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).

Students may, in their third year, take up to the equivalent of eight quarter hours of courses and seminars in other departments and schools of the University for credit in the Law School. Each student must receive advance permission to register in such courses from the Committee on Petitions and Academic Requirements, which will base its judgment on its view of the relevance of the proposed course or seminar to the study of law or to a career in law and of the appropriateness of the proposed course or seminar in the light of the student’s course of study in the Law School. Students should consult the Dean of Students for information concerning the procedure to be followed for obtaining permission.

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 or for the work of one quarter in a course extending over two quarters. The small sections are indicated by an asterisk (*) beside the instructor's name.)

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, Mr. Kalven*.

302. CONTRACTS. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach, and justifiable excuses for nonperformance. 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). Mr. Gilmore.

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. Aut (3), Win (3). Mr. Morris.

Note: During the academic year 1969-70 (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.

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). Mr. Hazard, Mr. Kurland*. Spr (4). Mr. Lucas.

305. PROPERTY. This course is an introduction to the legal problems relating to and arising out of the ownership and use of land. The first quarter will focus on the concept of "ownership" by exploring the restrictions imposed or permitted by the law on the owner's use of his land. The second quarter will focus on problems relating to the commercial transfer of
ownership of land, with particular emphasis on the legal problems relating to financing the sale of land. Win (4). Mr. Fiss. Spr (4). Mr. Dunham, 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. Win (3). Mr. Kalven. Spr (3). Mr. Kalven, Mr. Zimring*.

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. Spr (4). Mr. Kurland, Mr. Casper*.

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 Criminal Law. Aut (2), Win (2), Spr (1). Mr. Morris 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. (3). [Not offered in 1969-70.]
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. (3). [Not offered in 1969-70.]

405. Trusts, Wills, and Estates. The first portion of this course concerns the assembling of property, payment of debts, and distribution of resources 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 (3). Mr. Oaks.

406. Commercial Land Transactions. A study of the concepts and legal institutions involved in the marketing of land. It will consider the financial market involved in the production of housing, the laws governing the financial institutions, and the legal devices utilized in the financing of land transactions, including mortgages. Relevant aspects of the recording system will also be examined. Win (4). Mr. Dunham.

407. Urban Renewal and Land-Use Planning. This course will consider traditional land-use tools, such as eminent domain, zoning, nuisance, and subdivision controls. There will be special emphasis on interdisciplinary aspects of the problems of urban renewal. (Not open to students who took Law 407, Modern Real Estate Transactions, in 1968-69.) Win (4). Mr. Currie.

408. Oil and Gas. The nature and protection of interests in oil and gas; express and implied duties under leases; transfer of mineral interests; government regulation, pooling, and utilization. (3). Mr. Kaplan. [Not offered in 1969-70.]

409. 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 materials as are necessary to understanding resource problems and to formulating or evaluating laws that deal with them. Aut (3). Mr. Currie.

410. Commercial Law I.* The course deals with sales, negotiable instruments, documents of title, letters of credit and documentary collections, with special reference to the Uniform Commercial Code. Emphasis is placed on problem analysis, counseling, and statutory construction. Students who have taken the course in Negotiable Instruments must receive the permission of the instructor to enroll in Commercial Law I. Aut (3). 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. It is open to students who have taken Commercial Law I. 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. Win (4). Mr. Gilmore.

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. (3). Mr. Gilmore. [Not offered in 1969-70.]

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. (3). Mr. Gilmore. [Not offered in 1969-70.]

415. Family Law. The course will consider state regulation of family relationships, including entry into marriage, divorce, child custody, and the property incidents of formation and dissolution of marriage. The family as viewed by legal institutions will be contrasted with the family as seen by other behavioral disciplines. Aut (4). Mr. Burt.

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 multistage screening process by which society selects those to be punished for criminal behavior. Subjects include investigation of crime and acquisition of evidence by such means 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. Kurland.

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 statements. Published corporate financial reports, Opinions of the Accounting Principles Board of the American Institute of CPA’s, and Accounting Series Releases of the SEC are used as the basic accounting materials for analysis. Win (3). Mr. Davidson.

428. ASSOCIATIONS.* A study of the law governing collective activities, such as clubs, churches, political parties, professional associations, unions, co-operatives, savings and loan associations, mutual insurance companies, charities, academic institutions, hospitals, joint ventures, and partnerships. Topics studied include the liability of members to third parties for the torts and contracts of the collective entity, the duties and liabilities of members and officers to each other, the control of the assets and policies of the entity, procedures for expulsion of members or dissolution of the entity, and the consequences of voluntary and involuntary dissolution of the entity. The course is designed to provide a background for further specialized work in corporations, labor law, and taxation. Aut (3). Mr. Kitch.

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 (5). Mr. Kaplan.

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. Aut (4). 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. Kaplan.

433. Public Control of the Modern Corporation. This course will consider the question: What public controls, if any, should be imposed on the modern corporation? We shall begin by examining a number of social-science theories of the corporation, primarily economic theories of the firm, with a view to understanding (a) the reasons for adoption of the corporate form and (b) the adequacy of the checks that competitive and other private economic forces might be expected to exercise on the conduct of the corporate management. We shall then address some current issues in corporation law and policy—such as the appropriate scope of investor protection under the securities laws, the stockholder’s derivative action, limitations on the transfer of corporate control, political and charitable activity by corporations, the conglomerate merger, and perhaps others—asking, with respect to each, whether there is a persuasive case for limiting freedom of contract. Mimeographed materials. Spr (4). Mr. Posner.

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 examination: (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 (4). 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. Blum.

438. 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 cooperation, and proposed federal legislative solutions, together with a brief canvass of problems in the administration of typical state-local tax systems. Aut (4). Mr. Lucas.
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.

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.

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 explanations for the observed business behavior and its assumed effects. Aut (5). Mr. Posner, Mr. Director.

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 comprehensive 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 discrimination, 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.

COPYRIGHT, PATENT, TRADEMARK, AND UNFAIR COMPETITION LAW. The course deals with federal and state laws designed to protect against unfair competition and the federal law of copyrights, patents, and trademarks. Protections against the dissemination of misinformation and protections accorded to interests in information and ideas having economic value, such as inventions, literary, musical, and other artistic works, designs, commercial symbols, and trade secrets, are studied. An aim of the course is to evaluate the law's accommodations between the competing goals of encouraging innovation and creativity, protecting the reliability of commercial communication, and preserving freedom of trade. Win (4). Mr. Kitch.

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 safeguards 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 supplemented by extensive required readings. Spr (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. (3). Mr. Kalven. [Not offered in 1969–70.]

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. Win (3). Mr. Casper.

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. (4). Mr. Lucas. [Not offered in 1969–70.]

454. URBAN GOVERNMENT. The course will consider the practices in American urban-area governments regarding unit size (e.g., "neighborhood" vs. city-wide vs. metropolitan-area-wide vs. state-wide units, techniques for changing unit size by annexation or subdivision), powers (e.g., home rule vs. retained state authority, general purpose vs. specialized function units), and institutional structures (e.g., state legislative vs. state judicial control of local units, elective vs. appointive officials, role of "one man–one vote" in local government). Spr (4). Mr. Burt.

455. FEDERAL JURISDICTION. An examination of the jurisdiction and powers of the federal courts as defined largely by the Judiciary Code and by the Constitution. Subjects emphasized include the diversity, federal-question, and admiralty jurisdictions; Supreme Court review and habeas corpus; governmental immunity, abstention, three-judge courts, and injunctions.
against suit. Class discussions will focus in large part upon recent decisions in the light of case­book readings. 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. An inquiry into the division of lawmaking and judging authority among the several states and between the states and the federal government, principally through consideration of choice of law, personal jurisdiction, and respect for prior judgments in cases connected with more than one state. This will be a reading course accompanied by a series of perhaps ten lectures. An examination will be given. Spr (3). Mr. Currie.

458. COMPARATIVE CONSTITUTIONAL LAW. An intensive study of constitutional problems in the area of free speech and political parties, 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. Aut (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. (4). Mr. Casper. [Not offered in 1969-70.]

460. DISTRIBUTIVE JUSTICE. An inquiry into the role of legal institutions in the distribution of income and wealth. The opening sessions of the course will focus on (a) the actual pattern of wealth distribution in our society today and (b) the efforts of economists (e.g., Friedman, Lerner), philosophers (e.g., Bentham, Rawls), and political theorists to formulate distributive goals. Against this background, we shall then consider a variety of specific institutional arrangements concerned with the redistribution of income or wealth. The principal emphasis will be placed upon policies and institutions designed to alleviate poverty (with a glance at how the problem of poverty is attacked in other countries); but some attention will also be paid to the distributive effects of tax, labor, antitrust, eminent domain, and other public policies. Mimeographed materials and reading list. Win (4). Mr. Posner.

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 Menschikoff.

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 two-
fold: 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 1969-70.]

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. (4). Mr. Dam. [Not offered in 1969-70.]

470, 471, 472. CIVIL LAW. Contracts, torts, property, and family relations law under the systems of the French or German civil code. In 1969-70 the course will deal with the German 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 the Fall Quarter only. Aut (6), Win (6), Spr (6). Mr. Heidrich, Mr. Ferid.

INDEPENDENT STUDY

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 in history concerned with the causes and effects of constitutional change. Each year the seminar will have a different core topic. The subject to be considered in 1969-70 is the development of the franchise. Aut (3). Mr. Kurland.

502. SEMINAR: LEGAL HISTORY. The subject matter of the seminar will be the development of theories of civil liability in contract and tort in the period running from 1880 to 1900. There will be a preliminary consideration of such theoretical formulations as those by Parsons, Langdell, and Holmes, as well as a study of the relevant provisions of the Field Civil Code. Thereafter, case law developments in a number of selected jurisdictions will be studied; the number of jurisdictions to be taken up will depend on the number of students who may be enrolled.

During the Fall Quarter there will be weekly two-hour classes for discussion of assigned reading and for reports on the progress of research. Before the end of the Fall Quarter each student will, in consultation with the instructor, select a topic for a research paper. Preliminary drafts of papers will be due at the end of the fifth week of the Winter Quarter; final drafts are to be submitted in accordance with the rules on submission of 499 papers for that quarter.

Enrolment in the seminar will be with the consent of the instructor. If it proves necessary to limit the enrolment, third-year students will be given preference over second-year students. Aut (2), Win (2). Mr. Gilmore.

503. SEMINAR: GOVERNMENT REGULATION OF RACE RELATIONS. The first portion of the seminar will be devoted to a close study of the limits and potentialities of the American legal system in ameliorating racial discrimination and in eradicating the heritage of slavery. Four basic legal strategies for dealing with race relations will be identified, traced historically and evaluated comparatively as they operate in different sectors of human life, such as voting, public accommodations, and employment. The second portion of the seminar, building on the insights from the first aspect, will be devoted primarily to the study of slavery in America, with emphasis on the role that law has played in creating, supporting, and formally terminating this institution. A serious and sustained research paper reflecting a year’s thought and work will be required of each student. The seminar will meet regularly during the Autumn and Spring quarters; it will meet only on an informal basis during the Winter Quarter. Aut (2), Win (2), Spr (2). Mr. Fiss, Mr. Kalven.

504. SEMINAR: CONSCIENCE, COMMUNITY MORES, AND THE LAW. An examination of the variety of situations in which claims of conscience are made upon the law, including conscientious objection to bearing arms, civil disobedience, refusal to take test oaths, civil rights,
and student protests. The “status” of conscience will be critically analyzed in the light of contemporary legal and political theory and against the background of modern psychology. Aut (3). Mr. Blum, Mr. Casper, Mr. Kalven, Mr. Shils.

505. Seminar: The Contemporary Functions of Corrective Justice. A broad and critical exploration of the provocative thesis that corrective justice is becoming obsolete under the conditions of modern law. Attention will be given to the social costs of pursuing corrective justice and to the relative importance of corrective justice once problems of distributive justice are directly attacked. Examples will be drawn from various areas of law ranging from torts to civil rights. Emphasis will be placed on the insights that come from economic analysis. Win (3). Mr. Blum, Mr. Demsetz, Mr. Kalven.

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 1969-70.]

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 urbanism and its implications for the structure of local, state, and federal legal relations. 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: Racial Discrimination in Employment. This seminar will examine three major aspects of the legal problems relating to the elimination of racial discrimination in employment: (1) What are the government programs for eliminating racial discrimination in employment, and what are their interrelationships? (2) When, if ever, should facially innocent employment practices, such as those commonly found in or involving industrial seniority systems, union hiring halls, standardized testing and recruitment, be considered by the law as a form of “racial discrimination”? (3) How should injunctions be designed for the purpose of eliminating racial discriminatory employment practices? In addition, the seminar will give some consideration to the training programs for the hard-core unemployed and the impact of artificially determined wage levels on the employment opportunities of Negroes. Win (2), Spr (2). Mr. Fiss.

512. Seminar: Urban Planning Policies. The seminar will examine the planning process for programming the physical restructuring of cities. The central question will be: How are federal, state, and local policies and programs formulated and carried out? An attempt will be made to broaden the student’s understanding of interdisciplinary skills by reading and analysis of the planning literature. The literature on “Cost-Benefit Analysis in City Planning” and on “Planning-Programming-Budgeting Systems” and the problems of carrying out the results of any of these analyses will be examined. Current and future policies and programs will be examined against the background of the literature. The particular problems studied will be primarily housing and employment. Open to law students and, with the permission of the instructor, students from other departments taking work in the Center for Urban Studies. Win (3). Mr. Dunham, with Mr. J. Meltzer of the Center for Urban Studies.
SEMUR: Urban Land Financing. The seminar will be concerned with the drafting of legislation to encourage or enable financing of new and reconstructed residential real estate. Aut (3). Mr. Dunham.

SEMUR: The Urban Public School System. The seminar will consider the legal problems arising from the operation of an urban public education system and will focus particularly on the public elementary and secondary school system of Chicago. Depending on student research interests and the availability of instructional materials, the seminar will deal with a number of the following issues: the role of municipal, state, and federal governments in financing the school system; methods of operating and allocating resources within the system; racial and economic segregation within a city system and between city and suburban systems; disciplinary methods, including consideration of the school system’s relationship to other public agencies, such as juvenile courts; labor relations in the school system, including teacher strikes and tenure problems; relationship of the public schools to parochial schools and nonsectarian private schools. In their research projects, students are expected to engage in detailed study of some aspect of the Chicago public school system. The seminar will cover two quarters. Win (2), Spr (2). Mr. Burt, with Mr. Fiss and Mr. Zimring.

SEMUR: Higher Education. The theme of this seminar will be an examination of legal problems relating to American higher education including university governance, the university and the federal government, and the university and the state. Seminar papers may include briefs and memoranda on selected legal issues as well as drafts of proposed legislation. Spr (3). Mr. J. Levi.

SEMUR: 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. Enrollment will be limited to twelve third-year students. Win (2), Spr (2). Mr. Morris, Dr. Rubin.

SEMUR: Capital Punishment—Empirical Research and the Law. This seminar will consider the debate over capital punishment and the role empirical research has played in the attempt of the legal institutions to resolve some of the issues in this debate. After a historical introduction, the focus will remain on the empirical data produced, here and abroad, in testimony before legislative commissions and in litigation before the courts. The primary sources will be the classic studies of deterrence, studies of discrimination against Negroes in the imposition of the death penalty, of the criteria used by juries and executive clemency boards, and of the problems created by the requirement of death-qualified juries. Emphasis will be on the interplay between legal issues—both constitutional attacks and
legislative persuasion—and empirical research in a changing climate of general sensibility. Aut (3). Mr. Zeisel.

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. Enrollment 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. Aut (2), Win (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. (3). Mr. Kalven, Mr. Oaks. [Not offered in 1969-70.]

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. Spr (3). Mr. Blum.

541. Seminar: Labor Law. An examination of selected problems in labor relations. This year, this seminar will devote special attention to problems arising from unionization, collective negotiations, and strikes in the public sector. This seminar is open only to students who have taken Labor Law I or who have the permission of the instructor. Spr (3). Mr. Meltzer.

544. Seminar: Antitrust Law. An examination of the economic and legal aspects of selected antitrust problems. 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. Posner.

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 is designed to furnish educational experience in deeper inquiry than usual, after the manner of the best law firms when the stakes are high. The approach is both from the standpoint of accomplishing agency goals and from that of the practitioner who is protecting interests of private parties. Difficult problems on the frontier of the rapidly developing field are the focus. Some of the subject matter is that of the great regulatory agencies, some has to do with federal grants and benefits, and some relates to interests that seem more human than economic, such as welfare administration and police discretion. Aut (3). Mr. Davis.

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. For the current year, the seminar will deal with the constitutional aspects of citizenship. Win (3). Mr. Kurland.

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. Enrolment is by permission of the instructor and limited to eight students. Spr (3). Mr. Kurland.

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 1969–70.]

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 Meutschkoff. [Not offered in 1969–70.]