CURRICULUM

The First Year. The work of the first year is prescribed, except for one elective course in the Spring Quarter. 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.

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 second and third years, take work in other departments and schools of the University for credit in the Law School. Such work may be counted for no more than 8 course hours toward the J.D. degree. 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


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. Trettel.

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 (3). Mr. Morris. Spr (3). Mr. Zimring.

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. 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. Aut (4). Mr. Fiss. Win (4). Mr. Dunham.

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. Posner.
ELECTIVE. In the Spring Quarter first-year students will elect one course from the following courses open to second- and third-year students: 427, 463, 464, 465. Preferences will be indicated in an advance registration during the Winter Quarter. Where necessary in order to limit these courses to a reasonable size, enrollment by first-year students will be limited by lot.

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 Winter and Spring quarters the work will be integrated with the course in Criminal Law. Aut, Win, Spr (5). Mr. Posner 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 judically 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. (4). Mr. Fiss. [Not offered in 1971-72.]

401. EQUITY. The first part of the course treats the historical background of equity: the origins of chancery jurisdiction; how it came to be institutionalized separately from the courts of common law; the distinctive characteristics of equitable procedure; the maturation of the jurisdiction; the later degeneracy of chancery and the reforms of the nineteenth century culminating in fusion. The second part studies the modern law of equitable remedies: specific performance, injunction, declaratory judgment, rectification and cancellation, tracing. The third part covers selected subjects of equitable doctrine affecting the law of property and the law of contract. (4). Mr. Langbein. [Not offered in 1971-72.]

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 1971-72.]

404. THE LAW OF SUCCESSION. This course deals with the characterization of wealth at common law and with the various means by which wealth is transferred gratuitously—by operation of statute upon intestacy, by inter vivos transfer, and by will. A substantial introductory section treats estates in land and future interests, including the rule against perpetuities. The suitability of some of the
more common “will substitutes” is considered: gift, joint ownership, inter vivos trust, annuity, life insurance. The final segment of the course deals with testa­mentary capacity and with the formalities of drafting and revoking wills (but not with probate and estate administration; see Law 405, Trusts and Estates). Each student will be asked to draft a will and to submit an accompanying memorandum explaining its purposes. Aut (4). Mr. Langbein.

405. TRUSTS AND ESTATES. This course continues the material studied in Law 404, The Law of Succession; that course, while not a formal prerequisite, is strongly recommended. The present course considers at the outset the nature of the trust as distinguished from other legal relations of property and contract. After examining the rules concerning the creation of trusts, express and "constructive," the course deals with the administration of inter vivos and testa­mentary trusts. The latter topic leads to a general consideration of probate and estate administration. The duties of trustees, executors, and other fiduciaries are particularly emphasized. The concluding segment of the course studies the law of charitable trusts and foundations, including the relevant federal taxation pro­visions. Win (4). Mr. Langbein.

406. LAND DEVELOPMENT. This is an advanced real estate course, in which primary attention will be given to the various legal forms for raising capital for real estate ventures, alternative standards for measuring the rate of return on real estate investments, the impact of the tax laws on investment decisions, the problem of syndication, the strategies for dealing with use restrictions, and the role of government subsidies in the development of low-rent housing. The ma­terial for the course will consist primarily of prospectuses and case histories of various development projects, rather than judicial opinions. Win (4). Mr. Fiss.

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 1971-72.]

409. NATURAL RESOURCES. An examination of the law and economics of resource control, with emphasis on comparing market and administrative methods of allocating and conserving water, oil, gas, and other natural resources (excluding land) and of controlling air and water pollution. Mimeographed materials. (4). Mr. Posner. [Not offered in 1971-72.]


411. COMMERCIAL LAW II.* This course is a sequel to Commercial Law I. It deals with letters of credit and personal property security transactions, under the Uniform Commercial Code and under pre-Code law. It is open only to students who have taken Commercial Law I. Spr (4). 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 1971-72.]

413. NEGOTIABLE INSTRUMENTS. In general the course description for Law, 412, The Sale of Goods, is applicable to this course. The law of negotiable instru-
ments 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 1971-72.]

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 1971-72.]

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. Win (4). Mr. Zimring.

416. Law, Social Change, and the Status of Women. Taking as its central focus contemporary problems concerning the legal, economic, and social position of women, the course will attempt to explore the relationships between law and major social changes, including consideration of the kinds of intervention available to the law, their comparative efficacy, and the limits of law as an instrument of change. Win (4). Mr. Getman.

417. Social Welfare Legislation and Administration. On a background of facts about poverty, and on a background of social insurance programs (old age, survivors', and disability insurance) and the present system of categorical assistance (especially aid to families of dependent children), the main focus of the course will be on systems of income maintenance, including the one now pending before Congress. Some consideration will be given to legal problems of federalism in grant-in-aid programs, workmen's compensation, unemployment compensation, medical benefit programs, and the programs of the Office of Economic Opportunity. Spr (3). Mr. Davis.

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 sente ncing procedures; appeal and post-conviction proceedings. Win (4). Mr. Kurland.

422. The Criminal Justice System. A study of the operation of the criminal justice system. The primary purpose is to study the operation of the criminal justice system as a whole and to understand its interrelationships; a subsidiary purpose is to train the student in the critical assessment of research data bearing on that system. Topics will include the organization and functioning of the police,
the organization of prosecution and defense and the exercise of their respective charging and pleading discretions, bailing, jailing, sentencing, and corrections. Attention will also be given to the administration of the courts of criminal justice and the relationship between judicial administration and policing, sentencing and corrections. In addition to an examination, students will be required to submit an evaluation of a research project in the criminal justice system, discussing its methodology, validity, and utility. The course in Criminal Procedure is a prerequisite.

425. Economic Analysis and the Law. An introduction to economic analysis in the context of legal and public policy issues which may be illuminated by a framework of economic principle. Conservation and antipollution, minimum wage, antitrust and civil rights laws, among others, are used to elucidate fundamental economic concepts such as opportunity costs, comparative advantage, demand, market-clearing price, efficiency, competition and monopoly, and to demonstrate their relevance to legal analysis. The role of the private property system in the operation of markets is also examined. Aut (4). Mr. Morris.

426. Economic Analysis and Public Policy. 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 Law 425, Economic Analysis and the Law, or who have had comparable prior work in economics. Students who have not taken Law 425 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. Spr (3). Mr. Sorter.

428. Associations. A study of the basic 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, partnerships, and business corporations. 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 creation and dissolution of the entity and the expulsion of members, 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 (4). Mr. Kitch.

429. Corporation Law.* This course considers 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. Federal Regulation of Securities. This course deals with federal regulation of selling, trading, and dealing in securities in accordance with the provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934, together with a consideration of the effect of such laws upon the law of corporations, except to the extent that such matters are considered in the course in Corporation Law. The latter course is a prerequisite. 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. (4). [Not offered in 1971-72.]

434. Business Planning. The aim of this course is to apply the student's knowledge of taxation and corporation law to the solution of a series of transactional problems involving typical steps in corporate formation and rearrangement. The problems include the formation of a closely held corporation, the formation of a publicly owned corporation, stock redemption, the sale of a business, merger and other types of combination transactions, and recapitalization, division, and dissolution of corporations. Both small-group discussions and lectures will be employed. Students will be assigned to represent the interests of particular parties, negotiate transactions, and prepare the necessary documents. The student must have taken Corporation Law and Federal Taxation II. Spr (4). Mr. Kitch, Mr. E. Johnson, Mr. Krane.
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. Spr (4). 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. Win (3). (Instructor to be announced.)

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

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.

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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 (4). Mr. Getman.

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 explanations for the observed business behavior and its assumed effects. Win (4). Mr. Neal.


447. 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. (4). Mr. Kitch. [Not offered in 1971-72.]

449. Administrative Law. Administrative law is the law that governs administrative agencies, including executive departments, in their complex tasks of carrying out governmental 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. Aut (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. Win (4). Mr. Casper.
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 (4). Mr. Kalven.

452. CONSTITUTIONAL LAW III: THE CONSTITUTION AND EQUALITY. The course will focus on the development of the equal protection clause and, especially, on the recent emergence of the concept of “substantive” equal protection. Particular attention will be paid to the legacy of the Reconstruction Amendments for nonwhites, the poor, and women, in education, voting, legislative reapportionment, housing, employment, and the criminal process. Aut (4). Mr. Katz.

453. URBAN GOVERNMENT. The course is concerned with the legal problems of administration of a local government. Special emphasis is given to the problems of supervision by the judiciary and by higher levels of government. The course also considers the issues raised by proposals for greater decentralization (community participation) and for greater centralization (metropolitan government) of local government structures. Aut (4). Mr. Dunham.

454. 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 1971-72.]

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. Aut (4). Mr. Lucas.

456. ADMIRALTY. Historical development 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. (4). [Not offered in 1971-72.]

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. Win (4). Mr. Rheinstein.

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. (4). Mr. Casper. [Not offered in 1971-72.]

459. COMPARATIVE LEGAL INSTITUTIONS. An examination of the machinery of justice in Germany, France, and Italy in its historical development and political setting. A theme of the course will be to consider whether and to what extent the Continental experience affords a basis for critical evaluation of certain con-
temporary problems of judicial process and administration in the United States. Topics to be explored include the selection, career, and remuneration of judges; the role of the adversary system; legal aid; civil and criminal juries; working methods of the legal profession; and legal education. (3). [Not offered in 1971–72.]

460. 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.

461. HISTORY OF LEGAL THOUGHT. An inquiry into the history of systematic thinking about the legal system. Extensive readings from the works of Blackstone, Bentham, Maine, Holmes, the legal realists, and contemporary scholars who are attempting to apply the methods and insights of the social sciences to an understanding of law. There will be a reading list, and a series of short papers in lieu of an examination. Win (4). Mr. Posner.

462. DISTRIBUTIVE JUSTICE. An inquiry into the role of legal institutions in the distribution of income and wealth. The opening sessions of the course focus on (a) the pattern and causes of the present distribution of wealth in our society and (b) the efforts of economists, philosophers, and political theorists to formulate distributive goals. Against this background, we then consider a variety of specific institutional arrangements concerned with the redistribution of income or wealth. The principal emphasis is on policies and institutions designed to alleviate poverty (with a glance at how the problem of poverty is attacked in other countries); but some attention is also given the distributive effects of tax, labor, antitrust, eminent-domain, and other public policies. Mimeographed materials and reading list. (4). Mr. Posner. [Not offered in 1971–72.]

463. DEVELOPMENT OF LEGAL INSTITUTIONS. An introductory course in the historical background of the modern Anglo-American common law, focusing on the principal structural elements which developed during the Middle Ages and the Renaissance: the jury system; common law criminal procedure; the forms of action; the bar, the yearbooks, and the treatises; illustrative doctrinal development: trespass, case, and assumpsit; the rise of equity; prerogative justice in Council, Admiralty, and Star Chamber; the battle of the courts; the transformation of the juries and the development of the law of evidence; the recasting of criminal procedure: investigation, prosecution, and defense. Spr (4). Mr. Langbein.

464. AMERICAN LEGAL HISTORY. This course will deal with selected problems in the development of private and public law in the United States. Among the topics to be studied will be: law in Puritan New England; the transformation of seditious libel in the eighteenth century; the growth of tort and corporation law in the early nineteenth century; the law of slavery; civil rights legislation and litigation in the century following Reconstruction. Emphasis will be on law as a product of socioeconomic change rather than as a system of reasoning. Course work will center upon intensive examination of judicial and legislative source materials. Spr (4). Mr. Katz.

465. INTERNATIONAL LAW. A survey of the nature, source, and principles of international law and of the mechanisms through which it is applied or recog-
nized. Topics dealt with include international agreements, membership in the international community, the territory of states, nationality, jurisdiction, state responsibility and international claims, the law of war, and an introduction to international organization law. Spr (4). Mr. Casper.

466. 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 1971-72.]

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.)

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 Legal History.** The seminar will consider the development of American law from the time of the Constitutional Convention through the age of Jackson. Some attention will be paid to the early-nineteenth-century controversy over the character of law in a democratic society, and especially to the movement for codification, but emphasis will be on changes in private law in response to the social, economic, and political environment of the new nation. Open to law students and graduate students in history. Each student will be required to submit a research paper on a topic within the general area of the seminar. Win (3). Mr. Katz.

503. **Seminar: Government Regulation of Race Relations.** The seminar will be devoted to a study of the limits and potentialities of the American legal system in dealing with race relations. This year the focus will be on slavery. The purpose will be to study the role of law in creating, maintaining, and terminating the institution, with the hope of getting a better understanding of both slavery and the nature of law. Win (3). Mr. Fiss, Mr. Kalven, Mr. Katz.

506. **Seminar: The Social Function of Property Rights.** The seminar will examine the development of common-law doctrines in selected areas with a view to determining the extent to which the law has responded to changing economic and technological conditions. Materials on this problem prepared by the instructor will be studied, and each student will prepare a paper tracing the evolution of a particular common-law doctrine from the standpoint of the seminar's central inquiry. (3). Mr. Demetzz. [Not offered in 1971-72.]

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 1971-72.]

508. **Seminar: The Contemporary Class Action.** A study of advanced problems in procedure, with special attention to emerging problems of the class action as a remedial device in such fields as consumer protection and environmental control. Aut (3). Mr. Lucas.

509. **Seminar: Public Law and Dangerous Substances and Behavior.** The role of public law, federal and state, in regulating behavior and products thought to be dangerous is expanding rapidly. The seminar examines the mechanisms used to establish whether and to what extent a substance or use is dangerous, and alternative strategies of regulation and control. Problem areas covered will include firearms, tobacco, prescription drugs, marijuana, and drunk driving. Aut (3). Mr. Zintring.

510. **Seminar: Law and Urban Problems.** The Los Angeles Times of September 19, 1971, analyzes "Which Way for Echo Park—Inner City Oasis or Slum?" "Fight Begins to Save Last Viable, Close-in Area." The seminar will examine legal rights, techniques, and remedies possible in solution of these problems of the central city, including zoning, special planning districts, housing and building code enforcement, new construction financing and controls, as well as issues of economic and racial integration. Papers will be required on selected special topics. Aut (3). Mr. J. Levi.

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 (2), Spr (2). Mr. Dunham, with Mr. J. Meltzer of the Center for Urban Studies.

513. Seminar: Law and Urban Education. The California Supreme Court in Serrano v. Priest held that the California public school financing system violates the equal protection clause of the Fourteenth Amendment. The school financing system was substantially dependent upon local property taxes, resulting in wide disparities in the amount of money school districts could spend on each student. The seminar will examine what possible next steps are in public school financing, including drafts of possible legislation and legal analysis of the issues involved. Spr (3). Mr. J. Levi.

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 weekend, 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.

518. Seminar: Social Science Research. The seminar is an introduction to elements of empirical research methodology that may be useful to the lawyer in employing such research for litigation purposes, evaluating the results of such research, and carrying out empirical investigation as a part of the task of legal scholarship. The topics considered include the principles and practice of sampling, design of experiments, design of surveys, statistics as a means of simplified description, statistics as a means of inference from sample to universe, interviewing and reason analysis, and social science research for litigation. Spr (3). Mr. Zeisel.

520. Seminar: Trial Practice A. 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. Win (2), Spr (2). Mr. Fuller, Mr. Horan.

521. Seminar: Trial Practice B. A two-quarter seminar, beginning in the Spring Quarter and concluding in the following Autumn Quarter. The seminar
introduces and develops techniques of trial advocacy, with special emphasis on representation of the poor. During the Spring Quarter members of the seminar make written and oral presentations for critique by the seminar and experienced trial lawyers. In civil cases, seminar topics include investigation, pleading, motions, and discovery and their relationship to trial and possible appeal. In criminal cases, seminar topics include pre-trial hearings and motions, voir dire, trial, post-trial proceedings, and the special problems incident to representation of the incarcerated defendant. During the Autumn Quarter students will prepare and present actual cases in court under the supervision of the instructor and clinic staff attorneys. Preference in enrollment is given to second-year participants in the Mandel Legal Aid Clinic who will be eligible for certification under Illinois Supreme Court Rule 711 to practice with the Clinic during their third year. Students in the seminar should have taken Evidence and Criminal Procedure. Students taking Trial Practice B are not eligible to enroll in Trial Practice A. Spr (2), Aut (2), Mr. Palm.

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. Aut (3). Mr. Kaplan.

535. SEMINAR: FEDERAL TAX REFORM. A study of recent proposals for "reforming" the federal income tax. Aut (3). Mr. Blum.

541. SEMINAR: CONTEMPT OF COURT. This seminar will deal with selected problems raised by the use of the contempt power to avoid interference with orderly judicial processes by parties, witnesses, or counsel and to achieve compliance with judicial decrees. Organization of, and assignments for, this seminar will be worked out during the Winter Quarter. Spr. (3). Mr. Meltzer.

544. SEMINAR: THE LEGAL REGULATION OF INFLATION, UNEMPLOYMENT, AND INVESTMENT. The seminar will study the legal institutions for the regulation of aggregate economic activity and the creation and allocation of capital. Institutions studied will include the presidency, the Federal Reserve Board, the Federal Home Loan Bank Board, the Government National Mortgage Association, the Federal National Mortgage Association, the social security system, private pension plans, the General Agreement on Tariffs and Trade, and the International Monetary Fund. The seminar will cover readings dealing with the cause and control of the economic cycle and the historical development of the relevant institutions. Students will prepare working papers outlining the technical legal steps necessary to implement various proposed reforms. Win (3). Mr. Kitch.

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, and other members of the faculty.

546. SEMINAR: JUDICIAL ADMINISTRATION. The subject of this seminar is the current crisis in judicial administration arising from court congestion and delay, in both civil and criminal matters. An effort to identify the causes of the crisis will be made, and methods of alleviating it, including the use of professional management techniques, will be explored. Some consideration will be given to
cognate problems in administrative adjudication. Win (3). Mr. Posner, with participation of faculty of the Graduate School of Business.

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. (3) Mr. Davis. [Not offered in 1971-72.]

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 constitutional problems of separation of powers. 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 is limited to eight students. Aut (3). Mr. Neal.

553. **Seminar: Law Reform.** A study of the problems of effecting continuing reform of the law, as exemplified by the work of the Law Commission in England. Special attention will be given to the pending project to draft a contract code for Great Britain; students will examine particular topics with a view to submission of proposed drafts for portions of the code. Aut (3). Mr. Treitel.

554. **Seminar: The Legislative Process.** A seminar in which current work of committees of Congress will be subjected to intensive studies. Readings will be assigned, and one or more papers will be required from each student. Aut (3). Mr. Kurland.

555. **Seminar: Comparative Law.** The seminar will study selected problems of public law and the machinery of justice under Continental legal systems, as a basis for critical appraisal of solutions adopted or proposed for the American legal system. Win (3). Mr. Casper.

556. **Seminar: Taxation of Foreign Income.** A study of selected problems concerning the taxation of foreign income. (3). Mr. Blum. [Not offered in 1971-72.]
565. **Seminar: International Commercial Problems.** A study of selected problems in 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 the permission of the instructor. (3). Miss Mentschikoff. [Not offered in 1971-72.]

### SCHEDULE OF COURSES BY QUARTERS

#### 1971-72

**FIRST-YEAR COURSES**

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#### SECOND- AND THIRD-YEAR COURSES

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* Courses commonly considered as especially appropriate for the second year.

† Courses that will be considered for scheduling purposes in 1972-73 as having been taken in the second year, if taken at all.

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THE LAW SCHOOL