comparative Constitutional Law**

**Prof. Francesco Biagi – University of Bologna**

**Credits: 2**

**Course number: 1411752850**

**Time: THIRD QUARTER**

**Course Description:**

This course on Comparative Constitutional Law is aimed at: a) making students familiar with the basic aspects of contemporary constitutional law in consolidated democracies, illiberal democracies and transitional countries; b) showing students that comparative constitutional law gives us a better purchase on our own legal systems and legal cultures; c) pushing students to evaluate the foundations of legal systems; d) providing students with a critical understanding of the strengths and limits of constitutional law in regulating social and political processes. In particular, this course will tackle four main subjects: 1) Constitutions and constitutionalism; 2) Constitution-building; 3) The Division of Governmental Powers; 4) Fundamental Rights and Their Protection.

**Grade Components:** 90% Final Paper, 10% Active Participation.

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: International Intellectual Property Law**

**Prof. Ruth L. Okediji – Harvard Law School**

**Credits: 2**

**Course number: 1411762750**

**Time: THIRD QUARTER**

**Course Description:**

This course will cover fundamental principles of international IP law with an emphasis on comparative approaches to scope of protection, limitations and exceptions, and dispute settlement. Students will study key provisions of leading major treaties, emphasizing the implementation and enforcement of the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) and IP chapters in regional trade agreements. The course will cover access to medicines and other global challenges (access to culture, climate change, and rights of indigenous peoples) closely associated with the international IP system.

**Grade Components:** 70% Final Paper, 30% In-Class Assignments

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: International Commercial Arbitration**

**Prof. Hanns-Christian Salger – Goethe University Frankfurt am Main**

**Credits: 2**

**Course number: 1411756350**

**Time: THIRD QUARTER**

**Course Description:**

The course will teach the legal and practical aspects in international commercial arbitration with a view on the civil law/common law divide and how it is overcome by "best practice". The topics include arbitration agreements and clauses; ad hoc and institutional arbitration; selection and challenge of arbitrators; conduct of arbitration proceedings; taking of evidence; enforcement of awards. The New York Convention and IBA Rules will be covered as well as national procedural rules (in particular German, English and US law). The exam will be partly multiple choice and partly essay (drafting exercise).

**Prerequisites:** Basic knowledge of civil procedure

**Grade Components:** 100% Take Home Exam

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Digital Copyrights**

**Prof. Niva Elkin-Koren – TAU**

**Credits: 2**

**Course number: 1411760501**

**Time: THIRD QUARTER**

**Course Description:**

Digital technology is affecting every aspect of our lives, transforming work, trade, communities, politics and governance. Copyright law is called upon to respond to these challenges, by applying old doctrines to the new information environment. The law is among the many forces which are shaping the digital ecosystem, affecting technological innovation, business models, social relations and political structures. Copyright law shapes access to knowledge, affecting our ability to keep things private, to learn, to share ideas, to use and reuse works, to generate original works, to compete, collaborate and innovate.

This course will demonstrate the interplay between law and digital technology. We will explore the challenges to law in the digital era and discuss contemporary controversies arising from digital distribution: the rise of the information society, the data industry, User-Generated Content, mass collaboration and the sharing economy.

Taking a comparative perspective, we will examine laws, regulatory responses and reform initiatives in different jurisdictions: the U.S. Europe and Israel. It is nevertheless a conceptual course, with the intention of providing students with tools to identify and address policy challenges related to digital technology. Issues covered will include: digital challenges to the incentives paradigm, User-Generated-Content and decentralized production of speech, legal challenges in collaborative production, enforcement challenges and online intermediaries, algorithmic governance, user rights, access to knowledge and the data industry, ownership in the sharing economy, private ordering and licensing schemes.

**Prerequisites:** Completed, or currently taking (Fall 2021), Intellectual Property Law or Introduction to Intellectual Property Law.

**Grade Components:** 80% Take Home, 20% Course Assignments.

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Varieties of Constitutionalism: Democratic, Autocratic, Populist**

**Dr. Felix Petersen**

**Credits: 2**

**Course number: 1411754001**

**Time: THIRD QUARTER**

**Course Description:**

Karl Loewenstein (1957) distinguished normative, nominal and semantic constitutions. Particularly important is the distinction of the first and the third, that is, between an effective constitution controlling political power and government according to democratic principles (normative constitution), and a pseudo-constitution serving autocrats and dictators to disguise their undemocratic rule with the normative power of constitutionalism (semantic constitution). Today, the perspective on constitutionalism is more nuanced. Scholars agree that constitutions can play a relevant role under both democracy and autocracy, as they legitimize political power, coordinate the political process, or assist in co-opting social elites, irrespective of the regime.

The course provides a comparative overview of modern constitutionalism, covering a variety of political systems. Focusing on the liberating potential of constitutions and their role in maintaining political power, we trace the conceptual evolution of constitutionalist thought and the historical-institutional transformation of constitutional government. Students will apply the theoretical knowledge in case studies (US, Israel, Turkey, Hungary, Germany, Russia).

During the semester, students are required to do the assigned reading and actively participate in class discussions. In groups, students will apply the theoretical knowledge to case studies and present their findings to the course.

**Grade Components:** 90% Final Paper (max. 3000 words), 10% In-class participation

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: The Israeli-Palestinian conflict - two points of view**

**Dr. Daphna Shrager - UN**

**Credits: 2**

**Course number: 1411707101**

**Time: THIRD QUARTER**

**Course Description:**

The course will examine selected international legal questions at the core of the Israeli-Palestinian conflict. It will place the legal debate in a historical-political context, and analyze the legal questions from two vantage points and two parallel, competing national narratives – an Israeli and Palestinian. The legal questions examined will include the origin and root causes of the conflict, the first Israeli-Arab war of 1948 - the War of Independence for the Jews and the Nakba for the Palestinians; the 'birth' of the Palestinian refugee problem and the legal aspects of the 'right of return', the legal status of the West Bank and the Gaza Strip (following the 'disengagement'), the applicability of the laws of occupation and the Fourth Geneva Convention, in particular, the legality of settlements under international law, the right to self-determination, the Oslo Accords and the status of Palestine in the United Nations.

**Prerequisites:** International Law (recommended).

**Grade Components:** 100% In Class Exam (with books)

**COURSE DESCRIPTIONS – BY QUARTER – 2021-2022**

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Corporate Law**

**Prof. Omri Yadlin - TAU**

**Credits: 2**

**Course number: 1411766201**

**Time: THIRD QUARTER**

**Course Description:**

The Course will focus on particular advance topics in corporate law, including Optimal Design of the Corporate Contract, Mergers & Acquisitions, Fraud and Insider Trading.

**Prerequisites:** Corporate Law

**Grade Components:** 100% In-Class Exam (with books).

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Health and Human Rights**

**Dr. Melanie Levy - TAU**

**Credits: 2**

**Course number: 1411744401**

**Time: THIRD QUARTER**

**Course Description:**

This course provides an opportunity to explore ways in which human health is interrelated with human rights. It studies and assesses governmental obligations related to health under international human rights law. The course begins by examining the emergence of health and human rights as a distinct field. Following this, it considers the meaning of the international right to health, stressing the interactions between civil and political rights, on the one hand, and economic, social, and cultural rights, on the other. Although the course focuses broadly on health and human rights issues, special consideration is given to the right to health as enshrined in the International Covenant on Economic, Social, and Cultural Rights. The course also refers to other international instruments (e.g., International Covenant on Civil and Political Rights, Convention on the Elimination of all Forms of Discrimination Against Women), regional instruments (e.g., European Convention on Human Rights), national constitutions and legislation, as well as relevant case law.

After exploring a series of foundational themes and issues (Part I: The field of health and human rights), the course critically analyzes the human rights dimensions of a variety of health challenges through in-depth case studies (Part II: Applying the health and human rights framework to different health topics). These case studies cover infectious diseases such as AIDS/HIV and COVID-19, non-communicable diseases, medicine and markets, sexual and reproductive health, and prison health. Finally, the course identifies ways in which a human rights approach can be used as an advocacy tool to improve the policies that shape the public's health. It also debates current critiques of the rights' discourse and analyzes future directions of health and human rights in an age of populism and (post) COVID-19 (Part III: Beyond the rights' discourse).

**Grade Components:** 10% Participation. 90% In-Class Exam 90% (with books).



**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Technological Disruption and the Law**

**Dr. Uri Hacoheh - TAU**

**Credits: 2**

**Course number: 1411763801**

**Time: THIRD QUARTER**

**Course Description:**

Technological developments in the fields of artificial intelligence, bioengineering, and nanotechnology are transforming society. Technology companies—Google, Amazon, Facebook, and Apple—overtaken traditional manufacturing titans of the industrial revolution era (such as General Motors) as the largest and most influential corporations; startups (such as Uber and Airbnb), collaborative creativity initiatives (such as Wikipedia), and emerging technologies (such as Tesla's autonomous vehicles) have upset established markets and displaced business. Such technological disruptions are only expected to increase and with far-reaching implications for society --- from the consolidation of information and political power, creative freedom, discrimination in labor markets, criminal justice, military capability, wealth distribution, to the very nature of free will and human autonomy. This course will explore the social challenges of technological disruption and its legal implications. Students will lead a class discussion on one topic and will write a short comment on a topic of their choosing.

**Grade Components:** Class discussion: 20%; Written comment: 80%.

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Criminal Justice in Israel**

**Prof. Kenneth Mann**

**Credits: 2**

**Course number: 1411704401**

**Time: THIRD 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. **Class participation is a prerequisite for taking the exam.**

**Grade Components:** 75% Take Home Exam, 25% Papers.

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Political philosophy of Law**

**Prof. Mikhail Xifaras – SciencesPo Law School**

**Credits: 2**

**Course number: 1411757050**

**Time: THIRD QUARTER**

**Course Description:**

This course will explore the genealogy of contemporary critical philosophy and law, through the careful reading and discussion of heavily edited texts by philosophers and jurists who have had a deep influence on modern legal thought and social theory. The course will work to identifying the development and subsequent transformation of new modes of legal reasoning, as bearing on law as a supposedly autonomous discipline. A narrative on the role of law and legal thought in modern political philosophy might emerge. These authors are Bentham, Kant, Hegel, Savigny, Marx, Kierkegaard, Jhering, Nietzsche, Weber, Freud, Kelsen and Schmitt.

**Grade Components:** 100% Final Paper

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

## SPRING SEMESTER – FOURTH QUARTER

**Course: The Use and Abuse of Statistics in the Courtroom**

**Prof. John Donohue - Stanford Law School**

**Credits: 2**

**Course number: 1411762950**

**Time: FOURTH QUARTER**

**Course Description:**

Over time, courts have greatly expanded the range of statistical evidence provided by expert witnesses, which poses considerable challenges for lawyers, judges, and juries and has often generated both the acceptance of poor work and the rejection of good studies. In this course (taught with Prof. Ronen Avraham) we explore an array of examples, providing empirical insights into several important legal and policy issues as well as highlighting where courts have dealt with these issues well and poorly.

**Prerequisites:** A basic understanding of statistics and regression analysis.

**Grade Components:** 100% Final Paper

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Energy Law & Policy**

**Prof. Alexandra Klass - University of Minnesota Law School**

**Credits: 2**

**Course number: 1411763150**

**Time: FOURTH QUARTER**

**Course Description:**

In Energy Law and Policy, we will study how fossil fuel, renewable, and nuclear energy resources power the world's electricity and transportation systems, and how these systems are evolving in response to economic and technological developments as well as global efforts to address climate change and other environmental externalities. This course will primarily examine U.S. energy law and policy, but it will also evaluate Israeli energy issues for purposes of comparison. Throughout the course, we will focus on three primary themes: (1) the tension between free markets and government regulation; (2) the division of regulatory authority between U.S. federal, state, and local governmental entities; and (3) the balance of energy production and use with environmental protection and decarbonization goals.

**Grade Components:** 100% Take Home Exam

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Biographies and Memoirs**

**Prof. Pnina Lahav – Emerita Boston University Law School**

**Credits: 2**

**Course number: 1411763250**

**Time: FOURTH QUARTER**

**Course Description:**

The purpose of this seminar is to investigate legal history through the medium of judicial biography and judicial memoir as well as memoirs about judges and members of the legal profession. Judicial biography and memoirs shed light on legal history while clarifying the role of the individual in the process of legal development. We shall explore the tension between history and memory and the difference between biography and autobiography. We shall read and discuss the literature, in particular biographies of Israeli and American judges and see what they can teach us about the development of the judiciary, legal education and personal ideology and worldview. We shall also evaluate specific cases considered significant for the development of the legal system. Issues of gender and identity will be explored. One central question will be whether it is possible to detect the emergence of a distinct identity of Israeli law and how has the identity of judges shape the ever developing identity of Israeli law.

**Grade Components:** 100% Take Home Exam

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Global Health & Human Rights**

**Prof. Benjamin Meier - University of North Carolina at Chapel Hill**

**Credits: 2**

**Course number: 1411763350**

**Time: FOURTH QUARTER**

**Course Description:**

Human rights are inextricably linked to the achievement of public health policy goals. Examining human rights under international law as a basis for public health, these rights offer global standards by which to articulate duties and evaluate policies and outcomes under law, shifting the policy debate from political aspiration to legal accountability. This course provides an introduction to the relationship between human rights and global health. As a survey course, it ranges broadly over theoretical approaches and concrete issues relating to the realization of human rights, applying a human rights perspective to public health policies, programs, and practices.

**Grade Components:** TBD

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Critical reflections on computational law**

**Prof. Mireille Hildebrandt and Dr. Laurence Diver - Vrije Universiteit Brussel**

**Credits: 2**

**Course number: 1411763050**

**Time: FOURTH QUARTER**

**Course Description:**

This course will engage with both practical and theoretical inquiry into the deployment of AI in legal practice (data-driven law) and the transcription of legal norms into computer code (code-driven law). The objectives will be to sensitize law students to the assumptions and methodological constraints of computer science, to learn how to ask the right questions when assessing ‘legal tech’, and to develop acuity with regard to how computational law may affect human rights and the rule of law.

**Grade Components:** 80% Final Paper, 20% Research Question



**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: The History and Philosophy of Internet Hacking**

**Prof. Scott J. Shapiro - Yale Law School**

**Credits: 2**

**Course number: 1411763450**

**Time: FOURTH QUARTER**

**Course Description:**

This course attempts to answer three questions: 1) Why is the Internet Insecure? 2) How do hackers exploit it? 3) What do we do about it? While we will explain the technology behind basic hacking techniques, we will also explore the social, legal and philosophical causes of internet insecurity. There are no prerequisites for the course.

**Grade Components:** 100% Final Paper

## **COURSE DESCRIPTIONS – BY QUARTER – 2021-2022**

### **VERY IMPORTANT:**

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**Workshops and Seminars:** class attendance is mandatory

**Course: US Mergers and Acquisitions**

**Prof. Prof. Steven Davidoff Solomon – U.C. Berkeley School of Law**

**Credits: 2**

**Course number: 1411756750**

**Time: FOURTH QUARTER**

### **Course Description:**

This course introduces students to the fundamentals and critical topics in the law of U.S. mergers and acquisitions and the financial and transactional issues that they present. The principal focus of the course will be on the U.S. corporate law and securities regulation aspects of these transactions, the business incentives of the parties to the transactions, and the documentation and negotiation of the deals. Ancillary legal areas, such as tax and antitrust, will also be touched upon.

**Grade Components:** 100% Final Paper

**VERY IMPORTANT:**

**Courses:** class attendance is mandatory. Students who miss 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.

**Workshops and Seminars:** class attendance is mandatory

**Course: Development, Inequality and Human Rights**

**Prof. Jeremy Perelman - SciencesPo Law School**

**Credits: 2**

**Course number: 1411753450**

**Time: FOURTH QUARTER**

**Course Description:**

We will explore through a seminar-style course the linkages between human rights, inequality and sustainable development. The course's departure point is the emergence of a "human rights and development" field over the last two decades, both in academia and policy, partly as a result of the combined failure of development economics and the human rights movement to effectively address the challenges of global poverty, inequality and sustainability. The course will examine this trend from a historical, theoretical, institutional and policy-making perspective.

We will focus on the following questions, which have both shaped and risen from this field: is development too often conducive to human rights violations, or is it a means to realize human rights? Does a focus on realizing human rights hinder development, or does it help generate more, and "better", development? Is poverty a violation of human rights? Is Development a human right? What are the consequences of "developmentalizing" human rights? Do Economic, Social and Cultural Rights promote basic sufficiency or can they help generate substantive equality? Are human rights appropriate tools to address the rising challenges of climate change and ecological transition? The seminar will use a multidisciplinary lens to address these questions, to introduce some of the key policy debates in the field, and to examine recent trends in rights-based advocacy practices.

**Prerequisites:** The course is designed for students interested in social and economic development, global poverty, inequality, globalization and human rights issues. There is no prerequisite.

**Grade Components:** 100% Take Home Exam