



**“THERE IS HARDLY A POLITICAL QUESTION IN THE UNITED STATES WHICH DOES NOT SOONER OR LATER TURN INTO A JUDICIAL ONE.”**

—ALEXIS DE TOCQUEVILLE



**Executive and International Programs  
Goldman School of Public Policy**

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**UNIVERSITY OF CALIFORNIA, BERKELEY**

The University of California, Berkeley is considered the premier public university in the world. The national and international awards held by faculty underscore Berkeley's preeminence. A total of 21 faculty have been named Nobel Prize winners, including the eight who are current faculty members, along with 32 MacArthur Fellows and 4 Pulitzer Prize winners. Berkeley's academic departments consistently rank among the top five in the country. Berkeley ranks first nationally in the number of graduate programs in the top 10 in their fields. (97% of Berkeley's programs made the top 10 list.)

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During the late 1960s, educators nationwide recognized the need for a new kind of graduate education, one that would foster the vision, knowledge, and practical skills to empower a new generation of policymakers. The Goldman School of

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**EXECUTIVE AND INTERNATIONAL PROGRAMS**

Executive and international programs (EIP) offers executive education programs for mid-career government officials and public policy professionals. EIP also coordinates a variety of international events providing students and faculty with the opportunity to interact directly with public policy practitioners from the U.S. and around the world.

**ONLINE APPLICATION**

Online applications are available at: <http://gspp.berkeley.edu/programs/eip/pplaw.html> or fill out the application below and send to the address on the top of this page by **June 14, 2013**.

**REGISTRATION REQUIREMENTS**

1. Statement of Purpose
2. Current CV or résumé
3. For international applicants, proof of English proficiency (e.g., TOEFL 600 or higher).

**TUITION**

Tuition is \$10,000.00 and includes instruction by senior faculty, experts and practitioners, materials, lodging, breakfast and lunch meals, as well as visits to law firms and relevant judicial and government institutions in the San Francisco Bay Area. Early bird registration discount of 20% available before March 15, 2013.

**ACCOMMODATIONS**

On campus graduate student/visiting scholars housing or equivalent. Applications received after the deadline will be considered only on a space-available basis. UC Berkeley does not discriminate on the basis of gender, race, color, age, religion, sexual orientation, national or ethnic origin, political belief, disability, or veteran status.

**“Join U.C. Berkeley's world-class interdisciplinary faculty to explore the interplay between American legal institutions and public policy, with both domestic and international scope.”**

—BLAS PÉREZ HENRÍQUEZ, EIP FACULTY DIRECTOR

**BERKELEY  
PUBLIC  
POLICY AND  
LAW PROGRAM**

SUMMER INSTITUTE

**AUGUST 11-16, 2013  
UC BERKELEY CAMPUS**



# BERKELEY PUBLIC POLICY AND LAW PROGRAM



## THE PROGRAM

From the founding days of the nation, the law has been critical to the shaping of American public policy. Tocqueville's observation, in *Democracy in America*, that "scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question" is even truer today. Whether the policy domain is energy or the environment, trade or financial regulation, the presence of the law is abidingly felt. In recent years, decisions of federal courts and administrative agencies have changed the landscape of regulation of elections, education, property, civil rights, and financial institutions.

In an earlier era, American legal decisions would have had only a limited international impact. No longer—in an increasingly global community, it is critical for lawyers and policymakers alike to understand major legal systems of the world. This course offers an introduction to the American legal system that specifies the connections between law and policy. It lays out the hierarchy of legal decision-makers at the state and national level. It emphasizes how law reflects and relates to bureaucratic rule, expertise, democratic politics, individual rights, and the market. It explores why and how courts are an equal partner in the American policy process. The course structure is flexible, as topics can be introduced to accommodate the needs of particular audiences.

## WHO SHOULD ATTEND

The course is aimed at an international audience. The subject is relevant to public officials, business representatives who interact with the public sector, lawyers, leaders of NGO's and researchers who are interested in understanding the American legal system and its relationship to government regulation and public policymaking. It will be of value to those whose work is linked with the U.S. government or American companies. Though most of the participants will come from other countries, non-lawyers from the U.S. will also find the course useful.

## THE CURRICULUM

The course draws broadly upon Berkeley faculty with research and teaching interests focusing on the formation and implementation of public policy within the American system, and whose scholarship combines law with social scientific, public policy, economic, and political perspectives. The course makes substantial use of pathbreaking court cases, legislation and administrative rulings to give students a concrete understanding of the American legal system's most important features as an apparatus to make and implement public policy.

### THE PROGRAM FOCUSES ON THE INTERPLAY OF GOVERNMENTAL INSTITUTIONS, LAW AND PUBLIC POLICY IN THE FOLLOWING AREAS:

- The Judiciary: "The Least Dangerous Branch"? Courts as Policy Makers
- The Courts Pick a President and Shape the Revolution in the Financing of Elections
- Reshaping the Policy Landscape: Critically Important Decisions of the Past Generation
- The U.S. Constitution: The Dance of Power among the Branches of Government and between Washington and the States
- How Do Judges Decide? The Common Law and Civil Law Traditions
- The Structure of the U.S. Judicial System
- Judicial Independence and Judicial Power
- Civil Litigation: Private Enforcement of the Law
- The Legislative Process: Broad Rules versus Statutory Specificity
- Administrative Agencies: Giving Teeth to the Rules
- Executive Decrees
- Selected Topics in Civil Law and Regulation
- White Collar Crime
- Corruption and the Law
- International Business Transactions and the US Legal System
- Legal Considerations for Foreign Investors in the US

## QUESTIONS WE WILL DISCUSS:

- Why do courts play such a major role in American policymaking?
- What are the bases on which American judges reach decisions, and how does this vary across common law, statutory, and constitutional decision-making?
- How do federal court decisions relate to Congress and the presidency?
- What is the relationship between federal, state, and local government, viewed through the lens of law?

The one-week seminar will feature lectures, extensive question and answer sessions, visits to courts and administrative agencies, and social activities that build a cadre of peers. Participants will have access to Berkeley's world-class faculty across a broad range of disciplines.

## LEAD INSTRUCTORS



**DAVID L. KIRP**, the James D. Marver Professor of Public Policy at the University of California at Berkeley, developed the nation's first course in law and public policy. His 17 books, including *Education, Policy and the Law* and *Shakespeare, Einstein and the Bottom Line*, tackle some of the nation's most critical policy issues; they have been published by Harvard and Oxford, among other prestigious publishers. A former newspaper editor, he regularly contributes to the *New York Times* and other national publications. He consults regularly with government agencies and NGO's in the U.S. and abroad; and, in 2008, he served on the Presidential Transition Team.



**SEAN FARHANG** is associate professor of public policy and political science, and practiced in the field of civil rights and labor law before pursuing academic research. His work forces on the role of courts and litigation in American public policy and government. His recent book, *The Litigation State: Public Regulation and Private Lawsuits in the U.S.* (Princeton University Press, 2010), won the Gladys M. Kammerer Award from the American Political Science Association for the best book in the field of U.S. national policy, as well as the C. Herman Pritchett award for the best book on law and courts.