Law 546H Legal Theory- “Money & the U.S. Constitution”

Course Description
This course will explore a set of constitutional controversies over the shape of money and credit, and consider what impact the outcomes of those controversies had. Money and credit are public institutions that are created by law and, as such, are configured matters of policy. The authority of the Federal Reserve, for example, apparently includes the ability to make monetary policy decisions that move hundreds of billions of dollars. Our coverage will include the following or similar episodes: 1) The debate over constitutionality of the Bond of United States, 2) The litigation over the Greenbacks and paper money more generally, 3) U.S. v. Perry and the American devaluation of the dollar during the Depression, and 4) The authority of the Federal Reserve as an independent agency.

Biography

Desan is also the co-leader with Professor Sven Beckert of Harvard’s Workshop on the Political Economy of Modern Capitalism. Desan’s research centers on money and the market as a paring of form and substance that in its political economic role of modern liberalism. Her articles include “Coin Recalculated: The Political Alchemy of Commodity Money,” Theoretical Inquiries in Law-297 (January 2010), and “Beyond Commodification: Contract and the Credit-Based World of Modern Capitalism,” in Transformation of American Law II: Essays for Morton Horwitz (2010). She is currently completing a book called Making Money: Coin, Credit, and the Oriming of Capitalism in the Anglo-American World.


Course Description
This course will explore the nomination and confirmation process and focus on a range of issues that arise from that process, including criteria used to evaluate nominees, the scope of inquiry into a nominee’s views, confirmation strategy, the role of the media, and questions raised about law and jurisprudence in the confirmation process (e.g., what effect should diversity and personal experiences play in a role in judging). This course will be taught by U.S. District Judge Edward Chen of the Northern District of California with participation from Professor Eric Yarnamoto and civil rights lawyer Dale Minami (lead counsel in the Korematsu v. Korematsu case, and active in the judicial screening and selection process).

Biography
Edward Milton Chen is a Judge on the United States District Court for the Northern District of California. On May 10, 2011, the United States Senate confirmed Chen in a 56–42 vote. He received his judicial commission on May 12, 2011, after a lengthy confirmation battle. Born and raised in Oakland, California, Chen earned a bachelor’s degree in 1975 from the University of California, Berkeley, and a law degree from Boalt Hall School of Law in 1979. After graduating law school, Chen served judicial clerkships for United States District Judge Charles Renfew from June 1979 until April 1980 and United States Circuit Judge James R. Browning from June 1981 until June 1982.

Following that appointment, Chen joined the San Francisco law firm of Cotzias, Cahen, McCabe & Breyer. In September 1985, Chen became a staff attorney for the American Civil Liberties Union, specializing in language discrimination cases. He held that post until April 2001 when the judges on the United States District Court for the Northern District of California named Chen to an eight-year term as a federal magistrate judge. Chen served as a federal magistrate judge from 2001 until 2011.

Law 546C Rule of Law- “Gone But Not Forgotten: Topics in American Legal History”

Course Description
This course will explore a number of both ‘classic’ and ‘forgotten’ topics in American legal history. The basic aim is to explore the relationship between American law and society at various points of time. What is special and distinctive about our legal system, and how did it get that way? What contribution did the legal system make to the development of the American economy, for example? Other topics that will be explored include race relations, the law of marriage and divorce, and criminal justice.

Biography
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Law 546E Diversity- “Same Sex Marriage on Trial”

Course Description
This course will examine the legal issues surrounding same-sex marriage in Perry v. Schwarzenegger (now Perry v. Brown), a case challenging California’s ban on same-sex marriage on federal constitutional grounds. This case, which many think will go to the U.S. Supreme Court, has been widely compared to the 1925 Scopes trial because of the unusual breadth of the issues it addresses. The twelve-day trial features expert testimony from “internal experts” over the historical purposes of marriage, the effect only of same-sex marriages on children, the degree of political power held by the LGB community, the control individuals have over their sexual orientation, and so forth. The text will be Elizabeth M. Schneider and Stephanie M. Wildman, in the field chosen as the “first year book” by Pomerleau College, University of North Carolina, University of Richmond, and Virginia Commonwealth University. His second book A Thousand Times More Fair: What Shakespeare’s Plays Teach Us About Justice (Harper Collins 2011) was published last spring. Yoshino was elected an Overseer of Harvard University in 2011.

Biography
Kenji Yoshino is the Chief Justice Earl Warren Professor of Constitutional Law at the NYU School of Law. Prior to moving to NYU, he was the inaugural Guido Calabresi Professor of Law and Deputy Dean of Intellectual Life at Yale Law School, where he taught from 1998 to 2008. He received his undergraduate degree from Harvard College, took a Rhodes Scholarship to Oxford University, and earned his law degree at Yale Law School. A specialist in constitutional law, antidiscrimination law, and law and literature, Yoshino has published in major academic journals, such as The Columbia Law Review, The Harvard Law Review, The Stanford Law Review, and The Yale Law Journal. He has also written extensively in other popular venues, such as The L.A. Times, The New York Times, and The Washington Post. His award-winning book, Covering: The Hidden Assault on Our Civil Rights (Random House 2006) has been chosen as the “first-year book” by Pomerleau College, University of North Carolina, University of Richmond, and Virginia Commonwealth University. His second book A Thousand Times More Fair: What Shakespeare’s Plays Teach Us About Justice (Harper Collins 2011) was published last spring. Yoshino was elected an Overseer of Harvard University in 2011.

Law 546 Legal Practice- “Women and the Law Stories”

Course Description
This course will examine current issues of gender and law, through the lens of stories of major cases in the field. We will examine the interactions of gender, race, ethnicity, class, and sexual orientation through these stories and analyze the role of law, culture, and social movements in seeking legal change. The text will be Elizabeth M. Schneider and Stephanie M. Wildman, Women and the Law Stories (Foundation Press, 2011), and excerpts of the cases being discussed.

Biography
Professor Schneider is the Director of the Edward W. Sparer Public Interest Law Fellowship Program at Brooklyn Law School, which she founded and has led for more than twenty-five years. She joined the Brooklyn Law School faculty in 1983, after clerking for the late United States District Judge Constance Baker Motley, serving as Staff Attorney with the Center for Constitutional Rights, and Staff Attorney with the Rutgers Law School-Newark Constitutional Litigation Clinic. She received her undergraduate degree from Bryn Mawr College, A.M.Sc. in Political Sociology from the London School of Economics, and a J.D. from New York University School of Law, where she was an Arthur Garfield Hays Civil Liberties Fellow.

Out Our January Term (J-Term) Program, established in 2005, gives law students the bonus of specialized mini-courses taught by some of the world’s leading scholars, professors, and judges. Mr. Frank Boas, a generous supporter of the Law School, sponsors one visiting Harvard professor each J-Term. Christine Desan is the 2012 Frank Boas Visiting Harvard Professor. The Wallace S. Fujiyama Distinguished Visiting Professor Fund supports many of our other J-Term professors.