

COLLOQUIUM: COURTS AND JUDICIAL PROCESS

LAW 222.13 ▪ M 1000am–1150am ▪ 134 Law Building *or* Zoom Meeting ID: tnarecha (Password: b3rk3l3y)
Judge Fogel (OH: By Appointment) ▪ Prof. Narechania (OH: M 300pm–430pm)

COURSE DESCRIPTION

Many scholars write about the courts, about judicial process, and about the practice of judging. But what do judges think of this scholarship? Is it correct? Is it helpful? How could it be better? This colloquium on courts and judicial process brings scholars, judges, students, and faculty together to discuss current research projects about courts, judging, and procedure, among other topics. Over the course of the semester, we will discuss six projects, typically taking one week to discuss the paper amongst ourselves, and then, in a following week, holding a workshop for the paper. During a typical discussion week, students will read the attending scholarly work (and related works) and prepare critiques and questions for our guests. Then, during a typical workshop, an invited scholar will present their work, and a judge of a federal, state, or foreign court will offer commentary on the research. Students (and faculty) will join in the open discussion that follows.

LEARNING OUTCOMES

You will be expected to:

- engage in legal analysis and reasoning;
- communicate—in writing and orally—key legal concepts; and
- consider how use the law to solve real-world problems and to create a better society.

COURSE MATERIALS

There are no required texts for this course. All required readings will be posted to bCourses. You should expect about 50-60 pages of reading per week (or 100-120 pages per project), though some projects will be more intensive while others will be relatively light.

ASSESSMENTS

The grade you earn will consist of three components, weighted equally:

- a project presentation;
- written reaction papers; and
- attendance, participation, and professionalism.

Project Presentations

In assigned teams, you will be responsible for presenting and leading a discussion on one of our six invited projects (and any associated required supplemental readings). These presentations will typically occur the week prior to our open workshop, and are intended to spur questions and comments for our guests. Your presentation grade will depend upon, among other things, the clarity and thoughtfulness of your presentation, and the depth of the discussion that follows.

Written Reaction Papers

You must also write three short papers (no more than 750 words), each reacting to and commenting on a project. These papers should not simply summarize the project. Instead, they should help to

improve the project, point out questions for future research, or highlight related matters that the author may have overlooked, among other possibilities. Indeed, we will share these reaction papers with that week's guests, and (pending a class vote) we will post them to bCourses for the class to review. Hence, each paper is due on the Thursday (by 1159pm) before its respective project's workshop week. This is a hard, jurisdictional deadline. You must write a reaction paper for the project you are responsible for presenting, and you must comment on (at least) two other projects of your choosing. If you write additional reaction papers, only your scores for your required paper and your two other highest scores will count. Your reaction paper grade will depend upon, among other things, the thoughtfulness and clarity of your commentary. I will offer feedback on each student's first reaction paper.

Attendance, Participation, and Professionalism

You *must* attend, *in full*, each workshop. And you must, of course, attend the discussion you are responsible for leading. You may be absent from any other discussion only with the *prior* permission of the instructors. *Students with any unexcused absences (including partial absences) will be unable to earn an H or an HH in the class.* You will also be assessed on your professionalism and the caliber of your participation in our discussions and workshops (note that you are expected to actively participate in every session, and that high-*quality* participation is far better than high-*quantity* participation).

CLASS SCHEDULE

We will meet on Monday mornings, from 1000am to 1150am, in 134 Law Building or, if virtual, in Zoom Meeting Room: **tnarecha** (password: **b3rk3l3y**). Below is a tentative schedule for the course. The dates, assignments, and readings are subject to change. You must check bCourses regularly to ensure that you have the most current schedule and information.

1. January 12, 2026
Introductions + Description of the Course
2. January 26, 2026
Project 1 Discussion: *The Interstitial Executive: A View from the Founding*
 - Student Discussion Leaders: G. Konstam, N. Brown, A. Pell, C. Stuhler
3. February 2, 2026
Project 1 Workshop: *The Interstitial Executive: A View from the Founding*
 - Author: Christine Kexel Chabot, Associate Professor of Law, Marquette University School of Law
 - Commentator: Judge J. Michelle Childs, U.S. Court of Appeals for the D.C. Circuit
4. February 9, 2026
Project 2 Discussion: *The New Emergency Law*
 - Student Discussion Leaders: K. Arellano, N. Ghaffari, E. Ritter, S. Manikandan

5. February 23, 2026
Project 2 Workshop: *The New Emergency Law*
 - Author: Elena Chachko, Assistant Professor of Law, UC Berkeley School of Law
 - Commentator: Judge Leonard P. Stark, U.S. Court of Appeals for the Federal Circuit
6. March 2, 2026
Project 3 Discussion: *In CASA You Missed It*
 - Student Discussion Leaders: J. Harnist, L. Peterkin, J. Kyburz, W. Singh
7. March 9, 2026
Project 3 Workshop: *In CASA You Missed It*
 - Author: Mila Sohoni, Professor of Law, Stanford Law School
 - Commentator: Judge Rita F. Lin, U.S. District Court for the Northern District of California
8. March 16, 2026
Project 4 Discussion: *Generative Misinterpretation*
 - Student Discussion Leaders: A. Moss, N. Kavalier, V. Esparza, H. El Solh
9. March 30, 2026
Project 4 Workshop: *Generative Misinterpretation*
 - Author: Benjamin Sobel, University of Wisconsin Law School
 - Commentator: Judge Kevin Newsom, U.S. Court of Appeals for the Eleventh Circuit
10. April 6, 2026
Project 5 Discussion: *Statistical Learning Can Help the Judiciary Fulfill Its Gatekeeping Role Over Expert Witnesses*
 - Student Discussion Leaders: M. Abbe, A. Choi, M. Venezia
11. April 13, 2026
Project 5 Workshop: *Statistical Learning Can Help the Judiciary Fulfill Its Gatekeeping Role Over Expert Witnesses*
 - Author: Andrew Baker, Assistant Professor of Law, UC Berkeley School of Law
 - Commentator: Judge William J. Lafferty III, U.S. Bankruptcy Court for the Northern District of California
12. April 20, 2026
Project 6 Discussion: *The Ambitions of History and Tradition in and Beyond the Second Amendment*
 - Student Discussion Leaders: M. Milyekhina, N. Navarro, W. Wheeler, S. Morgan

13. April 27, 2026

Project 6 Workshop: *The Ambitions of History and Tradition in and Beyond the Second Amendment*

- Author: Reva Siegel, Nicholas deB. Katzenbach Professor of Law, Yale Law School
- Commentator: Judge Carlton W. Reeves, U.S. District Court for the Southern District of Mississippi

14. April 28, 2026

Closing + Reflections

Here is an alternate summary of the class schedule.

No.	Project Topic	Author	Discussion Leaders	Discussion Date	Reaction Paper Due Date	Workshop Date
1	<i>The Interstitial Executive</i>	Christine Kexel Chabot	G. Konstam N. Brown A. Pell	January 26	January 29	February 2
2	<i>The New Emergency Law</i>	Elena Chachko	K. Arellano N. Ghaffari E. Ritter	February 9	February 19	February 23
3	<i>In CASA You Missed It</i>	Mila Sohoni	J. Harnist L. Peterkin J. Kyburz W. Singh	March 2	March 5	March 9
4	<i>Generative Misinterpretation</i>	Benjamin Sobel	A. Moss N. Kavalier V. Esparza H. El Solh	March 16	March 26	March 30
5	<i>Statistical Learning</i>	Andrew Baker	M. Abbe A. Choi M. Venezia	April 6	April 9	April 13
6	<i>History and Tradition</i>	Reva Siegel	M. Milyekhina N. Navarro W. Wheeler S. Morgan	April 20	April 23	April 27

GENERAL POLICIES AND INFORMATION

Course-Specific Policies

Laptops: You may use a laptop or other, similar device to access readings during class and take notes. Using any computing device (including mobile phones) for non-class-related activities is *strictly prohibited*. *Violations of this rule during workshops will be treated as an unexcused absence*. This

rule is an externality regulation: Your Internet activity distracts your colleagues sitting near you, affects the quality of our entire discussion, and reduces our ability to continue to recruit high-caliber guests in future terms.

Class Recording: Our discussions and workshops are not recorded, and students may not record these discussions or workshops. Students who record or distribute recordings of our workshops may fail the class and face additional sanction. Our guests depend on privacy to offer candid comments in our discussions. Moreover, students (and instructors) have legitimate privacy concerns regarding class recording. All may participate assured that their in-class contributions will not be recorded.

Artificial Intelligence: In this class, you may use generative AI resources to help prepare your project presentations and your reaction papers. However, you must (1) fully disclose any such use of these resources, including by describing the purposes for which AI was used, and identifying the tools and specific prompts used; and (2) you may not, ***under any circumstance***, upload a project draft or other reading into an AI tool. This latter rule is to protect the intellectual property of our guests and other authors. Moreover, other projects may be subject to additional rules described in class, based on the views and preferences of our guests.

Office Hours & Course Questions: Professor Narechania will hold regular office hours on Mondays from 300pm–430pm. His door will be open for drop-in questions from 300pm to 400pm. You may reserve a private appointment with him at 400pm or 415pm on Mondays using the sign-up sheet posted outside his office door (689 Simon). If no appointments are scheduled at that time, his door will remain open for drop-in questions. You may use this time to ask him about the course and course material, and also to ask other questions about law, legal careers (including clerkships), law school, or other related topics. Judge Fogel may be available by appointment.

Professor Narechania can respond to course-related questions by email (at tnarecha@law.berkeley.edu), but only if each question is accompanied by your best attempt at a reasoned answer. This helps to identify the source of your question and to quickly craft a helpful response.

Berkeley Law Policies

Credit Hours: A “credit hour” at Berkeley Law is an amount of work that reasonably approximates three to four hours of work per week for 15 weeks, including a) classroom time, b) time spent preparing for class, c) time spent in review sessions and studying and taking, final exams, d) time spent researching, writing, and revising papers and other written work, and e) time spent preparing for and completing any other final project, presentation, or performance. For the purposes of these calculations, 50 minutes of classroom instruction counts as one hour, and the 15 weeks includes the exam period. You can expect to spend this amount of time per unit per week on in-class and out-of-class, course-related work as described above.

Accommodations: Students who need accommodations for disability or pregnancy or want to discuss the implementation of their accommodations, including accommodated exams, should

contact Chelsea Yuan, Director of Student Academic Advising and Support Services— Accessible Education, as soon as possible..

Honor Code: The Academic Honor Code governs the conduct of all students during examinations and in all other academic and pre-professional activities at Berkeley Law. We expect students to adhere to this code scrupulously. If you have any questions about whether your conduct may violate the code, please contact your professor or the Dean of Students before you act. You may face severe consequences, including a failing grade in this class or removal from the program, and the Bar will receive notification of your conduct.

If you suspect that the Academic Honor Code has been violated, do not take matters into your own hands. Instead, please contact the Dean of Students as soon as possible with your concerns.

Resources and Support

Academic Skills: The Academic Skills Program helps students develop such core academic skills as time management, case-reading, outlining, and exam-taking. It offers handouts, study aids, and practice exam information, among other resources. For details, visit: <https://bit.ly/BerkeleyLaw-ASP>.

Technology Help: You are entitled to general software support for your computer from the law school and certain free software downloads from UC Berkeley while an enrolled student. If you have issues with internet access or computer equipment required to participate in classes remotely, contact studentcomputing@law.berkeley.edu. Information, links, and instructions for many common computer/technical questions can be found in the law library's online computing guide. For bCourses, Zoom, and technical support questions, please email studentcomputing@law.berkeley.edu or you can use the Student Computing chat. In either case, someone will respond to you during regular business hours.

Research Questions: For research-related questions, please contact the reference librarians by filling out the reference request form on the law library's website. You may also reach the reference librarians during business hours by using the law library's chat service.

Economic Support: If you need economic, food, or housing support, you may find basic needs information at basicneeds.berkeley.edu. You may be eligible for money to buy groceries via CalFresh or the Food Assistance Program. If you need food immediately, please visit the UC Berkeley Food Pantry.

I also typically keep snacks in my office. If you are hungry and need something to eat, please come by and let me know. I am happy to share, no questions asked.

Sexual Harassment and Prohibited Conduct: The University of California is committed to creating and maintaining a community dedicated to the advancement, application, and transmission of knowledge and creative endeavors through academic excellence, where all individuals who participate in University programs and activities can work and learn together in an atmosphere free of harassment, exploitation, or intimidation. The University prohibits sexual violence and sexual

harassment, retaliation, and other prohibited behavior that violates the law or University policy. The University will respond promptly to reports of such prohibited conduct and will take appropriate action to prevent, correct, and when necessary, to discipline behavior that violates the University's Sexual Violence and Sexual Harassment Policy. If you have further questions or concerns about reporting behavior related to sexual harassment, sexual violence, and/or protected category discrimination, please contact the Office for the Prevention of Harassment and Discrimination (OPHD) by phone 510-643-7985 or email ask_ophd@berkeley.edu. Moreover, the Confidential Advocates at the Path to Care Center provide can provide affirming, empowering, and confidential support for those that have experienced gendered violence, including sexual harassment, emotional abuse, dating, and intimate partner violence, sexual assault, stalking, and sexual exploitation. The Center can be reached by phone at (510) 642-1988.

A FINAL NOTE

In order to be a great lawyer, you must be able to effectively engage with *all* sides of an argument. To help develop this skill, we will maintain an atmosphere in which we admit open discussion about the law and policy, in which we are open to considering new ideas, and in which we respect each other's opinions. We will practice respect, empathy, and patience in our class.

Workshop Date	Project Topic	Author	Commentator
February 2	<i>The Interstitial Executive: A View from the Founding</i>	Christine Kexel Chabot (Marquette)	Judge Childs (D.C. Cir.)
February 23	<i>The New Emergency Law</i>	Elena Chachko (UC Berkeley)	Judge Stark (Fed. Cir.)
March 9	<i>In CASA You Missed It</i>	Mila Sohoni (Stanford)	Judge Lin (N.D. Cal.)
March 30	<i>Generative Misinterpretation</i>	Benjamin Sobel (University of Wisconsin)	Judge Newsom (11th Cir.)
April 13	<i>Statistical Learning Can Help the Judiciary Fulfill Its Gatekeeping Role Over Expert Witnesses</i>	Andrew Baker (UC Berkeley)	Judge Lafferty (Bankr. N.D. Cal.)
April 27	<i>The Ambitions of History and Tradition in and Beyond the Second Amendment</i>	Reva Siegel (Yale)	Judge Reeves (S.D. Miss.)

Many scholars write about the courts, about judicial process, and about the practice of judging. But what do judges think of this scholarship? Is it correct? Is it helpful? How could it be better? This colloquium on courts and judicial process brings scholars, judges, students, and faculty together to discuss current research projects about courts, judging, and procedure, among other topics. Over the course of the semester, we will discuss six projects. During a typical workshop, an invited scholar will present their work, and a judge of a federal, state, or foreign court will offer commentary on the research. Students and faculty will join in the open discussion that follows.