various research projects of the Center, and by their involvement in a two-year program of graduate training leading to a higher degree. The program places emphasis on research design and research methods in the broad fields of criminal justice and the prevention and treatment of crime. The Fellow is expected to devote half his working time to participation in a research or action program of the Center. The other half is devoted to classwork and supervised studies for the Master of Laws degree. Applicants with some training in sociology and psychology or in other disciplines which are particularly relevant to the field of criminal justice will be preferred.

ADMISSION

Inquiries concerning admission to the Graduate Programs should be addressed to the Chairman, Committee on Graduate Studies, The Law School, The University of Chicago, 1111 East 60th Street, Chicago, Illinois 60637. Applications for admission should be completed by April 1 before the Autumn Quarter for which the student desires admission.

CURRICULUM

The First Year. The work of the first year is prescribed. In addition to the required courses, all first-year students perform individual assignments in a tutorial program conducted under the direction of a member of the faculty. In this program each student is assigned to a tutor, who is one of the Bigelow Teaching Fellows. The tutorial work emphasizes training in research, in the preparation of legal memoranda and other forms of legal writing, and in oral argument. Several of the assignments each year are based upon problems currently presented in actual cases, both trial and appellate, which are heard in the Weymouth Kirkland Courtroom of the Law School by courts of Illinois. A final examination is given in each course at the end of the quarter in which the course is concluded, except that in Civil Procedure a final examination is given on each quarter's work in the course.

The Second and Third Years. The program of the second and third years is elective. The normal course load permits a student to plan a well-rounded program of studies and also to pursue some special interests beyond the basic level. The seminar offerings provide opportunities to explore developing areas of the law, to pursue interdisciplinary aspects of particular legal fields, and to work on individual problems involving research and drafting. In addition, students who wish to develop further their facility in research and writing, or to do intensive work on a particular topic not the subject of a regular seminar, are encouraged to call upon members of the faculty for supervision of individual research projects. Such work may be undertaken for credit (see Law 499 below).
In order to achieve credit for 135 course hours in nine quarters, a student must take an average of 15 course hours per quarter. Except with the permission of the Dean, no student may take more than 17 course hours in any quarter. Each student is responsible for keeping himself informed of the number of additional credits he requires for graduation.

In the course and seminar descriptions the number in parentheses at the end of the description represents the value of the course or seminar in terms of course hours per quarter.

**FIRST-YEAR COURSES**

(Each first-year student will be assigned to a small section of approximately thirty students for one course. For this purpose the Autumn and Spring portions of Civil Procedure will be treated as two courses.)

301. ELEMENTS OF THE LAW. The functions and problems of tribunals. The theory of legal rules and of the law crafts. The theory and practice of American case law, especially in regard to principle, precedent, statute, and justice, are developed with intensive study of selected case materials. Aut (3). Miss Mentschikoff.

302. CONTRACTS. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach and justifiable excuses for non-performance. The nineteenth-century elaboration of such basic contract doctrines as that of consideration will be examined in the light of their decline and fall in our own century. The relationship between contract liability and tort liability, taken as twin halves of a general theory of civil obligation, will be stressed. Aut (4), Win (4). Section A, Mr. Gilmore. Section B, Mr. Treitel.

303. CRIMINAL LAW. This course relates the general doctrines of criminal liability to the moral and social problems of crime. The definitions of crimes against the person and against property (as they are at present and as they might be) are considered in the light of the purposes of punishment and of the role of the criminal justice system, including police and correctional agencies, in influencing behavior and protecting the community. Win (2), Spr (4). Section A, Mr. Morris. Section B, Mr. Burt.

304. CIVIL PROCEDURE. The first part of this course concerns the formulation and defense of legal claims in civil litigation, with special reference to the adversary system and the role of the lawyer in it. It includes an analysis of pleading and discovery procedures and the right and function of jury trial. The second part of the course is a study of jurisdiction and the scope and effect of judgments, with an emphasis upon the problems imposed by a federal system upon complete determination of disputes that cross state lines; state court jurisdiction from Pennoyer v. Neff to present-day "long-arm" statutes; principles of finality of judgments and their implementation through the Full Faith and Credit Clause; proceedings in rem and quasi in rem and interpleader and class actions as devices for extending judgments to the rights of persons beyond the personal jurisdiction of the court; the role of the federal courts under the diversity jurisdiction; the enforcement of judgments. Aut (4). Section A, Mr. Hazard; Section B, Mr. Kurland. Spr (4). Section A, Mr. Lucas; Section B, Mr. Dam.
305. **Property.** The course examines the present-day system of property law and the historical foundations necessary to its understanding. Topics considered include: (1) Conveyances of real property *inter vivos* (land titles, modes of conveyancing, land contracts, easements, the Recording Acts, and related matters); the relationship of landlord and tenant; the nature and uses of joint tenancy and other forms of concurrent ownership. (2) The disposition of property on death or during life by means designed to control its transmission from one generation to another (including the creation of future interests, problems of construction, and the restrictions imposed by the Rule against Perpetuities). Win (4), Spr (4). Section A, Mr. Dunham. Section B, Mr. Fiss.

306. **Torts.** A detailed study of the Anglo-American system of redress for physical harm to persons or property. The core of the course is the study of inadvertent infliction of physical harm, with special attention being given to the legal theory of negligence and to such concepts as causation, standard of care, the reasonable man, duty, contributory negligence, assumption of risk, and proximate cause. There is also a concentration on the common-law rules of damages for death and personal injury. A central theme is the tension between the negligence system and the areas of strict liability, including the emerging law on products liability. The course concludes with a survey of the implications of insurance and risk-shifting theories for the allocation of liability and with a study of proposals for auto compensation plans. Aut (3), Win (3). Mr. Kalven.

Note: During the academic year 1968-69 (Autumn and Winter Quarters) this course will be linked with the first-year Tutorial Program. Class sessions conducted by the instructor will be supplemented by discussion in small sessions led by the Bigelow Fellows and problems developed in the course will be assigned as subjects for written memoranda supervised by the Fellows. A conventional written examination will be given at the end of the Winter Quarter. The grade on the examination will count for 6 units and the grade for work in the Tutorial Program (embracing all three quarters of work in that program) will count for 5 units.

307. **American Constitutional History.** This course will be concerned with a study of the context, economic, social, and political, of the development of American constitutional law from 1789 to 1930. While the emphasis will be on Supreme Court cases, much of the time will be spent on nonjudicial development of constitutional doctrine. The objective will be an understanding of the changing allocation of power between the government and the governed, between the States and the Nation, and among the branches of the national government. Win (3), Spr (3). Mr. Kurland.

308. **Tutorial Work.** Each first-year student is assigned to a tutor for individual and small-group work in legal analysis, research, and exposition, including an exercise in brief-writing and oral argument. During the Autumn and Winter quarters the work will be integrated with the course in Torts. Aut (2), Win (2), Spr (1). Mr. Kalven, Mr. Currie, and Bigelow Teaching Fellows.

**SECOND- AND THIRD-YEAR COURSES**

Courses marked with an asterisk are treated for scheduling purposes as courses that, if elected, are ordinarily taken during the second year; if postponed to the third year they are likely to be available only at the same hours as other courses more commonly elected in the third year.
400. **Equitable Remedies.** A study of the distinctive characteristics, powers, and problems of a court of equity, with emphasis upon contemporary uses of the injunction as an instrument of social control and reform in such matters as racially discriminatory institutions, interruption of public services by strikes, and interference with constitutional rights. The topics to be explored include: translating considerations of fairness into judicially manageable doctrines; delineating the beneficiaries of a decree and determining the persons responsible for noncompliance; the special problems of massive noncompliance; the procedural aspects of criminal contempt; the place of *ex parte* injunctions; and the problems of enjoining criminal prosecutions. Aut (4). Mr. Fiss.

401. **Restitution.** As an alternative remedy for tort; remedies in contracts induced by fraud or mistake, and in contracts unenforceable because of impossibility of performance, and statute of frauds, or plaintiff's breach; rescission for defendant's breach and duress. Win (3). Mr. Treitel.

402. **Redress of Certain Harms.** An intensive study of the roles of the tort system in protecting against dignitary harms and umpiring competitive practices in the market place. Emphasis will be placed on the variety of categories through which the law has given protection against insult and indignity and the infliction of emotional harm, intentionally or negligently. There will also be special concern with the law of defamation and with the law on the protection of the right of privacy, with attention being paid to the emerging constitutional developments in both areas. The final segment of the course reviews the tort approaches to unfair competition and emphasizes especially protection against fraud, disparagement, and the appropriation of contract benefits, ideas, effort, and good will. Win (3). Mr. Zimring.

405 [404, 403]. **Trusts, Wills, and Estates.** The first portion of this course concerns the payment of debts and the division of property of a decedent. Topics studied include the law of intestacy, formalities in executing and revoking wills, rights of spouses and children, and issues of interpretation that arise because of mistake or faulty description or because of changes occurring between the execution of the will and the death of the testator. The problems of probate and administration are considered both from the standpoint of established rules and of current legislative proposals for reform. The second portion of the course concerns the creation, enforcement, administration, and termination of private and charitable trusts of real and personal property. It includes a consideration of trusts created by volition (express or resulting trusts), which are used for managing or transferring or holding title to property, and trusts created by operation of law (constructive trusts), which are used solely as remedial devices. The principal course material consists of court opinions, but some subjects are presented by text material. Regular consideration is given to relevant legislation, and to common provisions in wills or trust instruments that alter the normal rules of statutory or case law. Aut (5). Mr. Oaks.

**Note:** Students may not register for Law 405, **Trusts, Wills, and Estates,** if they have previously taken Law 403, **Trusts,** or Law 404, **Decedents' Estates,** but such students may register for the portion of the course that they have not already taken. A student who has taken **Trusts** may register for Law 404, **Wills and Estates** (2), which will meet during the first four weeks of the quarter. A student who has taken **Decedents' Estates** may register for Law 403, **Trusts** (3), which will meet after the first four weeks of the quarter. The option of registering for Law 403 or Law 404 is not open to students who have not previously taken **Trusts or Decedents' Estates.**
407. MODERN REAL ESTATE TRANSACTIONS. A study of contemporary problems in the
development and marketing of urban land, with particular reference to the field of housing.
The problems considered include land acquisition; governmental restrictions on land use; the
relative advantages of mortgages, leases, and long-term contracts as financing devices; the
exercise of governmental authority for urban redevelopment and rehabilitation; and the
legal, economic, and social problems raised by such programs. Win (4). Mr. Currie.

408. OIL AND GAS. The nature and protection of interests in oil and gas; express and im­
plied duties under leases; transfer of mineral interests; government regulation, pooling, and
utilization. (3) Mr. Kaplan. [Not offered in 1968-69.]

410. COMMERCIAL LAW I.* The course deals with sales, negotiable instruments, docu­
ments of title, and documentary collections, with special reference to the Uniform Commer­
cial Code. Emphasis is placed on problem analysis, counseling, and statutory construction.
Students who have taken the course in Sales or who plan to take the course in Negotiable
Instruments concurrently with this course must receive the permission of the instructor to
enroll in Commercial Law I. Aut (5). Miss Mentschikoff.

411. COMMERCIAL LAW II.* This course is a sequel to Commercial Law I. It deals with
personal property security transactions, under the Uniform Commercial Code and under
pre-Code law, and with letters of credit. The course emphasizes the techniques of setting up
and implementing transactions involving security. It is open to students who have taken
Commercial Law I or the courses in Negotiable Instruments and Sales. Students not meeting
these prerequisites should consult the instructor before enrolling in this course. Win (3).
Miss Mentschikoff.

412. THE SALE OF GOODS. The nineteenth-century origins of sales law will be studied as
a basis for the successive codifications of sales law in the Uniform Sales Act and in Article 2
of the Uniform Commercial Code. The role of codification in the law and the problem of
statutory obsolescence following a codification will be considered. Exercises in statutory
construction will be carried to a point that many students will find repulsive. None of the
other commercial law courses is either a prerequisite for, or a bar against taking, this course.
(4). Mr. Gilmore. [Not offered in 1968-69.]

413. NEGOTIABLE INSTRUMENTS. In general the course description for Course 412—The
Sale of Goods—is applicable to this course. The law of negotiable instruments has often been
described as a field in which form has triumphed over substance. The role of formalities in
the law will be examined in this context in the light of the hypothesis that formalities work
well with respect to highly professionalized transactions but break down when amateurs
begin to play the game. None of the other commercial law courses is either a prerequisite for,
or a bar against, taking this course. Aut (3). Mr. Gilmore.

414. SECURED TRANSACTIONS. The course will focus on selected problems in financing on
the security of personal property, particularly under Article IX of the Uniform Commercial
Code. Students will be assumed to have a general knowledge of the structure of Article IX
and its background. Win (3). Mr. Gilmore.

415. FAMILY LAW. This course considers legal regulation of sexual and parental relation­
ships, including minimum standards and duties imposed by law in conventional family
organization and dissolution and the civil and criminal consequences of deviant or substand­
ard conduct. It will explore constitutional, statutory, and policy issues posed in specific areas such as marriage, divorce, allocation of property rights among family members, sexual relations, illegitimacy, paternity, abortion, artificial insemination, parental rights and duties, contested child custody, adoption, and state involvement with neglected and delinquent children. Study of these problems will be integrated with general consideration of the rationale of legal regulation in this field, the role of ideology in shaping the law, and the behavioral effects of present regulation and of proposals for change. Spr (4). Mr. Zimring.

420. Evidence. The law governing the proof of disputed issues of fact in trials at law and equity, with incidental treatment of hearings before administrative agencies, including burden of proof, presumptions, and judicial notice; the functions of judge and jury; the examination, competency, and privileges of witnesses; the exclusionary rules of evidence. Aut (5). Mr. Meltzer.

421. Criminal Procedure. Study of the legal rules governing the operation of the criminal justice system, a multi-stage screening process by which society selects those to be punished for criminal behavior. Subjects include investigation of crime and acquisition of evidence by means such as electronic surveillance, search warrants, searches incident to arrest, and interrogation; custody of the defendant, including arrest, detention, release on bail; criminal pleadings, including complaint, information, indictment and plea; counsel and other defense resources for the indigent; function of screening devices such as prosecutor discretion, preliminary hearing, grand jury, and guilty plea; motion practice and discovery in criminal cases; the criminal trial; post-trial motions and sentencing procedures; appeal and post-conviction proceedings. Win (4). Mr. Oaks.

425. Economic Analysis and Public Policy I. Fundamental economic concepts and relationships are developed and applied to an examination of the operation of markets and the effects of government policies. The economic analysis centers on the development of important technical concepts, such as opportunity costs, comparative advantage, demand, market clearing price, efficiency, competition, and monopoly. Attention is given to the role played by the private property system underlying the operation of markets. Public policy areas to which economic analysis is applied include conservation and pollution problems, minimum wage laws, and monopoly problems, including those emanating from restraint of trade, scale economies, and government protection; the operation of the market place as it affects minorities is discussed. Aut (4). Mr. Demsetz.

426. Economic Analysis and Public Policy II. The application of economic analysis to public policy issues in the fields of antitrust, regulated industries, social cost, and property rights. The course is open to students who have taken Economic Analysis and Public Policy I or who have had comparable prior work in economics. Students who have not taken Economic Analysis and Public Policy I must obtain the permission of the instructor before enrolling in the course. Spr (4). Mr. Coase.

427. Accounting.* The course is primarily concerned with a study of the major topics making up the body of "generally accepted accounting principles" and the manner in which they enter into legal problems. Introductory material on the record-keeping process and form of financial statements is followed by an analysis of major problem areas: revenue recognition, inventory accounting, depreciation, accounting for debt instruments and for corporate capital. The course is concluded with a section on analysis and interpretation of financial
429. **Corporation Law.** The nature of the modern business corporation, including small privately-held or closed corporations and large publicly-held corporations; the role of the modern corporation in the collection and allocation of capital and the relation of the securities laws, corporation laws, and the institutionalized processes of distributing securities to that function; the promotion and organization of corporations; the distribution of power between managers and stockholders; the fiduciary obligations of managers to stockholders and of stockholders among themselves; the proxy device and its regulation, the control of insider trading and profit-taking; recapitalization and rearrangement of stockholders' rights (other than in bankruptcy); the combination of corporations; methods and machinery for protecting stockholders' rights, through derivative suits and otherwise. Win (3). Mr. Davidson.

431. **Securities Regulation.** Consideration of the American system of securities distribution and the regulation thereof pursuant to the Securities Act of 1933, as amended, and the Securities Exchange Act of 1934, with some consideration of the impact of state blue-sky laws thereon; examination of the disclosure philosophy and of the registration process; remedies under the federal securities laws; a further consideration, supplementing the course in corporation law, of the development of a federal common law by implication, of a federal law of corporations, and of the impact of securities regulation upon stockholder-management relationships. Spr (3). Mr. Kaplan.

432. **Reorganization, Recapitalization and Insolvency.** This course considers the adjustment of the rights of shareholders in connection with mergers and also by charter amendment and voluntary exchanges of securities, including the rights of dissenting shareholders through appraisal evaluation proceedings. It then deals with the problems encountered in adjusting debt, especially in the face of financial stress, and in rearranging the rights of shareholders in distress situations. The problems of debt adjustment are examined in a wide variety of contexts, ranging from the individual wage earner and small businessman to the large publicly-owned corporation. Attention is directed to the standards of fairness imposed by law on modification of shareholders' rights and rearrangement of relationships between debtor and creditors and among creditors in these various situations. The standards for reorganization in a bankruptcy proceeding are contrasted with the rules of fairness applied where readjustment is voluntary or is compelled by something other than the debtor's financial difficulties. Attention is also directed to the factors in our society which encourage the use of debt or equity capital. Spr (4). Mr. Blum.

435. **Federal Taxation I.** A tax on the income of persons, with rates graduated upwards, is the most significant element in the tax system adopted by the federal government. This first course in federal taxation examines the structure of the current version of the income tax. It emphasizes the problems of determining what is to be treated as gross income for purposes of the tax, what offsets are to be allowed in arriving at the amount of net income upon which the tax is imposed, who will be required to include various items in income or be allowed to claim various deductions, and when these factors are to be reflected in computing income. Particular attention is devoted to the treatment of gains and losses from changes in the value of property. Five central questions are continuously under examina-
tion: (1) To what extent do tax rules mean something other than they appear to mean? (2) What policies underlie the mass of technical detail which characterizes the law? (3) How much change in conduct is needed to alter the tax consequences involved in pursuing various goals? (4) What criteria can be found for choosing among alternative tax policies under a progressive income tax? (5) Can one discover any directions in which tax policies and tax law are developing? Aut (3). Mr. Blum.

436. FEDERAL TAXATION II. This course builds upon the basic relationships and concepts looked at in Federal Taxation I. It deals primarily with the treatment of business profits under the income tax. The taxation of income generated by sole proprietorships and the problems of allocating the profits of a partnership to the partners for tax purposes are explored. The major part of the course is devoted to analyzing our dual system of taxing the incomes both of corporations and of their shareholders. Attention is particularly focused on the problems and consequences of taxing business income to an artificial entity as compared to taxing it directly to the owners of that entity; on the importance of tax considerations in business decisions; and on evaluating alternative policies for treating corporate profits under a tax system which subjects personal income to rates graduated upwards. Win (3). Mr. Blum.

437. FEDERAL TAXATION III. This course considers the variety of income, gift, and estate tax problems involved in transfers of property that occur at death or during lifetime for non-commercial purposes, principally within the family unit. Income-tax subjects include the taxation of annuities and life insurance, alimony and property settlements, income in respect of a decedent, and the income taxation of trusts and estates. The major concern of the course is the structure and administration of the federal estate and gift taxes. The subject is organized according to various types of property interests (such as joint tenancy, life insurance, or retained life interests), or familiar kinds of conduct (such as gifts in contemplation of death or transfers for inadequate consideration). The problems these alternatives pose for a transfer tax are explored, and the content of present statutory or decisional law is contrasted with alternatives suggested by prior law or emerging proposals for reform. Spr (3). Mr. Oaks.

440. LABOR LAW I. The legal framework for collective bargaining, strikes, picketing, lockouts, and other forms of pressure; the relationship between that framework and a general antimonopoly policy; the selection of the collective bargaining representative and the representative's authority and responsibility with respect to the individual employee; the negotiation, administration, and enforcement of collective bargaining arrangements. Win (4). Mr. Meltzer.

441. LABOR LAW II. A more intensive examination of the grievance-arbitration process and of individual rights in the enforcement of the agreement; the regulation of union internal affairs, including admission, discipline, elections, fiduciary obligations, and related requirements; interunion relations. Labor Law I (or the consent of the instructor, which will be given only in unusual situations) is a prerequisite. Spr (3). Mr. Meltzer.

445. LAW OF COMPETITION AND MONOPOLY. The course traces the evolution of the main lines of doctrine grafted by the courts upon the Sherman Act and supplemental legislation for controlling the structure and competitive practices of American industry. It explores the legal significance of such concepts as price-fixing, boycotts, monopoly and oligopoly, coercion, leverage, vertical integration and market foreclosure, and their application to important contemporary problems including corporate mergers and restrictive methods of distribution.
used by single firms. Parallel with the study of legal doctrine, the course examines whether
the evidence and the judicial opinions in key cases provide satisfactory economic explana-
tions for the observed business behavior and its assumed effects. Aut (5). Mr. Dam, Mr.
Director.

446. Regulation of Competition. This course is concerned with those laws, other than
the antitrust laws, that govern the structure of industry and the competitive tactics of firms.
The course is divided into two parts. One part examines the principles and rationale of com-
prehensive governmental regulation of individual industries, such as broadcasting, airlines,
railroads, natural gas and electric power. Among the topics discussed are limitations on entry
of new competitors, certificates of public convenience and necessity, transfer of operating
rights, regulation of maximum and minimum rates, and competition between firms in
different industries. A second part of the course deals with the regulation of price discrimina-
tion, both under comprehensive regulatory statutes and within the so-called unregulated
sector of the economy. The Robinson-Patman Act will be discussed in detail. Spr (4). Mr.
Kitch.

447. Copyright, Patent, and Trademark Law. A study of the legal protection ac-
corded to interests in information and ideas having economic value, such as inventions, literary,
musical and other artistic works, designs, commercial symbols, and trade secrets. The law
of patents, copyrights, trademarks, and unfair competition is examined with a view to deline-
ating the varying accommodations made between the competing goals of encouragement to
innovation and creativity and protection of freedom of communication and trade. An aim
of the course is to evaluate the law in this area, and proposals for its revision, in the light of
current economic thought about the impact of information costs on the operation of com-
petitive markets. Aut (3). Mr. Kitch.

449. Administrative Law.* Administrative law is the law that governs administrative
agencies, including executive departments, in their complex tasks of carrying out govern-
mental programs. Governmental control of private activities, especially of economic life,
seems to be everywhere increasing. Legislative bodies determine the general programs, and
agencies make them more specific through making rules, adjudicating cases, investigating,
prosecuting, and supervising. The main focus of administrative law is on procedural safe-
guards and on the allocation and control of power, including the structuring, checking, and
confining of discretion. A central inquiry repeated in many contexts is how to accommodate
procedural fairness to the efficient accomplishment of legislative purposes. The constant
quest is for understanding principles of exertion of governmental power and principles of
justice that cut across functions of federal, state, and local agencies and their relations with
reviewing courts and with legislative and executive authorities. Spr (5). Mr. Davis.

450. Constitutional Law I.* An examination, in the context of selected contemporary
problems, of the functions of the Constitution, the relationships among the several branches
of the federal government and between state and federal governments, and the role of judicial
review. Major topics to be studied include the case-or-controversy requirement and other
aspects of constitutional adjudication; the powers of the President and the commerce, taxing
and spending powers of Congress; and the concept of state action as a limitation on federal
legislative and judicial control over individual relationships. The study of cases will be sup-
plemented by extensive required readings. Win (4). Mr. Neal.
451. CONSTITUTIONAL LAW II: FREEDOM OF EXPRESSION. A detailed study of problems of freedom of speech that have a constitutional dimension, including such topics as prior restraints, obscenity, the right of privacy, libel, group libel, fair trial and free press, congressional investigating committees, loyalty oaths, compulsory disclosure laws, sedition, public-issue picketing, symbolic conduct, and protest in public places. Spr (3). Mr. Kalven.

452. CONSTITUTIONAL LAW III: THE CONSTITUTION AND EQUALITY. A detailed study of the emerging constitutional concept of equality derived from the equal protection clause, the due process clause, and other provisions of the Constitution. (3). Mr. Kurland. [Not offered in 1968-69.]

453. STATE AND LOCAL GOVERNMENT. An examination of selected provisions of state constitutions, general laws providing for the formation and regulation of public corporations, and legislative and freehold charters, with an emphasis on the role of defining the voting public in the design and operation of democratic institutions. Aut (4). Mr. Lucas.

454. STATE AND LOCAL TAXATION. A study of government finance in a federal state with an emphasis upon apportionment of tax resources among governmental units and including an examination of federal and state constitutional provisions, efforts at interstate co-operation, and proposed federal legislative solutions, together with a brief canvass of problems in the administration of typical state-local tax systems. (4). Mr. Lucas. [Not offered in 1968-69.]

455. FEDERAL JURISDICTION. History of federal judiciary acts; structure and business of the federal courts; nature of federal judicial function; diversity of citizenship jurisdiction; federal question jurisdiction; jurisdictional amount; removal jurisdiction; jurisdiction to enjoin federal courts; three-judge courts; law applied by federal courts. Spr (4). Mr. Currie.

456. ADMIRALTY. Historical developments of "cases of admiralty and maritime jurisdiction" as an element of the jurisdiction of the federal district courts; the role of the Supreme Court in the "common law" development of the substantive law of the admiralty; a brief introduction to the main elements of the substantive maritime law: the maritime lien, maritime torts and contracts, salvage, general average, and limitation of liability. Win (4). Mr. Lucas.

457. CONFLICT OF LAWS. The problems arising when significant aspects of a case relate to more than one state or country. Aut (4). Mr. Kaplan.

458. COMPARATIVE CONSTITUTIONAL LAW. The course in 1968-69 will be an intensive study of selected constitutional problems in the area of free speech, "substantive" equality and federalism, using the topics under study as the basis for the exploration of differences and similarities in historical origins, institutional techniques, attitudes and legal theory of the American and German polities. However, emphasis will be on the normative as well as the cognitive aspects. Knowledge of German is highly recommended, though not required. A paper and an examination will be required. Spr (4). Mr. Casper.

459. JURISPRUDENCE. The course will deal with selected nineteenth- and twentieth-century attempts on the Continent, in England, and in the United States to develop a comprehensive theory of law and society. It will be comparative in nature in order to examine the relationship between legal theory and the political and legal system. The conflict between legal positivism and natural law will be considered from this comparative vantage point as distinguished from that of epistemology. No text will be assigned but extensive reading of...
source materials will be required. The course will place equal emphasis on lecture and discussion. Aut (4). Mr. Casper.

460. INTERNATIONAL LAW. Nature, source, and application of international law; international agreements; membership in the international community; territory of states; nationality; jurisdiction and jurisdictional immunities; state responsibility and international claims; the law of war; and an introduction to international organization law. Spr (4). [Not offered in 1968-69.]

461. INTERNATIONAL COMMERCIAL PROBLEMS. A study of international sales transactions, with emphasis upon government controls over currency and commodities, such as exchange controls, quotas, licenses, tariffs, and the common market state trading. Commercial Law II is a prerequisite, except with special permission of the instructor. Spr (4). Miss Mentschikoff.

462. INTERNATIONAL INVESTMENT PROBLEMS. This course deals with the legal factors influencing the international flow of capital, particularly in the forms of direct investment in foreign subsidiaries and the licensing of patents and "know-how." The perspective is twofold: the problems faced by American lawyers in advising corporations doing business abroad, and the problems faced by the United States and foreign governments in regulating the investment process. Substantial attention will be given to the environment—legal, economic, and institutional—in which international investment occurs. Among the topics discussed are the problems of organizing, financing, and operating foreign companies and the national and international law on competition, concessions, licensing, expropriation, patents, and taxation of foreign income. (4). Mr. Dam. [Not offered in 1968-69.]

463. REGIONAL AND INTERNATIONAL INSTITUTIONS. This course is concerned with new forms of international organization that have developed since World War II. A large portion of the course is devoted to regional institutions that have sought to integrate the economies of groups of countries, often with a view to later political integration. Another portion of the course will be devoted to the institutions that have sought, within a broader framework, to deal with the problems of the less-developed countries. To permit more detailed examination of particular institutions and of the problems they face, attention is concentrated on those institutions dealing primarily with economic issues. The European Economic Community, the General Agreement on Tariffs and Trade, and the United Nations Trade and Development Conference will be examined in depth. Win (4). Mr. Dam.

470, 471, 472. CIVIL LAW. Contracts, torts, property, and family relations law under the systems of the French or German civil code. In 1968-69 the course will deal with the French civil code. This course constitutes a part of the Foreign Law Program. Properly qualified students who are not in the Foreign Law Program may be admitted for one quarter. Aut (6), Win (6), Spr (6). Mr. van Gerven, Mr. Briere de l'Isle.

I N D E P E N D E N T S T U D Y

499. INDIVIDUAL RESEARCH. In addition to the opportunities for writing of research papers afforded in many of the seminars listed below, second- and third-year students may earn course credit by independent research under the supervision of a member of the faculty. Such projects (commonly known as "499 papers") are arranged by consultation between the student and the particular member of the faculty in whose field the proposed topic falls. Special rules regarding credit, permission, and requirements for submission of written work
are set forth in the regulations of the Law School. Students wishing to register for 499 credit should consult the Dean of Students.

Written work is not a formal requirement for the J.D. degree, but students are encouraged to include some such work in their programs and most students do so, either through participation in a seminar or through 499 credit. Students are encouraged to submit outstanding papers for publication in the Law Review or in other legal periodicals. (See statement concerning the policy of The University of Chicago Law Review under Student Activities, infra.)

Before being granted permission to register for 499 work the student must submit a précis of his proposed study to the supervising faculty member. In considering possible fields or topics for such projects, students may wish to consider seminars described below but listed as not offered in the current year and to consult the instructors concerned as to the possibility of independent work in those fields.

SEMINARS

No more than twenty students will ordinarily be admitted to a seminar, and in some seminars enrolment is limited to a smaller number. Students will be given an opportunity to sign tentative registration lists for seminars. Selection of enrolment where necessary will be by lot or by a method to be determined by the instructor.

Students are not permitted to register for more than one seminar in a quarter except with the permission of the Dean of Students.

501. SEMINAR: AMERICAN CONSTITUTIONAL HISTORY. A seminar for law students and graduate students of history that will be concerned with the causes and effects of constitutional change. Law and history students will be paired for purposes of preparing a joint paper with the expectation that each will be able to educate the other in the methodology of his own discipline. Each student will be expected to prepare, in addition to his own paper, a critique of one or more of the other papers offered in the seminar. An attempt will be made to work out a single problem or set of problems to which all papers can be related. Permission of the instructor is required. Aut (3). Mr. Kurland.

502. SEMINAR: AMERICAN LEGAL HISTORY. Up to about six students, admitted with the consent of the instructor, will hold meetings during the Autumn Quarter to discuss readings, sources and research methods in American legal history. Students will select their own topics, subject to approval, and prepare papers on an individual research basis during the Autumn and Winter Quarters. All research must include the use of original sources other than statutes, court opinions, and other published works. Aut (1), Win (2). Mr. Oaks.

503. SEMINAR: GERMAN LEGAL HISTORY. A study of selected topics in German legal history. In 1968–69 attention will be devoted principally to the National Socialist period. The seminar will be offered jointly for law students and graduate students in history. Permission of the instructor is required. Aut (3). Mr. Krieger.

504. SEMINAR: ENGLISH LEGAL HISTORY. The seminar is devoted to selected topics in English legal history, primarily in the sixteenth and seventeenth centuries. The seminar is intended for both law students and graduate students in history. A paper will be required. Win (3). Mr. Gray.
505. Seminar: Comparative Law. The seminar is an intensive study of a particular legal problem or topic as treated under different legal systems, using the topic under study as a basis for the exploration of differences and similarities in historical origins, institutional techniques, attitudes, and legal theory of the systems under consideration. The topic to be studied in 1968-69 will be problems of judicial review of administrative actions and the consequences of judicial review for the administrative process as well as the "civic culture." In selecting the legal systems to be compared, consideration will be given to the language and other background of the participants in the seminar. Students interested in enrolling in the seminar should consult with the instructor in the Fall Quarter. A paper will be required. Win (3). Mr. Casper.

507. Seminar: Financial and Investment Aspects of Life Insurance and Annuities. An analysis of the cost of life insurance and annuities, their use as investment media, and their role in business and family planning today. (3). Mr. Blum. [Not offered in 1968-69.]

509. Seminar: State Constitutional Revision. The seminar will examine selected problems of state and local government by considering the need for general constitutional revision in Illinois, the form that such revision might take with respect to particular topics, and the procedural and tactical problems of constitutional revision. Win (3). Mr. Lucas, Mr. J. Levi.

510. Seminar: Law and Urban Problems. The theme of this seminar will be an examination of the Federal Demonstration Cities and Metropolitan Development Act of 1966 and its implications for the structure of local government and federal, state, and municipal legal relationships. Seminar papers may include briefs and memoranda on selected legal issues as well as drafts of proposed legislation. Aut (3). Mr. J. Levi.

511. Seminar: Problems of the Urban Ghetto. A study of some of the problems confronting racial minorities in the urban setting and the capacity of legal institutions to deal with these problems. The seminar will meet for two hours a week and will extend over two quarters. For the first quarter there will be a common subject of study and discussion, which in 1968-69 will be the creation and maintenance of equal employment opportunities for racial minorities. In the second quarter the seminar sessions will be devoted to discussion of selected other topics such as housing, education, the provision of municipal services, and the special law enforcement problems of the ghetto. Discussion will be based on papers presented by members of the seminar. Win (2), Spr (2). Mr. Fiss.

512. Seminar: Legal Problems of Welfare Legislation. Study of the theoretical and practical content of state and federal welfare laws and the legal and practical problems associated with their administration. (3). Mr. Blum, Mr. Oaks. [Not offered in 1968-69.]

513. Seminar: Public Regulation of Land. The seminar examines the operation of existing law and proposals for revision in the laws regulating land use, housing and building codes, urban renewal and redevelopment programs, and related matters. Spr (3). Mr. J. Levi.

514. Seminar: Natural Resources. An examination of problems in the use and conservation of natural resources, with emphasis on water supply, waste disposal, and the pollution of air, water, and land. Legal issues to be canvassed include the questions of federalism, administrative law, and local government arising from the intricacy of statutory regulation of resources; the substantive law of pollution; the riparian and appropriative systems of water law. Background readings will include such scientific, economic, and political-science mate-
rials as are necessary to understanding resource problems and to formulating or evaluating laws that deal with them. Aut (3). Mr. Currie.

515. SEMINAR: LAW AND CRIMINOLOGY. This seminar will explore a variety of criminological issues in the criminal justice system. It will be organized around the recent Report of the President’s Commission on Law Enforcement and the Administration of Justice, “The Challenge of Crime in a Free Society,” and the supporting Task Force Reports on the police, the courts, corrections, juvenile delinquency and youth crime, organized crime, science and technology, assessment of crime, narcotics and drugs, and drunkenness. A paper or research report will be required. Aut (3). Mr. Morris.

516. SEMINAR: LAW AND PSYCHIATRY. The seminar will run through two quarters. The Winter Quarter will be devoted to a study of basic psychiatric disorders, their etiology and treatment. In addition to class discussions, students will visit mental hospitals and outpatient clinics, attend a case demonstration, and observe interviewing methods. Students will be required to live and work in a state mental hospital for one week-end, from Friday night through Sunday night. In the Spring Quarter the focus of attention will shift to selected legal-psychiatric problems in the criminal law and in the hospitalization of the insane and retarded. Visits to correctional institutions and agencies, and to courts responsible for committing the mentally ill, will be arranged. Comparisons between prison and hospital will be drawn, and the conflict between individual freedom and social responsibility will be delineated. A paper or research report will be required. Preparatory reading will include text references and mimeographed material. Enrolment will be limited to twelve third-year students. Win (2), Spr (2). Mr. Morris, Dr. Rubin.

520. SEMINAR: TRIAL PRACTICE. An introduction to the techniques of advocacy in civil and criminal trials. In civil cases, pleading and discovery and their relationship to trial will be addressed. In criminal cases, the seminar will consider pre-trial proceedings such as commissioner’s hearings, preliminary hearings, arraignments, and motions, and post-trial proceedings such as motions for a new trial and sentencing hearings. Experienced trial lawyers will participate by instruction and demonstration. Members of the seminar will be responsible for either the preparation and trial of simulated civil cases or, in so far as permitted by court rules, actual criminal cases, or both. Students in the seminar should have taken Evidence; those with special interest in criminal trials should have taken or be currently enrolled in Criminal Procedure. Enrolment will be limited to thirty-five students. Permission of the instructor is required. Preference will be given to third-year students. The seminar will extend over two quarters. Win (2), Spr (2). Mr. Hazard, Mr. Kitch, Mr. Ginsberg.

521. SEMINAR: THE LEGAL PROFESSION. Contemporary proposals for group legal services, insurance plans, lawyer referral arrangements and lawyer use of subprofessionals reflect increasing dissatisfaction with traditional arrangements for making legal services available to middle class Americans. This seminar will study the economic, ethical, and legal implications of such proposals. Spr (3). Mr. Kalven, Mr. Oaks.

530. SEMINAR: CURRENT CORPORATION PROBLEMS. An intensive consideration (more than is possible in the course in corporations) of certain specialized problems in corporations and corporate finance which are current and in flux as, for example: concepts of corporate control; problems of convertible securities; restrictions upon the sale of corporate control; use and character of stock options; special problems of mutual funds; and the allowable extent of exculpatory clauses in charters. Spr (3). Mr. Kaplan.
535. **Seminar: Taxation.** A study of selected tax problems. Limited to students who have taken Federal Taxation I and II. Win (3). Mr. Blum.

541. **Seminar: Labor Law.** An examination of selected problems in labor relations, including problems involved in the representation of public employees; the contemporary role of strikes and lockouts; and the suitability of mechanisms for avoiding and dealing with critical stoppages in transportation and other industries. The basic course in labor law is usually a prerequisite. Spr (3). Mr. Melzer.

544. **Seminar: Antitrust Law.** An examination of the economic and legal aspects of selected antitrust problems. The seminar this year will devote special attention to the subject of mergers—horizontal, vertical, and conglomerate—and to problems of relief in antitrust cases. Except with the permission of the instructor, the seminar is open only to students who have taken or are currently taking the basic course in antitrust law. Aut (3). Mr. Director, Mr. Neal.

545. **Seminar: Workshop in Industrial Organization.** Studies in the structure and behavior of industries, with special emphasis on the role of government regulation. Law students wishing to participate in the Workshop may do so by registering for 499 credit, with the permission of the Dean. Aut (3), Win (3), Spr (3). Mr. Stigler, Mr. Coase, Mr. Director, and other members of the faculty.

546. **Seminar: Regulated Industries.** A study of governmental regulation of individual industries. Primary emphasis will be on substantive rather than procedural issues. A different industry will be studied each year. The seminar this year will be devoted to the domestic and international petroleum industry. Win (3). Mr. Dam, Mr. Coase.

547. **Seminar: Administrative Law.** Unlike the course in administrative law, which provides extensive coverage of many broad problems, this seminar provides intensive coverage of a few narrow problems. The objective is educational experience in deeper inquiry than usual, after the manner of the best law offices when stakes are high. An example is informal control through interpretative rulings, advisory opinions, declaratory orders, press releases, policy statements, and other announcements. The approach is both from the standpoint of accomplishing agency goals and from that of the practitioner who is protecting interests of private parties. Included are SEC "no action" letters, FTC "advisory opinions," Internal Revenue Service "revenue rulings" and "letter rulings," FPC "continuing surveillance," and FCC "regulation by lifted eyebrow." Applying attitudes and forms of one agency to another's subject matter brings out agency provincialism. Facets of the subject include estopping the government, inadequate safeguards, choice of weapons by private parties, shortcomings of "litigation-minded" lawyers, and ineffectiveness of judicial remedies. This is only one example of several areas that will be considered in depth. Aut (3). Mr. Davis.

548. **Seminar: The Selective Service System.** The seminar will explore the Selective Service System both to evaluate its practical operation and to compare it with other legal institutions charged with dispensing burdens to some, largesse to others. Research papers on aspects of the System will be expected of participants for discussion in the seminar. Aut (3). Mr. Burt.

549. **Seminar: Discretionary Justice.** Most injustice in the legal system results from discretion, not from application of rules and principles. The strongest need and the greatest
promise for improving the quality of justice to individual parties in the entire legal and governmental system are in the areas where decisions necessarily depend more upon discretion than upon rules and principles and where formal hearings and judicial review are mostly irrelevant. The seminar demonstrates that discretionary power is susceptible of meaningful study; it focuses on problems that are common to discretionary power of judges, police, prosecutors, regulatory agencies, welfare agencies, and other administrators, with a view to understanding what is done and what can be done to confine, to structure, and to check discretionary power. To some extent, thinking is stimulated by contrasting European systems and attitudes. Win (3). Mr. Davis.

551. Seminar: Constitutional Law. The constitutional law seminar each year explores a particular area of constitutional problems. (3). Mr. Kurland. [Not offered in 1968–69.]

552. Seminar: The Supreme Court. An analysis of cases on the docket of the Supreme Court in the current term. The members of the seminar prepare draft opinions after studying the briefs filed in the Supreme Court. The opinions are circulated and then discussed in the seminar, usually in advance of the actual decision of the particular case by the Court. The required written work consists of the several opinions which each student must prepare. Enrollment is by permission of the instructor and limited to eight students. Win (3). Mr. Currie, Mr. Kurland.

558. Seminar: The Legislative Process. A seminar in which current work of committees of Congress are subjected to intensive studies. (3). Mr. Kurland. [Not offered in 1968–69.]

559. Seminar: The Legislative Process. The seminar will explore in detail the processes, and attempt to evaluate the competencies, of the Congress in enacting legislation. From this undertaking, the seminar will consider the implications that other institutions—the Executive and the independent agencies, state and local governments, and the courts—might draw both in interpreting Congressional action and in deferring to Congress for action. Win (3). Mr. Burt.

561. Seminar: Taxation of Foreign Income. A study of selected problems concerning the taxation of foreign income. (3). Mr. Blum, Mr. Dam. [Not offered in 1968–69.]

565. Seminar: International Trade and Development. A research seminar, exclusively for graduate students in the International Trade and Development Program, devoted to the analysis of national, regional, and international programs and institutions affecting trade among nations and economic development. Open only with the permission of the instructor. Miss Mentschikoff. [Not offered in 1968–69.]

566. Seminar: The Nuremberg Trials. The seminar will examine the legal and political problems surrounding the “major trials” as well as the trials of German lawyers and doctors. The papers will be restricted to examination of the source materials; the discussion, however, will also focus on the actual consequences and theoretical implications of the Nuremberg Trials for international as well as domestic law and politics. Permission of the instructor is required. Aut (3). Mr. Casper, with Professor Hannah Arendt of the Committee on Social Thought.