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

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

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. For the first half of the course, the class will be divided into four sections of equal size. Aut (4). Mr. Epstein, Mr. Fiss, Mr. Lucas, Mr. Neal. 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. Dunham. Spr (4). 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), Spr (3). Mr. Kalven.
ELECTIVE. In the Spring Quarter first-year students will elect one course from among the following: Accounting, Development of Legal Institutions, Restitution, Seminar on Roman Law. Preferences will be indicated in advance registration during the Winter Quarter. Where necessary in order to limit these courses to a reasonable size, enrolment 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. 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 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. Win (4). Mr. Fiss.

401. RESTITUTION. The course is concerned with the legal and equitable remedies for redressing unjust enrichment, and with the principles determining the availability of such relief in the varied contexts in which a claim of unjust enrichment may plausibly be asserted. The problems examined cut across, but are not limited to, contracts and torts: they include receipt of unsolicited benefits; gains obtained through the use of ideas originated by others; restitution as an alternative remedy in consensual transactions affected by fraud, mistake, and partial performance; and restitution of gains obtained through conduct that is independently tortious. Spr (4). Mr. Kimball.

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 1972–73.]

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. Epstein.

409. POLLUTION. An examination of government’s response to pollution. Common-law nuisance; administrative mechanisms at local, state, and federal levels; the role of the private citizen; rule-making, enforcement, and variances; economic theory and alternatives. Spr (4). Mr. Currie.


411. COMMERCIAL LAW I1.* 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 1972–73.]

413. NEGOTIABLE INSTRUMENTS. In general the course description for Law 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 1972-73.]

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. Aut (4). Mr. Gilmore.

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. (4). Mr. Zimring. [Not offered in 1972-73.]

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. (4). [Not offered in 1972-73.]

417. Social Welfare Legislation and Administration. The main focus of the course is on ways to relieve poverty, in the light of perspectives about the whole social and economic system. The materials studied are the report of the President's Commission on Income Maintenance, excerpts from other such reports, from books, and from articles, and only incidentally about a dozen judicial opinions. Guaranteed annual income, family assistance programs, and the negative income tax are compared with the present categorical assistance, especially aid to families of dependent children. A good deal of emphasis is given to the gap between statutory objectives and the realities of administration. In order to study ways to organize medical care for the poor, the controversial ideas about health care plans for the whole population are considered. Spr (3). Mr. Davis.

418. 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 1972-73.]

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.

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. Spr (4). Mr. Morris.

424. 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. Coase.

Note: An understanding of economics is important to the study of a number of legal subjects as taught in the Law School, including competition and monopoly, labor law, natural resources, and regulation of competition, as well as others. Students planning to elect work in one or more of these areas are encouraged to take Law 424 in advance of such work. Students with a strong economics background from undergraduate studies should consult the instructor before enrolling in this course.

425. Personal Liberties and the Market for Ideas. An examination of policy toward areas of conduct in which it is commonly thought that government regulation should be severely restricted if not indeed prohibited, in particular, conduct covered by the First Amendment. The problems will be illustrated by considering the regulation of programming (including commercials) in radio and television. Spr (4). Mr. Coase.

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 424, Economic Analysis and the Law, or who have had comparable prior work in economics. Students who have not taken Law 424 must obtain the permission of the instructor before enrolling in the course. (4). Mr. Coase. [Not offered in 1972-73.]

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. (4). *Mr. Kitch.* [Not offered in 1972-73.]

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. Blum.*

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 appropri-
are 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 1972-73.]

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.

435. FEDERAL TAXATION I.* A tax on the income of persons, with rates graduated upward, 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 upward. Win (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 con-
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 (4). Mr. Epstein.

**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 canvas of problems in the administration of typical state-local tax systems. (4). Mr. Lucas. [Not offered in 1972-73.]

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

**441. Labor Law II.** A more intensive examination of the grievance-arbitration process and of individual rights in the enforcement of the agreement; the regulation of union internal affairs, including admission, discipline, elections, fiduciary obligations, and related requirements; interunion relations. Labor Law I (or the consent of the instructor, which will be given only in unusual situations) is a prerequisite. Spr (4). Mr. Meltzer.

**445. Law of Competition and Monopoly.** The course traces the evolution of the main lines of doctrine grafted by the courts upon the Sherman Act and supplemental legislation for controlling the structure and competitive practices of American industry. It explores the legal significance of such concepts as price-fixing, boycotts, monopoly and oligopoly, coercion, leverage, vertical integration and market foreclosure, and their application to important contemporary problems including corporate mergers and restrictive methods of distribution used by single firms. Parallel with the study of legal doctrine, the course examines whether the evidence and the judicial opinions in key cases provide satisfactory economic explanations for the observed business behavior and its assumed effects. Win (4). Mr. Posner.

**446. Regulated Industries.** This course 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, price discrimination, and competition between firms in different industries. Aut (4). Mr. Kitch.

**447. Legal Regulation of the Competitive Process.** 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.

**448. 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, espe-
cially 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.

449. Administrative Law.* An analysis of the law, mainly procedural, relating to the executive departments of government, including the independent regulatory agencies. The scope and limits of the administrative process are the overriding theme of the course; subthemes are the role of the judiciary in the control of administrative action, the procedural minima of various forms of such action, and the effectiveness of the administrative process as a method of policy-making and law enforcement. Among specific matters discussed will be the limits of delegation of legislative authority to agencies, the reviewability of official action, the substantial-evidence standard of judicial review, the right to a hearing, administrative remedies, and the doctrine of primary jurisdiction. The course substantially duplicates course 448 and is limited to students who have not taken that course. Spr (4). Mr. Posner.

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 federal and state regulation of the electoral process. 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. Aut (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 non-whites, the poor, and women, in education, voting, legislative reapportionment, housing, employment, and the criminal process. Spr (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. Decisions in Government. What are the procedural and jurisdictional rules that influence decisions in government? Nearly all law school courses are devoted to judicial decisions, but legislative and executive decisions are also of great
importance to lawyers and to the society. The growth of executive power has been particularly pronounced and has required new procedures and divisions of competence within the Executive Branch. After examining a number of issues conventionally discussed under the rubric of the separation of powers, the course will turn to the internal procedural and jurisdictional rules applied within the Legislative and Executive branches. In the latter category the focus will be on the budget process and on analytical techniques, such as cost-benefit analysis and systems analysis. Throughout the course attention will be devoted to a number of recurring substantive issues cutting across the materials previously studied, including budget expenditures versus tax expenditures, subsidies versus regulation, and services-in-kind versus money transfers. Spr (4). Mr. Dam.

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. Win (4). Mr. Currie.

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. 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. Spr (4). Mr. Kaplan.

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 contemporary 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. Aut (4). Mr. Körz.

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. (4). Mr. Casper. [Not offered in 1972-73.]

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. (4). Mr. Posner. [Not offered in 1972-73.]
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 sedition 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. Aut (4). Mr. Katz.

465. Law of the European Community. The course will examine the history of the European communities, the nature of community lawmaking, and the relationship between community law and the law of the member countries, as well as questions concerning harmonization of laws. Attention will also be paid to the problems surrounding accession of the United Kingdom and other countries. In addition to studying the legal, political, and economic development of this new type of international (supranational? federal?) organization, the course will attempt to analyze its impact on the "outside" world. Aut (4). Mr. Casper.

466. Regional and International Institutions. Since World War II a large number of regional and international organizations have been created. In the economic arena these institutions have been particularly influential. The course will focus on the interaction between long-standing, constantly evolving international economic problems and these new institutions. Emphasis will be placed on the ways in which legal rules and institutional forms can influence economic outcomes. The principal institutions examined will be the International Monetary Fund, the General Agreement on Tariffs and Trade, and the European Community. Win (4). Mr. Dam.

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 or her 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 topic of the seminar will be the uses of Reconstruction history. The seminar will explore the ways in which the United States Supreme Court has written and rewritten Reconstruction history in the context of cases in which the original intent of the Reconstruction Amendments and civil rights legislation were thought to be of importance to the result. Emphasis will be on understanding the primary sources (amendments, legislation, debates) in their contemporary context. For this purpose secondary literature will also be assigned. The seminar will analyze decisions from the Slaughterhouse Cases to Jones v. Mayer. It will be both a teaching and research seminar. Aut (4). Mr. Casper, 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. Last year the focus was on the use of law to create and maintain the institution of slavery. This year we will study the role of law in attempting to terminate slavery. We will consider the framing of the original Constitution, the law of manumission, the Emancipation Proclamation, the Thirteenth Amendment, and the laws enacted in response to abolitionism. Win (4). Mr. Fiss, Mr. Kalven, Mr. Katz.

506. SEMINAR: SELECTED TOPICS IN THE ECONOMIC ANALYSIS OF LAW. The seminar will explore the utility of economic analysis in dealing with a variety of topics in the law, including tort and contract damages, criminal punishment, the behavior of administrative agencies, divorce, and the management of trust funds. The Economic Analysis course, or the equivalent, is a prerequisite, but the prerequisite may be waived at the instructor’s option. Win (2), Spr (2). Mr. Posner.


508. SEMINAR: CONSUMER AND ENVIRONMENTAL LITIGATION. The seminar will analyze procedural and jurisdictional issues involved in consumer and environmental litigation. Among the topics covered will be class actions, intervention, standing to sue, and settlement. Attention will be given to issues arising in litigation against
the government, including sovereign immunity, freedom of information, and en-
vironmental impact statements. Spr (4). Mr. Dam.

510. SEMINAR: LAW AND PROBLEMS OF URBAN EDUCATION. Selected readings and preparation of papers, briefs, and proposed forms of legislation relating to problems of urban education, including school district financing, decentralization of school administration and control, and racial segregation. Aut (4). 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 PROBLEMS. Selected readings and preparation of papers, briefs, and proposed forms of legislation relating to problems of metropolitan organization and government, exclusionary zoning, and inner-city community problems, including building abandonment, rehabilitation of structures, and community development. Spr (4). 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 (4). 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. Enrolment will be limited to thirty-five students. Permission of the instructor is required. Preference will be given to third-year students. The seminar will extend over two quarters. Win (2), Spr (2). Mr. Meltzer, 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 enrolment 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 enrol 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 (4). Mr. Kaplan.

535. SEMINAR: THE AUTO COMPENSATION PLAN CONTROVERSY. A case study in the politics, rhetoric, and law of basic legal reform—in this instance the contemporary efforts to shift from common-law negligence to auto compensation plans. The range of questions to be explored include: What organizations and groups have economic and other interests at stake in the controversy? What have been their strategies in promoting or defending their interests? How do these strategies relate to the content and rhetoric of various plans which have been offered? How have these strategies been reflected in the mass media? To what extent have the merits of this multisided controversy been clarified or obscured through the operation of the political process? Spr (4). Mr. Blum, Mr. Kalven.

540. SEMINAR: SOCIOLOGICAL THEMES IN MODERN LAW: THE EXPERT AND THE LAW. In prior years this seminar has dealt with such problems as privacy and claims of conscience. This year the organizing theme will be the role of the expert and the use of expert knowledge in the formation of policy and the solution of legal problems. Aut (4). Mr. Blum, Mr. Casper, Mr. Shils.

542. SEMINAR: THE LAW AND ECONOMICS OF BROADCAST REGULATION. An analysis from both the legal and economic points of view of selected problems in the regulation of radio and television broadcasting (including cable television) under the
antitrust laws, by the FCC and the FTC, etc. Students are required to write a paper on a selected topic in broadcast regulation or policy. Aut (4). Mr. Peterman.

544. Seminar: Regulation of Inflation, Unemployment, and International Trade and Investment. The seminar will study the legal institutions for the regulation of aggregate economic activity in the United States and the legal regimes governing international trade and investment. Institutions studied will include the Presidency, the Federal Reserve Board, the General Agreement on Tariffs and Trade, and the International Monetary Fund. Win (4). 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, Win, Spr. Mr. Stigler, Mr. Coase, and other members of the faculty.

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 (4). Mr. Davis.

552. Seminar: The Supreme Court. An analysis of cases on the docket of the Supreme Court in the current term. The members of the seminar prepare draft opinions after studying the briefs filed in the Supreme Court. The opinions are circulated and then discussed in the seminar, usually in advance of the actual decision of the particular case by the Court. The required written work consists of the several opinions which each student must prepare. Enrollment is by permission of the instructor and is limited to approximately nine students. Win (4). Mr. Currie, Mr. Neal.

555. Seminar: Comparative Law. The seminar will deal with constitutional review in the Federal Republic of Germany, focusing on decisions of the German Constitutional Court in the area of free speech and the electoral process. It will use the cases under study as the basis for the exploration of historical origins, institutional techniques, attitudes, and legal theory. Comparison will be used in order to outline the profile by contrasting the system with that of the United States. By emphasizing the court's attempt to clarify constitutional and political commitment of the postwar German polity, the seminar should contribute to the use of court decisions for understanding political value conflicts and their authoritative resolutions. Win (4). Mr. Casper.

556. Seminar: Roman Law. An examination of selected topics in the Roman law of contracts, torts (delict), property, and procedure. Topics will be selected in order to shed light on the relationship between common-law and Roman law treatment of certain problems of current interest. The seminar is not designed to provide a comprehensive knowledge of all the detailed workings of Roman law. No knowledge of Latin will be required for the seminar. Spr (4). Mr. Epstein.
557. Seminar: Research in English Legal History. The seminar will examine the formation of the common law of evidence in the seventeenth and early eighteenth centuries, a subject on which there exists little secondary literature. Among the topics appropriate for research papers are the English witchcraft trials, mainly from 1556 to 1645; the political trials of the later Stuarts and the Treason Act of 1696; the Statute of Frauds of 1677; the development of appellate review for insufficiency of the evidence following the abolition of prerogative review in 1641; the growth of the several judicial controls upon submissions to the jury; the expansion of the lawyer's role from pleading to trial advocacy; the origins of the common-law treatise on evidence. (Prerequisite: Law 463, Development of Legal Institutions, or the permission of the instructor.) Aut (4). Mr. Langbein.

558. Seminar: European Legal History. A reading seminar designed to provide students of Anglo-American legal history with a basis for comparative study. Part I: The sources of European law in the Middle Ages—canon law, vulgar Roman law, Germanic law, feudal law, urban law. Part II: The revival of Roman law in Italy and the differentiation of the national legal systems in the North. Part III: The “reception of Roman law” in the Renaissance. Part IV: The assimilation of Roman law and the origins of the codification movement. (Prerequisites: Law 463, Development of Legal Institutions, and Law 556, Seminar: Roman Law. Students with adequate command of German, French, Italian, or Dutch may substitute a paper for the examination.) (4). Mr. Langbein. [Not offered in 1972-73.]

561. Seminar: Classics of English Jurisprudence, Fortescue to Blackstone. The seminar will deal with the English legal tradition as a focus of political thought in the early modern period. The works to be read and discussed in class will reflect the general thought of lawyers, reformists, and philosophical critics of the law, and ideas about the nature of law current in society at large. Students will be expected to write a paper on a legal author or a political theorist, permissibly from a somewhat wider chronological range than that of the assigned readings. Aut (4). Mr. Gray.

565. Seminar: Dispute Settlement Mechanisms. This seminar will examine theoretical and empirical aspects of dispute settlement machinery in selected private, national, and international groups. Win (4). Miss Mentschikoff.

SCHEDULE OF COURSES BY QUARTERS

1972–73

FIRST-YEAR COURSES

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