

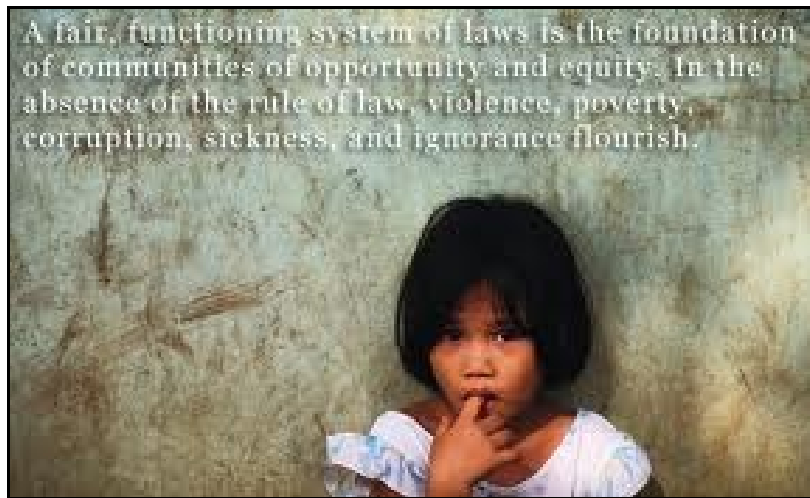
# Rule of Law Colloquium

Spring 2024

Christopher R. Kelley

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Mobile: 301-412-5234



## (Preliminary) Course Information

### Dedication

This course is dedicated to Elizaveta (“Liza”) Dmytrieva and all the infants and children Russia has murdered in its criminal war against Ukraine. Liza died in Vinnytsia, Ukraine, on July 14, 2022. Both her and her mother were struck by a Russian missile’s shrapnel as her mother pushed Liza in her stroller on their way to Liza’s speech therapist. Born with Down syndrome, Liza was buried in a white dress, a wreath of flowers draping her head, and her favorite toy, a mouse, at her side. Liza was four years old.



# About This Course

## Welcome

I welcome you to the Spring 2024 Rule of Law Colloquium course. I am looking forward to working with you during this course. For eight years, this has been a transnational course. Our international colleagues primarily have been Ukrainians and Moldovans. I am planning to continue this tradition this semester, possibly even expanding this course's geographical reach. We are all colleagues in this endeavor, and this document is addressed to each of you.

I will be updating this document closer to the course's start. I welcome your questions, comments, and suggestions about the course so that I can address them in the update.

## How To Reach Me

My office is in Room 317. You may reach me as follows:

Mobile telephone number: +1-301-412-5234  
E-mail: [ckelley.christopher@gmail.com](mailto:ckelley.christopher@gmail.com)  
You also may use [ckelley@uark.edu](mailto:ckelley@uark.edu),  
but I check my gmail more often.

## Course Schedule

This course is scheduled to meet each Wednesday from Wednesday, January 18, 2024, through Wednesday, April 24, 2024, except for Wednesday, March 20. As noted again below, Wednesday, March 20, falls within the University of Arkansas's spring break.

Although this course is officially scheduled to meet from 8:00 to 9:40 a.m., U.S./Canada Central Time, we will not take a break during class to avoid interrupting our discussions. We will therefore end our classes at 9:30 a.m. instead of 9:40 a.m. You may take a short break at any time during class to use a restroom or the like.

Our international colleagues will be participating remotely by Zoom. The time difference between Arkansas and Ukraine and Moldova is ordinarily eight hours. Thus, using Ukrainian and Moldovan time, the class will ordinarily meet from 16:00 to 17:30.

But between March 10, 2024, when the U.S. begins daylight savings time, and March 31, when Ukraine and Moldova begin daylight savings time, the time distance will be seven hours. This will affect only our class on Wednesday, March 13, 2024. On that day only, the class will meet from 15:00 to 16:30, Ukraine and Moldovan time. We will not meet class on Wednesday, March 20, 2024, because the University of Arkansas will be on spring break that

week.

I will distribute the Zoom information before our first class in the updated version of this document and separately.

The room in which we will meet has not yet been assigned. I will tell you where we will meet in the updated version of this document.

### **The Inspiration for this Course**

This course was inspired by the World Justice Project ( <http://worldjusticeproject.org/> ). I encourage you to browse the WJP website.



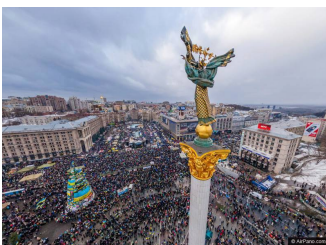
The WJP was created by William H. Neukom, a past President of the American Bar Association and the former General Counsel of Microsoft. After listening to him explain at an ABA Section of International Law conference in London why he believes that every law school should have a rule of law course and working with him and others at the WJP's first World Justice Forum in Vienna, Austria, in 2008, I created this course in 2009.

As I have done since 2009, I will try to keep this course true to the WJP's spirit by keeping its focus on contemporary, global rule of law issues. Thus, as did the WJP at its inception, we will begin by examining what the "rule of law" means. We will move from there to how the rule of law is achieved, how it is lost, and what it means to societies where it is found and where it is absent or weak.



One of the WJP's goals is to foster understanding of the rule of law throughout the world and across all professions and occupations. In other words, the WJP seeks to bring the rule of law into the "mainstream" of human thought and action. This, too, is among this course's goals. Indeed, encouraging you to think about what the rule of law means to you this course's central goal.

### **This Course's Goals**

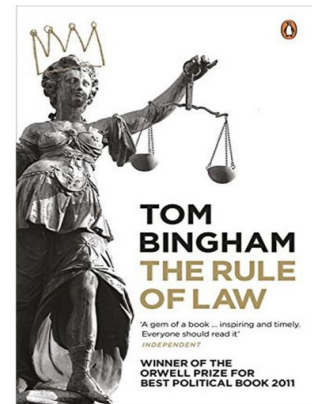


The "rule of law" lacks a universal definition. In its narrowest sense, it is a state of affairs in which no one is above the law. But for many this definition is too narrow. They decry the omission of any mention of human rights, for example. As a result of this and other disagreements over its proper scope, the rule of law has competing and contested "thin" and "thick" definitions. And the "thicker" the definition becomes, the more disagreement about its meaning

grows. For instance, consider the question of whether the definition of the rule of law should include human rights. If it should include human rights, which human rights should be included? To avoid such disputes, the rule of law's narrowest definitions say nothing about the content of the "law." Yet, if the rule of law is silent about the law's contents, is achieving the rule of law a worthy goal?

The late Lord Tom Bingham, a vigorous, steadfast champion of the rule of law, characterized the rule of law as "the nearest we are likely to approach to a universal secular religion."<sup>1</sup> If the rule of law is "the nearest we are likely to approach to a universal secular religion," its worldwide spread accelerated relatively recently. In Eastern Europe, for example, the rule of law's spread began barely thirty-three years ago, and its adoption there remains incomplete:

'[T]hroughout the 1990s Eastern Europe was arguably the region most intensely studied and discussed by the community of scholars interested in the spread of the Rule of Law around the world.' The seed then born has sprouted and spread. Today the rule of law is a, perhaps *the*, mantra of transition throughout the world. But at the same time as it is highly valued, consensus as to what it involves is elusive, and as to how it might be attained perhaps even more so.<sup>2</sup>



Given this and recent data that shows that the rule of law is declining in some countries, including in the United States,<sup>3</sup> you are living during a time when the rule of law is still being defined and developed. Although it remains a sought-after ideal throughout much of the world, the rule of law ebbs and flows everywhere, as it always has. Its advance in many parts of the world is elusive and incomplete. And wherever it is found, it remains fragile.

The rule of law is important to everyone, save tyrants and others who benefit from the rule *by* law, not the rule *of* law. Given this, this course's central goal is to help you answer this question: What does the rule of law mean to you and why?

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<sup>1</sup> Tom Bingham, *The Rule of Law* 174 (2010)

<sup>2</sup> Martin Krygeir, *The Fall of European Communism: 20 Years After*, 1 Hague J. on the Rule of Law 195, 196 (2009)(quoting Venelin I. Ganev, *The Rule of Law as an Institutionalized Wager: Constitutions, Courts and Transformative Social Dynamics in Eastern Europe*, 1 Hague J. on the Rule of Law 263, 264 (2009)).

<sup>3</sup> World Justice Project Insight, *Over 6 Billion People Live in a Country Where the Rule of Law Is Declining* (2023), <https://worldjusticeproject.org/rule-of-law-index/insights>.

To help you answer this question, this course will examine four broad topics:

- What is the rule of law and why does it matter;
- The role of the rule of law in economic development;
- The role of the rule of law in post-conflict and other transitional societies; and
- Corruption: its causes, consequences, and cures.

Although this course will probably cover the Foreign Corrupt Practices Act, the UK Bribery Act, and other anti-corruption initiatives, our coverage of these initiatives will be in the context of why corruption exists and ways to address it, including through means other than legal prohibitions. In other words, this course is less about “blackletter” law and more about how law, culture, human psychology, and other influences on our behavior foster or inhibit the rule of law.



This course is flexible. In the spring 2022 semester, for example, after February 24, this course’s coverage shifted to Russia’s unlawful, full-scale invasion of Ukraine for the remainder of the semester. And it has shifted less dramatically on other occasions. Because this course is for you, I will welcome your help in steering it.

This course is also practical. Absent the rule of law, lawyers are, at best, influence peddlers and, at worst, bag carriers for bribes. And even when the rule of law prevails, our obligations to uphold the law can conflict with the social pressures and psychological forces that influence all humans. For an example of this, consider these facts: you have learned that an attorney in your firm submitted intentionally inflated bills to his or her clients. What would you do? We all know what the rules of professional responsibility require—this conduct must be reported. But you also know adage “to get along, go along.” We all want to be liked and to be a “team player.” Consider, too, why “whistleblowers” are sometimes characterized as “snitches” or “stool pigeons” and are often fired and saddled with difficulties finding other employment. Being unemployed will hurt—if not emotionally and financially devastate—you and your family. And what if the offending lawyer in your firm is your friend or someone you do not like? Do your personal feelings about the offender matter?

The academic definitions of the rule of law do not necessarily inform us about how we should behave as individuals in all circumstances. But looking at the rule of law’s “flip-side”—corruption—can tell us much about ourselves and others. And this is why we will consider the drivers of corruption. In this context we will talk about the tension between wanting to serve the truth and wanting to be loyal and liked. This tension is within each of us as human beings. Therefore, this course and your discussions in class will give us a broader view of the influences affecting us than what the “rules” require. In the end, the rule of law and all that is associated with it is about human beings, each searching for the “right” answer, often under



difficult circumstances. This broader view—one that looks at the forces within and around us—will, I believe, help you in your careers and in your life outside of your career.

In sum, this course is about inquiry and exploration. You will not be asked to memorize rules, synthesize cases, and the like. Instead, you will be asked to think and to discuss your thoughts. By us working together in this way, my goal is to bring you to a place where you can answer, for now, what the rule of law means to you and why. In the end, this course is largely about you and your relationship with something we call the “rule of law.”

However important I believe it is for each of us to ask and answer what the rule of law is and means to us, you have another reason to study the rule of law—advancing your career. Start with the world’s largest bar associations—the American Bar Association and the International Bar Association. Both Associations seek to advance the rule of law, and both offer opportunities for you to become involved in their respective efforts.



the global voice of  
the legal profession

Consider also employment opportunities. Numerous governmental and non-governmental organizations exist to promote the rule of law. On the governmental side, militaries, including the United States military, employ rule of law officers. And private law firms participate in rule of law-related work on fee and pro bono bases. At least one large international law firm has offered its governmental clients full service “packages” that cover everything from recovering stolen governmental assets to reforming administrative agencies to limit, if not eliminate, corruption. Knowing what the rule of law is and understanding its flip-side, corruption, can therefore help you develop your career across a broad spectrum.



Absent the rule of law, lawyers lack a meaningful role. Therefore, the extent to which the rule of law is achieved and maintained will influence how satisfied you are with your legal education and your career. This is why I welcome your help in shaping this course. So let’s work together toward making this course work for you and towards the answer to the question of what the rule of law means to you and why.

Finally, we are more than lawyers—we are talented and caring human beings. And the success of our careers does not solely determine the meaning of our lives. We are a part of the family of humankind and live in societies that are interconnected in undeniable and unavoidable ways. Russia’s ongoing horrific and brutal war against Ukraine, a war steeped in Russian criminality and immorality, offers us lessons about what the rule of law’s absence means and raises questions about justice that we ignore at our peril as lawyers and humans. Our humanity

means that this war and other wars, past and present, their lessons will undergird our studies and discussions.

### Course Materials

We will not use a text in this course. Instead, the readings will be articles, monographs, and scanned material from books. We will watch several films, TED Talks, and similar presentations. And I hope to have several guest lecturers join us in person or remotely.



### Information for Our International Colleagues

If you live outside the U.S. and are interested in participating in the course, please write to me at [ckelley.christopher@gmail.com](mailto:ckelley.christopher@gmail.com). I will gladly answer your questions about the course.

I will award certificates to our international colleagues who participate in the course. To receive a certificate, you must (1) regularly participate in the course's class sessions and (2) send me a one-page, single-spaced essay about your experience in this course or about a topic relevant to this course.

If you are living in Ukraine, regularly participating in the course's class sessions means participating as often as your circumstances allow you to participate. You do not have to participate in a certain number of class sessions. Tragically, Ukraine is a war zone. I have the "Air Alert!" app on my phone and read the *Kyiv Independent* daily. I therefore know how many times daily that Russia attacks civilians and civilian infrastructure in Ukraine. And I am generally familiar with how the war disrupts your daily lives in other ways. Thus, "regularly participate" means as often as your circumstances will allow you to participate.

If you live outside of Ukraine, "regularly participate" means participating in at least one-half of the class sessions. We are eager for you to participate more frequently than this, of course. Your thoughts and perspectives matter to us, and we want you to tell us about them.

I will send you more information about your essay several weeks before the semester ends.

You are welcome to participate in this course even if you can do so only infrequently.

The information below this section, beginning with the heading "Blackboard," applies

only to our University of Arkansas School of Law colleagues. You are welcome to read it, of course.

## **Blackboard**

This course will have a Blackboard site. I will post the assigned and optional readings on this site. I also will email these readings to you.

## **Class Attendance and Participation**

This is a discussion-based course that will work best when you regularly join the discussion. Please come to class regularly, promptly, and prepared. If you must miss a class, please send me an email letting me know the reason for your absence if you wish for your absence to be excused. I will consider class attendance and participation when assigning course grades. As you know, the ABA and the Law School expect you to spend at least two hours outside of class reading or otherwise preparing for class for each hour of class time.

Our international colleagues will be joining us using Zoom. If for health or other good reason you need to participate by Zoom, please let me know. And please do not participate by Zoom for more than one-third of the classes without permission to do so. If you do, you risk not receiving credit for the course. Because of the ABA and Law School rules limiting the number of times you can remotely participate in an in-person course, permission to exceed this limit will probably have to be granted by the Associate Dean for Academic Affairs.

## **The Exam**

You will write a paper for your exam. You will have the option of writing an essay explaining what the rule of law means to you and why. If you chose not to write about what the rule of law means to you, you may write about any other topic relevant to the rule of law.

The “paper” need not be an essay, although historically most students have chosen this format. As you will read in the text of the Spring 2018 exam at the end of this document, other formats will be permitted.

The Spring 2019 and 2020 exams were substantively the same as the Spring 2018 exam. I did not offer this course in 2021 because of the pandemic. In 2022, I devoted this course almost entirely to Russia’s war against Ukraine. That course’s exam, therefore, was unlike any previous exam in this course.

This said, Russia is continuing its war against Ukraine, confirming its disdain for the rule of law. I therefore have appended the 2022 exam because I will probably again use a two-option format, with one option focusing on the war and what it teaches us about the rule of



law and its absence. I used this two-option format in 2023.

### **Information about Russia’s War Against Ukraine and Other Current Events**

On February 20, 2023, Chatham House, a London-based think tank, published on its website an article entitled *Seven Ways Russia’s War on Ukraine Has Changed the World*. Those seven changes included Russia’s “ripping up the [international law] rulebook.” Russia’s war crimes and crimes against humanity are legion—they occur daily and are a cruel, barbaric insult to human dignity and the rule of law.

When this course begins, Russia’s war against Ukraine will be nearing its tenth year and its full-scale invasion of Ukraine will be nearing its second year. I will be posting on Blackboard a limited selection of articles and reports about the war, drawing mostly from *Foreign Affairs* magazine and other widely respected sources. I encourage you to alert me to articles and reports worth sharing and to follow the war and contemporaneous commentary about it.

The following are among the sources of information and commentary that I regularly follow:

- *Ukraine: The Latest* – This Telegraph newspaper (U.K.) podcast is the best podcast about the war that I have found, although I do regularly listen to others.
- *Kyiv Independent* – The *Kyiv Independent* is a reliable, English-language, web-based daily newspaper. Access to it is free, although it will welcome donations.
- Institute for the Study of War – This U.S.-based NGO posts daily reports about the war on its website.

If you have not been following the war closely and want to read one of the best, if not the best, book about the war published to date, consider reading Serhii Plokhy, *The Russo-Ukrainian War: The Return of History* (W.W. Norton & Co. 2023). Professor Plokhy teaches Ukrainian history and directs the Ukrainian Research Institute at Harvard University.

We will also adjust the course’s content to cover other relevant events. For example, last spring semester we devoted a unit to the life and work of the last surviving Nuremberg war crimes prosecutor, Benjamin B. Ferencz, who died during that semester at the age of 103. Mr. Ferencz devoted his life to seeking to replace the force of law with the rule of law.

### **Disability Accommodations**

The University of Arkansas abides by all state and federal laws protecting persons with disabilities, including Section 504 of the Rehabilitation Act of 1973, which stipulates that no

student shall be denied the benefits of an education “solely by reason of a disability.” Disabilities covered by law include, but are not limited to, learning disabilities and hearing, sight or mobility impairment. Students with disabilities may request academic adjustments as provided under federal law. All such requests should be made by first contacting the Center for Educational Access: ARKU 104, Fayetteville, AR 72701 (479) 575-3104 (Voice), (479) 575-3646 (TDD), web: <http://cea.uark.edu/>. Additional information about the accommodation process may also be obtained from Associate Dean for Academic Affairs Tiffany Murphy at (479) 575-4573 or tiffanym@uark.edu.

## **Mental Health Services**

The University of Arkansas provides counseling services to students through the Pat Walker Heath Center’s Counseling & Psychological Services (CAPS), which offers critical mental health services such as individual counseling, group counseling, psychiatry, emergency services, and case management. Although some services, such as ongoing individual counseling and psychiatry have minimal charges, most services are offered free. Additionally, JLAP provides lawyers and law students similar services without charge. Please reach out to either organization if you need assistance.

## **Inclement Weather**

We will probably meet on Zoom when the University is closed because of inclement weather. Absences will be excused. I will tell you more about this in class after I have learned your preferences about meeting remotely when the University closes because of the weather.

## **Emergency Procedures**

Many types of emergencies can occur on campus; instructions for specific emergencies such as severe weather, active shooter, or fire can be found at [emergency.uark.edu](http://emergency.uark.edu).

### **Severe Weather (Tornado Warning):**

- Follow the directions of the instructor or emergency personnel
- Seek shelter in the basement or interior room or hallway on the lowest floor, putting as many walls as possible between you and the outside
- If you are in a multi-story building, and you cannot get to the lowest floor, pick a hallway in the center of the building
- Stay in the center of the room, away from exterior walls, windows, and doors

### **Violence/Active Shooter (CADD)**

- **Call 911**
- **Avoid** - If possible, self-evacuate to a safe area outside of the building. Follow directions of police officers.

- **Deny** - Barricade the door with desks, chairs, bookcases, or any other items. Move to a place inside the room where you are not visible. Turn off the lights and remain quiet. Remain there until told by police it's safe.
  - **Defend** - Use chairs, desks, cell phones , or whatever is immediately available to distract the assailant or to defend yourself and others from attack.
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## Previous Exams

### Rule of Law Colloquium

Spring 2018

Christopher R. Kelley

[ckelley.christopher@gmail.com](mailto:ckelley.christopher@gmail.com)

### Final Exam

For your final exam in this course, you are to write a paper on a rule of law topic of your choice. By “paper,” I mean a writing that fits within a wide range of genres, including a personal essay, an analytical exposition, an informed commentary, a real or imagined interview, or a fictional narrative, such as a short story or a drama. I intend, however, to exclude poetry unless you convince me in advance that it will reflect sufficient qualitative thinking about the rule of law or an aspect of it. And by “rule of law,” I intend to include relatively thick definitions of the rule of law such as those proffered by the World Justice Project and Lord Tom Bingham, both of which include at least some human rights.

For example, your paper can be a personal essay about what the rule of law or some aspect of it has meant to you, means to you, or is likely to mean to you in your professional and personal life. In lieu of a personal essay along these lines, you could express the thinking and views of a fictional person, like or unlike you. If you wish, you could confront this person with instances that test his or her commitment to the rule of law, or you could imagine this person in circumstances in which the rule of law is weak or absent.

You can write a paper that is light on the first person, real or fictional, or that avoids it altogether. For example, you could offer and defend a definition of the rule of law that you think is superior to the ones we have encountered in this course.

Or your paper can be an analytical writing on the rule of law generally or some aspect of it. You could, for instance, locate a writing on the rule of law and comment on it. Likewise, you could comment on one or more causes of corruption, including how our cognitive biases favor or disfavor one or more forms of corruption.

Other possibilities for commentary include your thoughts about rule of law issues in a novel, such as George Orwell's *1984* or William Golding's *Lord of the Flies*. Or you can comment on current events from a rule of law perspective.

Moving closer to the law review article model, you could take a feature of one or more anti-corruption laws, such as the FCPA and the UK Bribery Act, and write about an aspect of one or more of them. The academic literature on the FCPA is voluminous, and you may wish to write about the FCPA to learn more about it than than this course will offer.

Also, there is much room for inquiry and commentary about Enron and whistleblowing, including why it seems that corruption prevails over whistleblowing. Cultural influences on the rule of law, including why some cultures are more or less corrupt than others, also offers fodder for inquiry and commentary. Another, related, topic is an inquiry into whether democracies are less corrupt than other forms of government. Or you could focus on corruption in a particular country at a particular time. The possibilities are many.

Whatever your choice of topic or style, your paper should be thoughtful, well-informed, and within the bounds of the subject matter of the course. In assigning this task, I intend for you to gain a greater understanding of the rule of law and its day-to-day implications for you and others in a way that is meaningful for and interesting to you.

No minimum or maximum page limits apply. This is a two-credit course, and your paper is not a semester-length paper. But neither is this an in-class, two-hour exam. I anticipate that most papers will range from eight to 12 single-spaced pages, using a 12-point font for body text. Try not to exceed 15 single-spaced pages.

Only rough-and-tumble compliance with BlueBook citation forms is required. Provide enough information so I can locate the sources you cite. If you rely on information found on the web, please include its URL. I am always looking for more materials on contemporary rule of law issues, and I will be grateful to be shown materials I have not discovered.

Please use word processing software to prepare your paper. Please submit your paper as a pdf file.

Identify your paper by your exam number only. Please include your exam number as a header or a footer on each page.

*Your paper is due on Wednesday, May 9, at 11:00 a.m.* I encourage you to submit your paper earlier than this.

Please send your paper as an email attachment to Sarah Hiatt at [sxh090@uark.edu](mailto:sxh090@uark.edu). Please write in the subject field of the email transmitting your paper "ROL Colloquium Exam"

or, more simply, “ROL Exam.” I am asking you to do this because the responses to all my courses’ exams are due at 11:00 a.m. on Wednesday, May 9.

Please let me know as soon as possible if you have any questions about any of this. I will be in or traveling to or from Kyiv, Ukraine, from May 4 through May 8. When I am in Ukraine, you can reach me by calling my U.S. mobile phone, 301-412-5234; my Ukrainian mobile phone, +380-97-594-0913; or by text or email, [ckelley.christopher@gmail.com](mailto:ckelley.christopher@gmail.com). Please allow for the eight-hour time difference between Kyiv and Fayetteville.

## **Rule of Law Colloquium**

Spring 2022

Christopher R. Kelley

[ckelley.christopher@gmail.com](mailto:ckelley.christopher@gmail.com)

## **Final Exam**

### **Option A**

For your final exam in this course, you are to write a paper on a rule of law topic of your choice. By “paper,” I mean a writing that fits within a wide range of genres, including a personal essay, an analytical exposition, an informed commentary, a real or imagined interview, or a fictional narrative, such as a short story or a drama. I intend, however, to exclude poetry unless you convince me in advance that it will reflect sufficient qualitative thinking about the rule of law or an aspect of it. By “rule of law,” I intend to include relatively thick definitions of the rule of law such as those proffered by the World Justice Project and Lord Tom Bingham, both of which include at least some human rights.

For example, your paper can be a personal essay about what the rule of law or some aspect of it has meant to you, means to you, or is likely to mean to you in your professional and personal life. In lieu of a personal essay along these lines, you could express the thinking and views of a fictional person, like or unlike you. If you wish, you could confront this person with instances that test his or her commitment to the rule of law, or you could imagine this person in circumstances in which the rule of law is weak or absent.

Or you may write a paper that is light on the first person, real or fictional, or that avoids it altogether. For example, you could offer and defend a definition of the rule of law that you think is superior to the ones we have encountered in this course.

Or your paper can be an analytical writing on the rule of law generally or some aspect of it. You could, for instance, locate a writing on the rule of law and comment on it. Likewise,



you could comment on one or more causes of corruption, including how our cognitive biases favor or disfavor one or more forms of corruption.

Other possibilities for commentary include your thoughts about rule of law issues in a novel, such as George Orwell's *1984* or William Golding's *Lord of the Flies*. Or you can comment on current events from a rule of law perspective.

Or, moving closer to the law review article model, you could take a feature of one or more anti-corruption laws, such as the FCPA and the UK Bribery Act, and write about an aspect of one or more of them. The academic literature on the FCPA is voluminous, and you might wish to write about the FCPA because we did not cover it in this course as I initially intended.

Also, there is much room for inquiry and commentary about Enron and whistleblowing, including why it seems that ignoring corruption prevails over whistleblowing. Cultural influences on the rule of law, including why some cultures are more or less corrupt than others, also offers fodder for inquiry and commentary. Another, related, topic is an inquiry into whether democracies are less corrupt than other forms of government. Or you could focus on corruption in a particular country at a particular time. The possibilities are many.

Finally, you may write about the rule of law and Russia's war against Ukraine. As you do with other subjects and their rule of law implications, you have broad discretion on how you do this.

## **Option B**

In lieu of Option A, you may write a paper about Russia's war against Ukraine that does not address the rule of law. I am giving you this option because not all our experiences, thoughts, emotions, and the like are tied to or directly relatable to the law. None of us leave our personhood outside the law school when we walk through its doors. If you want to take off your law student hat and write about any aspect of Russia's war against Ukraine from any perspective without ever using the word "law," you may do so under this option. For this option, a "paper" has the same meaning as it has in Option A.

Whatever your choice of option, topic, or style, your paper should be thoughtful, well-informed, and within the bounds of this exam. I intend through Option A for you to gain a greater understanding of the rule of law and its day-to-day implications for you and others in a way that is meaningful for and interesting to you. And through Option B, I intend for you to gain a greater understanding of Russia's war against Ukraine and its implications for you and others that is meaningful for and interesting to you wholly apart from the rule of law.

No minimum or maximum page limits apply. This is a two-credit course, and your paper is not a semester-length paper. But neither is this an in-class, two-hour exam. I anticipate that

most papers will range from seven to ten single-spaced pages, using a twelve-point font for body text. Try not to exceed fifteen single-spaced pages.

Only rough-and-tumble compliance with BlueBook citation forms is required. Provide enough information so I can locate the sources you cite. If you rely on information found on the web, please include its URL. I am always looking for more materials on contemporary rule of law issues, and I will be grateful to be introduced to materials I have not discovered.

Please strive to write well. I am favorably influenced by good writing. This early version of the exam is accompanied by Richard C. Wydick's *Plain English for Lawyers*, 66 Cal. L. Rev. 727 (1978).

Please submit your paper as a pdf file unless MyLaw will accept only Word files.

Identify your paper by your exam number only. Please include your exam number as a header or a footer on each page.

*Your paper is due at 11:00 a.m., Central Time, on Thursday, May 12.*

Submit your paper on MyLaw according to the instructions those who run MyLaw tell you to follow.

*If You Need to Reach Me*

My mobile phone number is 301-412-5234. Please write to me at this address: [ckelley.christopher@gmail.com](mailto:ckelley.christopher@gmail.com). I check it more frequently than I check my uark.edu mail.

Please let me know as soon as possible if you have any questions about any of this.

**End of Exam**

*Please note:* The instructions for submitting the responses to the exams reproduced in this course information document apply to those exams only. Different instructions will apply for submitting your exam responses.

**End of Course Information Document**