in the Office of the Registrar of the University.) A grade of 60 or above is required for credit for the work involved.

To maintain satisfactory academic standing, a student must receive a weighted grade average of 68 or more for the work of each academic year. In addition, a student who receives two failing final grades in any one academic year, or three failing final grades during his or her period of residence at the Law School, will not have maintained satisfactory academic standing. Maintenance of satisfactory academic standing is a prerequisite to continuation in the School as well as to graduation.

Regular class attendance is required as a condition of receiving credit for work done. The privilege of membership in the School may be withdrawn for unsatisfactory class work or attendance.

After the first four weeks of any quarter a student is not permitted to withdraw from a course, seminar, or special work for which he or she has registered that quarter except with the permission of the Dean of Students.

The degree of Doctor of Law *cum laude* is awarded to candidates who have satisfied the requirements for the degree with distinction. The achievement of a weighted grade average of 78 or better is considered to be completion of the requirements with distinction.

**FIRST-YEAR COURSES**

301. **Elements of the Law.** A course designed to give beginning law students an understanding of the jurisprudential setting of American law. Subjects considered are the sources and forms of American law; the adversary forum; the nature of legal principles, rules and concepts; the theory and operation of a system of judicial precedent in case-law, statutory law, and under a written constitution; the divisions of functions, including the relationship between law and other institutions; basic ideas and distinctions. Aut (4). Mr. E. Levi.

302. **Contracts.** The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach, and justification or 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. Scalia.

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 (4). Mr. White. Spr (4). 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 jurisdic­
tion 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 three equal sections. For the second half the course will be divided
into two sections. Aut (4). Mr. Currie, Mr. Hellerstein, Mr. Lucas. Spr (4).
Mr. Laycock, 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 half will focus
on the concept of “ownership” by exploring the restrictions imposed or permitted
by the law on the owner’s use of the land. The second half will focus on
problems relating to the commercial transfer of ownership of land, with partic­
ular emphasis on the legal problems relating to financing the sale of land.
Win (4). Mr. Dunham. Spr (4). Mr. Jones.

306. TORTS. This course deals with the Anglo-American system (mainly
judge-created) of liability for physical injury to person or property. Special
stress is laid on the legal doctrines governing accidental injury, such as negli­
gence and strict liability, assumption of risk, and the duty requirement. The
rules for determining damages in personal-injury cases will also be discussed.
Alternative theories of tort liability, e.g., moral and economic, will be compared.
Aut (4), Win (4). Mr. Posner.

Elective. In the Spring Quarter first-year students will elect one course from
among the following: Economic Analysis of Law I, Fiduciary and Professional
Responsibility, Jurisprudence, Development of Legal Institutions, American
Legal History. Preferences will be indicated in 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 individ­
ual and small-group work in legal analysis, research, and exposition; including
an exercise in brief-writing and oral argument. Aut, Win, Spr (5). Mr. Kronman
and Bigelow Teaching Fellows.

SECOND- AND THIRD-YEAR COURSES

401. RESTITUTION. The course is concerned with the legal and equitable remedies
for redressing unjust enrichment, and with the principles determining the avail­
ability 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 part performance; and
restitution of gains obtained through conduct that is independently tortious.
(4). Mr. Jones. [Not offered in 1977–78.]

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 con­
cern 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, disparage-
ment, and the appropriation of contract benefits, ideas, effort, and good will. (4). Mr. Katz. [Not offered in 1977-78.]

404. EQUITY. Equity is a disparate body of supplemental remedies, devices, and rules, lumped together by the historical accident of being administered in a separate court for several centuries. Law and equity courts have now merged in most jurisdictions, but distinctively equitable problems continue to emerge. Equity cuts across and interacts with all substantive fields of law, and much of it has been absorbed into other courses. This is a survey course with emphasis on matter not systematically covered elsewhere, including the remedies of injunction and receivership, the defenses of laches, waiver, estoppel, and unclean hands, the irreparability rule, and the special problems raised by non-monetary remedies, such as prematurity, voluntary cessation, comparative hardship, impracticality, enforcement, modification, and preliminary relief. Aut (4). Mr. Laycock.

405. DECEdENTS’ ESTATES AND TRUSTS. The study of the various means of gratuitous transfer of wealth—by will, by inter vivos transfer, and by operation of statute on intestacy. Part I: The policy bases of inheritance and of the Wills Act formalities. Part II: The common will substitutes—gift, joint ownership, life insurance, revocable trust. Part III: Intestate succession, family protection, and mortmain legislation. Part IV: Testamentary capacity and the formalities of drafting and revoking wills. Part V: Distinctive constructional doctrines of the law of wills. Part VI: The creation and termination of trusts and the duties of trustees, executors, and other fiduciaries. Part VII: Charitable trusts and foundations, with emphasis on recent constitutional standards arising from litigation concerning racially restrictive trusts. Throughout the course the relevant portions of the Uniform Probate Code will be studied. Each student will be asked to draft a will and to submit an accompanying memorandum explaining its purposes. Win (5). Mr. Laycock.

406. LAND DEVELOPMENT. Primary attention will be given to the legal tools for raising capital for real estate ventures. Emphasis will be given to the methods for liquidating a venture which has gone sour. The impact of debtor and consumer protection movements on the availability of methods of liquidating or foreclosing will be considered. The importance of certainty as against the importance of flexibility in considering the tax importance of a liquidating decision. Spr (4). Mr. Dunham.

410. COMMERCIAL LAW I. This course deals with the sale of goods under Article 2 of the Uniform Commercial Code and with the law of commercial paper (negotiable instruments, bank collections, letters of credit and documents of title). The course will meet four times a week. Commercial paper will be covered in lecture. Win (4). Mr. Kronman.

411. COMMERCIAL LAW II. Financing the sale of goods under Article 9 of the Uniform Commercial Code. Special attention will be paid to the need for and advantages of secured credit, and to the complex patterns of secured financing which have evolved to facilitate the flow of goods from producer to seller to ultimate consumer. Consideration will also be given to the interaction of Article 9 with both Article 2 and the Federal Bankruptcy Act. Commercial Law I is not a prerequisite. Spr (4). Mr. Kronman.

412. INSURANCE LAW. The law of the insurance enterprise: its institutional and regulatory framework, the relationship of insurance to the evolution of legal doctrine in torts and other areas, the uses of insurance, the law of the insurance contract. Win (4). Mr. Kimball.

415. FAMILY LAW. The course will consider state regulation of sexual and family relationships, including entry into marriage, divorce, child custody, and the property incidents of formation and dissolution of marriage. The course will also survey the relationship between the state, parents, and children in the ongoing
family, examining the legally unique roles of "parent" and "child" in constitutional, statutory, and common law. Win (4). Mr. Zimring.

417. EVIDENCE. The content and reform of the law governing proof of disputed propositions of fact in criminal and civil trials, with incidental treatment of other adjudicative processes, including burdens of proof, presumptions and judicial notice; the function of judge and jury and the preservation of errors for review; the hearsay "rule" and other rules of exclusion; the competency, examination, and privileges of witnesses. Win (5). Mr. Stone.

419. 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. Aut (4). Mr. White.

421. 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. (4). Mr. Morris, Mr. Zimring. [Not offered in 1977-78.]

422. ECONOMIC ANALYSIS. A systematic treatment of the economic theory of resource allocation. The topics covered are the theory of choice, the theory of the firm, the organization of firms under competitive and noncompetitive conditions, externalities, and the theory of factor markets. The course emphasizes the usefulness of economic theory as a tool for understanding real-world problems, and the relevance of economic theory to legal analysis. To this end, economic theory is applied to questions of the effects of laws, government regulation of the market, and conservation and pollution. Successful completion of this course will equip the student to take any other course or seminar offered as part of the Law and Economics Program. The course also provides useful background for courses not formally a part of the program—such as antitrust law, taxation, pollution, and labor law—to which economics is relevant. (4). Mr. Landes. [Not offered in 1977-78.]

423. ECONOMIC ANALYSIS OF LAW I. A survey of the application of basic economic principles to problems in the law. The topics covered in the course this year will be property, family, contract, and criminal law; the legal process (including the theory of legislation and civil procedure); and the regulation of business organizations and financial markets. No prior acquaintance with economics is assumed; the relevant economic concepts are developed through an examination of particular legal applications. The text for the course is Posner, Economic Analysis of Law (2d ed. 1977). Spr (4). Mr. Posner.

424. ECONOMIC ANALYSIS OF LAW II. The application of the theoretical and quantitative methods of economics to selected areas of law. The course will use
economic analysis to study the impact of legal rules on behavior and will examine the underlying economic logic of a variety of legal rules. The topics to be covered include the following: the choice between property rights and liability rules; the Coase theorem; the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; the economics of altruism and its relevance to rescue doctrines; the economics of crime and punishment including an analysis of optimal sanctions, the choice between fines and prison sentences, legal error and the deterrent effects of capital punishment and other sanctions; and the economics of legal procedure including the role of precedent in legal decision-making, pretrial settlements, and compensation to winning parties in a law suit. No prior acquaintance with law is required or assumed; however, a prior course in economic analysis and some calculus are required. Spr (4). Mr. Landes.

426. ECONOMIC ANALYSIS OF ANTITRUST LAW. This course will systematically apply economic analysis to the issues of antitrust law. The topics covered will include monopoly, cartels, patents, price discrimination, resale price maintenance, predatory pricing, tie-in sales, advertising, vertical integration and durable goods. The course is intended primarily as a sequel to Antitrust Law (Law 443) for those students wishing to pursue in greater depth economic concepts and the relevance of these concepts to antitrust enforcement. No prior knowledge of economics is required. Prerequisite: Antitrust Law (Law 443) or permission of Mr. Landes. (4). Mr. Landes. [Not offered in 1977–78.]

427. STATISTICS AND THE LAW. An introductory course on the theory and methods of statistical analysis and its applications in law. Both descriptive and inferential statistical methods will be treated, with emphasis on applications such as the weighing of uncertain evidence, the evaluation of social innovations, and the role and ethical limitations of controlled experiments in medicine. Topics will include estimation, hypothesis testing, and regression analysis and its interpretation. There will be a laboratory on applications to experimental and observational data in which interactive computation resources (remote consoles) will be provided. A year of college level mathematics would be helpful but is not essential. No prior experience with computational methods is expected. Win (4). Mr. Meier, Mr. Zabell.

428. 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. Aut (4). Mr. Davidson.

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; the combination of derivative suits and otherwise. Win (5). Mr. Scott.

431. FEDERAL REGULATION OF SECURITIES. This course deals with federal regulations of selling, trading, and dealing in securities in accordance with the provisions
432. CORPORATE READJUSTMENTS AND REORGANIZATIONS. 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. 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. Corporation Law is a prerequisite. Win (4). Mr. Kaplan.

433. 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. Krane, Mr. Hess.

434. FIDUCIARY AND PROFESSIONAL RESPONSIBILITY. This course will deal with various aspects of the concept of fiduciary obligation in the manifold forms in which it is found in American law: agent-principal, employer-employee, partnership, corporate director, majority stockholder, trustee-beneficiary, investment adviser-advisee, lawyer-client, etc. The major portion of the class time will be devoted to consideration of the lawyer's professional responsibilities. In exploring the effect of the fiduciary concept in the lawyer-client relationship, extended attention will be given to the many manifestations of the lawyer's obligation to his client and to the requirements and ethical aspirations in recognized principles of legal ethics expressed in the Code of Professional Responsibility of the American Bar Association. Spr (4). Mr. Kaplan.

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. Spr (4). Mr. Blum.

437. Federal Taxation III. The principal objective of this course is an examination of the federal estate and gift tax law and federal income taxation of decedents' estates and trusts. The course includes a study of various arrangements for the devolution of wealth, applying principles of the law of wills, trusts, future interests, and tax. The course seeks to develop an understanding of the process of estate planning—or choosing between alternative means of accomplishing client objectives regarding property disposition. Proposals for reform of the federal estate and gift tax law will be examined and compared to the existing law. Win (4). Mr. Hellerstein.

438. State and Local Taxation. A study of the problems that arise in connection with the imposition of taxes by state and local governments in the context of a federal system. The course examines typical state property, income, and sales tax problems; federal constitutional restraints on state tax power; apportionment of tax resources among governmental units; and efforts to achieve uniformity among the states. Spr (4). Mr. Hellerstein.

439. Labor Law I. The legal framework for collective bargaining, strikes, picketing, boycotts, lockouts, and other forms of self-help, examined in the context of pertinent historical, social, and economic considerations; regulation of the organizational process, selection of representatives for collective bargaining, and negotiation, administration, and enforcement of collective agreements; the relationships of the NLRB, courts, and Congress; problems of federalism. Aut (4). Mr. Meltzer.

440. Labor Law II. A more intensive examination of the enforcement of collective agreements, including the grievance-arbitration process and its coordination with external law; protection of individual interests in the negotiation and administration of collective agreements; the overlap and conflict between fair employment legislation, labor arbitration and the regulation of labor-relations; protection of the community against intolerable stoppages; collective action and public employees; union government and administration, including admission, discipline, elections, fiduciary obligations; professional and ethical obligations in the tripartite relationships involved; inter-union relations; the regulation of political expenditures. Labor Law I (or the consent of the instructor, which will be given only in unusual situations) is a prerequisite. Win (4). Mr. Meltzer.

441. Antitrust Law I. An introduction to the law and economics of antitrust. After a brief consideration of the common law of restraint of trade and the basic antitrust statutes, the course focuses on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, "conscious parallelism," trade association activities, resale price maintenance, cross-licensing of patents, and mergers to monopoly and other types of horizontal merger. No prior knowledge of economics is assumed. The text is Posner, Antitrust: Cases, Economic Notes, and Other Materials (1974). Aut (4). Mr. Landes, Mr. Neal.
442. **ANTITRUST LAW II.** A continuation of Antitrust Law I. The focus of the course is on the practices by which firms exclude or are alleged to exclude actual or potential competitors from their markets. Among the practices considered are boycotts, tying arrangements and reciprocal buying, vertical integration, and price discrimination under the Robinson-Patman Act. Vertical and conglomerate mergers, and the modern cases dealing with the offense of monopolization, are discussed. Also considered are the procedural aspects of the private antitrust case. The text is Posner, *Antitrust: Cases, Economic Notes, and Other Materials.* Antitrust Law I (or the consent of one of the instructors) is a prerequisite. Win (4). Mr. Landes, Mr. Neal.

444. **REGULATED INDUSTRIES.** An introductory survey course dealing with statutes controlling entry, price, and performance of private firms. Institutions studied include franchises, certificates of public convenience and necessity, lease or sale of government property, government procurement, competitive bidding, maximum and minimum price controls, and safety standards. The course will emphasize federal statutes and those industries—transportation, communications, oil and natural gas, and agriculture—subject to pervasive federal regulation. Spr (4). Mr. Kitch.

445. **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. Aut (4). Mr. Kitch.

446. **ADMINISTRATIVE LAW (a).** 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. Win (4). Mr. Currie.

447. **ADMINISTRATIVE LAW (b).** (This is a repeat offering of Law 446.) Spr (4). Mr. Scalia.

448. **PUBLIC LAW AND THE ECONOMY.** The impact of governmental institutional arrangements on the economy will be studied. The focus will be on procedural and jurisdictional rules affecting economic policy, including the budget, monetary policy, and regulation of business. The course will deal extensively with rules bearing on checks and balances among the three branches of the Federal government. Among the sources of such rules are the Constitution, comprehensive statutes such as the Congressional Budget and Impoundment Control Act, and custom (sometimes reflected in statutes). Attention will be devoted to the status of independent agencies, the procedures and committee structure of the Congress, and the role of agencies in the Executive Office of the President, such as the Office of Management and Budget. Other topics include the Freedom of Information Act and the role of the courts in economic policy decisions. (4). Mr. Dam. [Not offered in 1977–78.]
449. CONSTITUTIONAL LAW I. The function of constitutionalism, the institution and role of judicial review, the concept of jurisdiction, the role of precedents, the interplay of the various branches of the federal government within the framework of separation of powers, and the relationship between constitutional adjudication and its political, social and economic context (4). Mr. Casper. [Not offered in 1977-78.]

450. 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. Casper.

451. 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. (4). Mr. Katz. [Not offered in 1977-78.]

452. EMPLOYMENT DISCRIMINATION. This course studies attempts to prohibit discrimination by employers and unions with respect to the availability, terms, and conditions of employment, on the basis of race, sex, religion, national origin, and age. Employees and potential employees may base discrimination claims on the equal protection clauses of state and federal constitutions, Title VII of the Civil Rights Act of 1964, the Equal Pay Act, the Age Discrimination in Employment Act, the duty of fair representation under the National Labor Relations Act, various Federal Executive Orders, state fair employment acts, local ordinances, and provisions of collective bargaining agreements. The course will focus on the substantive and procedural issues arising under Title VII, but will attempt occasional comparative glances at some of the other sources of employee rights. Win (4). Mr. Laycock.

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. (4). Mr. Lucas. [Not offered in 1977-78.]

455. FEDERAL JURISDICTION. An examination of the jurisdiction and powers of the federal courts as defined largely by the Judiciary Code and by the Constitution. Subjects emphasized include the diversity, federal-question, and admiralty jurisdictions; Supreme Court review and habeas corpus; governmental immunity, abstention, three-judge courts, and injunctions against suit. Class discussions will focus in large part upon recent decisions in the light of casebook readings. Spr (4). Mr. Currie.

456. ADMIRALTILITY. 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. Zimring.
460. **JURISPRUDENCE.** An investigation of different concepts of law designed to enable students to examine critically their explicit and implicit theories about the nature and function of law and of state. The concepts of rule, obligation, and authority will be reviewed in the context of a study of the idea of a legal system. The limits of sanctions and of other enforcement strategies will also be examined. An attempt will be made to contrast political and legal decision making. Spr (4). Mr. Gottlieb.

461. **STUDIES IN ARGUMENT.** An examination of a series of legal and nonlegal texts, varying somewhat from year to year, in an attempt to work out a way of elaborating what is meant when an argument (or other statement defining and supporting a position) is labeled good or bad. What is meant, for example, by saying that a good argument should be “rational”? Are there ways in which competing statements of value can be judged other than by simply stating one’s own preferences in conclusionary ways? We shall explore such questions as: “How do we change our minds about important public questions?”; “What is it that we admire when we approve of a statement—say a judicial opinion—with the conclusion of which we disagree?” The concerns of the course will be to work out some sense of what is meant by excellence in discourse about matters of public concern; a language in which to explicate and criticize what is read; and an improved capacity to engage in such discourse as participants. Readings will include works by Thucydides, Plato, Burke, Paine, Hamilton, Chief Justice Marshall, and Thoreau. Spr (4). Mr. White.

462. **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; the origins of the privilege against self-incrimination; the deterioration of Chancery procedure and the fusion of law and equity; and the early history of judicial review of administrative action. Spr (4). Mr. Langbein.

463. **AMERICAN LEGAL HISTORY.** This course deals with selected problems in the development of private and public law in the United States. Among the topics studied are: the Salem witch trials of 1692–93; the emergence and disappearance of the law of seditious libel in early American history; the growth of tort law and the emergence of the negligence doctrine in the early nineteenth century; the Americanization of the doctrine of conspiracy and its application to labor law; the desegregation of public high schools and the South after 1954. Emphasis is on law as a product of socioeconomic change rather than as a system of reasoning. Course work centers upon intensive examination of judicial and legislative source materials. A paper is required of all students. Spr (4). Mr. Katz.

464. **CONSTITUTIONAL HISTORY: SUBSTANTIVE DUE PROCESS.** The course will examine the rise, development, and decline of the doctrine of substantive due process as applied to economic regulation. To a large extent this course will be a course in constitutional history, though its focus will naturally lead to a reconsideration of many questions central to the institution of judicial review. In addition to presenting an in-depth study of the period from the late nineteenth century to the New Deal, the course will also consider post-New Deal developments, including the “new” substantive due process (such as judicial recognition of a “right to privacy”) and aspects of substantive equal protection. Win (4). Mr. Casper.

465. **COMPARATIVE LEGAL INSTITUTIONS: EUROPEAN LEGAL INSTITUTIONS.** A course designed to acquaint students of Anglo-American law with the principal institutions of European legal systems. Part I: The significance of codifica-
tion. Part II: The law professionals, with emphasis on legal education, the structure of the bar, and judicial selection. Part III: German criminal procedure. Part IV: French administrative procedure. Part V: Italian civil procedure. Part VI: Allocating the costs of litigation in Germany and England. The unit on criminal procedure will be emphasized. A recurrent issue is the extent to which Continental institutions can serve as models for the reform of troubled aspects of American practice. The course materials are in English. Students with adequate command of French, German, or Italian may substitute a research paper for the examination. (4). Mr. Langbein. [Not offered in 1977-78.]

466. 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. 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. (4). Mr. Casper. [Not offered in 1977-78.]

467. INTERNATIONAL LAW. Students will be acquainted with the nature and functions of law in a system devoid of effective adjudication and enforcement techniques. The basic course in international law is designed to familiarize students with the character and nature of law applicable in relations between states and in international organizations. Emphasis will be placed on the position of individuals in the international legal order, the legal control of international conflicts, and the character and function of United Nations organs. Aut (4). Mr. Gottlieb.

468. INTERNATIONAL ECONOMIC 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 and the General Agreement on Tariffs and Trade. Aut (4). Mr. Dam.

469. COMPARATIVE CONSTITUTIONAL LAW: UNITED STATES AND FEDERAL REPUBLIC. The course will examine the power of judicial review in a comparative setting. The comparison will focus on two societies which are similar in that the power of judicial review has been fully developed against the background of a written democratic constitution. Furthermore, both societies, generally speaking, have similar attitudes toward questions of social and economic organization. On the other hand, they differ greatly in terms of political and constitutional history as well as legal theory (for one, the Federal Republic is part of the "civil law" world). In addition to providing an introduction to the origins of judicial review in Germany (knowledge of the general outlines of American constitutional history will be presupposed), the course will examine decisions in comparable fact situations for such areas of constitutional law as electoral process, freedom of speech, federalism, foreign affairs and social legislation. All sources will be made available in English. Aut (4). Mr. Casper.

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.

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 enrollment is limited to a smaller number. Students will be given an opportunity to sign tentative registration lists for seminars. Selection of enrollment 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.

500. SEMINAR: PREPARATION OF LEGAL MEMORANDA. Legal memoranda prepared for clients on current legal problems have been collected from a number of the leading law firms throughout the United States. Students in this seminar will prepare legal memoranda on a topic identical with the professional memoranda and, thereafter, the student paper will be contrasted with the professional memorandum. Spr (4). Mr. J. Levi.

501. SEMINAR: SECTION 1983 CIVIL RIGHTS LITIGATION. The seminar will examine the use of the Ku Klux Klan Act of 1871 by private litigants to seek redress for violations of their civil rights. Initially the elements of the cause of action, defenses, immunities and remedies will be analyzed. The seminar will then consider litigation strategies used by civil rights lawyers to increase the availability and effectiveness of civil rights remedies. Throughout the seminar selected briefs and documents from cases pending on the Section 1983 dockets of the Mandel Legal Aid Clinic and the Woodlawn Community Defender Office will be examined to see how some of these strategies are currently being applied in the Seventh Circuit. Students will be encouraged to select a topic for the written paper suggested by the discussion of pending cases. The seminar will be open only to third-year students. Students should have taken or be enrolled in courses in federal jurisdiction, constitutional law and injunctions. Win (4). Mr. Palm.

506. SEMINAR: REAL ESTATE DEVELOPMENT. The seminar will explore selected current problems in real estate development, including financial and tax aspects. The courses in Land Development and Federal Taxation II are prerequisites. (4). Mr. Blum. [Not offered in 1977–78.]

507. SEMINAR: DRAFTING A MUNICIPAL CODE. The task of this seminar-project will be to assist the instructor in preparing a model municipal code for the City of Chicago. Students will assist in examining the present code, drafting new legislation, and writing memoranda in justification of the model code. The seminar will extend over three quarters. It is offered jointly with the Committee on Public Policy Studies. Aut (2), Win (2), Spr (2). Mr. Kurland.

508. SEMINAR: HOUSING POLICY. The seminar will explore the federal policies and techniques for implementation concerning housing and the relationship of these policies with state and local housing policy and implementation. While
emphasis will be on low cost housing, special group housing such as housing for the elderly and for government personnel will also be examined. (4). Mr. Dunham. [Not offered in 1977-78.]

509. Seminar: Legal Problems of City Planning. This seminar will examine selected legal problems encountered in the work of the municipal Plan Commission, such as coordination of various public programs with a comprehensive city plan; administration and determination of planned development issues; creation of multi-land use, special zoning districts; collaboration of the comprehensive plan and the annual city capital budget; and the role of the city Plan Commission in the environmental impact field. Aut (4). Mr. J. Levi.

510. Seminar: Urban Powers of Home Rule. An examination of the relations of municipal powers to the powers of state and federal governments. Particular attention will be devoted to the differences in application and doctrine as between "home rule" municipalities and conventional limited municipal powers. (4). Mr. Levi. [Not offered in 1977-78.]

511. Seminar: 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. Win (4). Mr. Currie.

512. Seminar: Future of the Insurance Principle. An exploration of insurance plans and comparable arrangements as means for dealing with a variety of social and economic problems. Attention will be directed to the actual or possible use of insurance and risk sharing arrangements, either on a voluntary or compulsory basis, under differing circumstances; and analysis will be focused on the range of problems these uses have already posed or are likely to pose for the legal system. (4). Mr. Blum, Mr. Kimball. [Not offered in 1977-78.]


514. Seminar: Social Welfare Law and Litigation. This seminar will cover the statutory framework and judicial doctrine of the major public welfare and income maintenance programs in the United States. The specific programs to be studied include Social Security (Old Age, Survivors, and Disability Insurance), unemployment compensation, Aid to Families with Dependent Children, Supplemental Security Income, general assistance, food stamps, Medicare, and Medicaid. The various programs will be examined as to their purposes and goals, with special attention to those aspects of eligibility and administration that have been the subject of litigation. A focus of the seminar will be on methods of challenge and change at the legislative, administrative and judicial levels, also with emphasis on litigation. In addition to legislative and case materials, selected briefs and documents from cases pending at the Mandel Legal Aid Clinic will be used to show current welfare litigation practices. A written paper will be required and students will be encouraged to select a topic suggested by the discussion of pending cases. Win (4). Mr. Bloch.

515. Seminar: Juvenile Justice. This seminar will examine the principles and institutions of juvenile justice in the United States. Topics will include jurisdiction of juvenile courts in delinquency, child neglect and neglected children, and minors in need of supervision (e.g., truancy cases, runaways, etc.). Major emphasis will be placed on the institutions of juvenile justice: the courts, intake facilities, probation, detention, clinical services, community service agencies and correctional institutions. Enrollment will be limited to fifteen students from the Law School and fifteen students from the School of Social Service Administration. Win (4). Mr. Zimring, Mrs. Rosenheim.
516. SEMINAR: LAW AND PSYCHIATRY. The seminar will run through the Winter and Spring Quarters, meeting from 4:00 p.m. to 6:00 p.m. on Wednesday afternoons. The Winter Quarter will be devoted to a study of basic psychiatric disorders, their etiology and treatment. In addition to class discussion, students will attend case demonstrations and observe interviewing methods. Students will be required to live and work in a state mental hospital for two days and nights, from a Thursday afternoon through Saturday afternoon. 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 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 will be required. Class materials will include the casebook by Alexander D. Brooks, Law, Psychiatry and the Mental Health System, the legislative drafts of the Governor's Commission for Revision of the Mental Health Code of Illinois, and other material. Win (2), Spr (2). Mr. Morris, Dr. Rubin.

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, insofar 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. (4). Mr. Horan. [Not offered in 1977-78.]

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 fellows. Preference in enrollment is given to second-year participants in the Mandel Legal Aid Clinic and the Woodlawn Community Defender Office who will be eligible for certification under Illinois Supreme Court Rule 711 to practice with these offices 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). Aut (2), Spr (2). Mr. Palm.

522. SEMINAR: APPELLATE PROCEDURE. Appellate jurisdiction, who may appeal, cross and separate appeals, the finality rule, interlocutory appeals, review by extraordinary writs, the Federal Rules of Appellate Procedure, problems of judicial management in the handling of appeals. Win (4). Mr. Lucas.

523. 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. Mr. Becker, Mr. Stigler. [Not offered in 1977-78.]
524. Seminar: Workshop in Law and Economics. This workshop is devoted to the intensive examination of selected problems in the application of economic reasoning to legal questions in such fields as property law, criminal procedure, accident law, and antitrust law. Workshop sessions will be devoted to the presentation and discussion of papers by students and by members of the faculty of the University of Chicago and of other institutions. The workshop will meet every other week throughout the academic year. Students enrolled in the workshop will receive six credits for satisfactory completion of a substantial paper. Aut (2), Win (2), Spr (2). Mr. Kitch, Mr. Landes, Mr. Posner.

528. Seminar: Public Regulation of Banking Institutions. A seminar on deposit-type financial institutions (commercial banks, savings and loan associations, and mutual savings banks) and the structure of regulation and supervision under which they operate. There will be an examination of the workings of the “dual system” of state and federal charter and supervision and of the purposes of the array of government institutions that support the functioning of the banking system. The seminar undertakes an evaluation of the administrative process in a specific field and of the limited role of judicial review. Spr (4). Mr. Scott.

529. 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. (4). Mr. Kaplan. [Not offered in 1977-78.]

530. Seminar: Defamation and Privacy. This seminar will examine the common law and constitutional bases of the law of defamation and privacy, using both original case materials and secondary sources. In addition to dealing with the doctrinal complexities of these areas, efforts will be made to tie in the applicable substantive principles to the general body of tort law on the one hand and the vast array of constitutional theories upon the other. (4) Mr. Epstein. [Not offered in 1977-78.]

534. Seminar: Max Weber and the Sociology of Law. Max Weber introduces his collected writings on the sociology of religion with the following remarks: “A product of European civilization, studying any problem of universal history, is bound to ask himself to what combination of circumstances the fact should be attributed that in Western civilization, and in Western civilization only, cultural phenomena have appeared which (as we like to think) lie in a line of development having universal significance and validity.” According to Weber, both the uniqueness and the universality of modern European civilization are attributable to the rationalism of its political and economic institutions. In this seminar we shall explore Weber’s account of the role which legal ideas and techniques have played in the development of our modern life. Special attention will be paid to his discussion of law as an instrument of rationalization. The principal text for the seminar will be Weber’s Sociology of Law. Supplemental readings will be drawn from Weber’s other writings, and from the works of Marx, Durkheim, Maine, Troeltsch, Gierke and Joseph Needham. A paper will be required. (4). Mr. Kronman. [Not offered in 1977-78.]

535. Seminar: Desegregation of Public Schools. Legal and sociological perspectives on contemporary problems arising out of the racial segregation of public schools. The seminar will examine the impact of segregation and desegregation on the educational process and, equally, upon community life and values. The legal focus will be on the legal rights and obligations of students and school administrators, and, especially, upon the permissible remedies for violations of constitutional rights. Students will be expected to investigate both legal and sociological materials in order to write research papers spanning the
intersection between law and social behavior. Spr (4). Mr. Coleman, Mr. Kurland.


537. Seminar: Great Frauds. This seminar will consider in detail certain recent major frauds, such as the Billy Sol Estes case, the Salad Oil Scandal, and several other financial scandals. The purpose will be to trace the operation of these schemes, to examine the similarities among them, and to consider the effects of the law on the actions of the defrauder and possibilities of improvement of the relevant laws. Materials to be considered will include court cases, Congressional hearings, and popular literature dealing with these scandals. Spr (4). Mr. Blum, Mr. Kaplan.

538. Seminar: State and Local Finance. This seminar is devoted primarily to a study of the legal and financial aspects of borrowing by state and local government units. The focus of the seminar will be a detailed analysis of actual "official statements" (the analogue of prospectuses in the private sector) published by government units in connection with the issuance of debt securities. Students will be required to write a paper examining an official statement in terms of both investment considerations and disclosure criteria established by the industry. Students wishing to pursue other topics in the area of state and local finance may enroll in the seminar. Enrollment is limited to 15 students. Spr (4). Mr. Hellerstein.

539. Seminar: Labor-Management Relations. This seminar will deal with selected current labor-management problems. In the Winter Quarter, students interested in enrolling will be encouraged to propose topics for this seminar. Thereafter, proposed topics for student papers and presentations will be announced, and assignments will be made. The basic course in Labor Law or the consent of the instructor is a prerequisite for enrollment. (4). Mr. Meltzer. [Not offered in 1977-78.]

540. Seminar: Antitrust Law. The seminar will explore selected problems in antitrust litigation, with emphasis on private actions for treble damages. Students must have taken one of the courses in Antitrust Law. Enrollment is limited to ten students. (4). Mr. Neal. [Not offered in 1977-78.]

545. Seminar: Economic Regulation: The Federal Energy Administration. This seminar will study federal regulation of oil industry pricing, beginning with the wage-price controls of 1971, and including the Emergency Petroleum Allocation Act, the creation of the Federal Energy Administration, and current proposals for revision and reform of the regulation. Economic consequences, constitutional implications, and the administrative structure will be considered. Win. (4). Mr. Kitch.

547. Seminar: Topics in the Law of Citizenship. Ideas about the nature of citizenship and the practice of using citizenship categories to establish, expand and limit rights and privileges constitute an important theme in the tradition of European public and international private law as well as in American law. The aim of this seminar is to examine critically legal doctrines and practices of citizenship in different historical periods and in different political and economic settings. Legal conceptions of citizenship, the relationship between citizenship and domicile, taxation, military service, property requirements, officeholding, trade and marriage, and naturalization theory and practice are among the topics to be examined. The seminar will begin with an analysis of Roman law. Students will be required to write a seminar paper. Permission of the instructors is a prerequisite. Win (4). Mr. Casper, Mr. Kirshner.
548. **Seminar: Governmental Immunities.** This seminar will explore a related set of doctrines granting complete or partial immunity from suit to governments and government officials, including sovereign, official, legislative and judicial immunity. Emphasis will be placed on the tension between the immunity doctrines and enforcement of constitutional rights, and on the interaction among the common law immunity doctrines, Article III, the Eleventh Amendment, the Fourteenth Amendment, and the post-Civil War civil rights acts. The seminar will meet the first half of Winter Quarter to discuss assigned reading, and the second half of Spring Quarter to present student papers. Students may register in either quarter, or may divide the credit hours between the two quarters. Win (2), Spr (2). Mr. Laycock.

549. **Seminar: Constitutional Law.** The seminar will explore selected recent decisions of the United States Supreme Court which bear on the role of judicial review. Each seminar session will be devoted to one case (plus supplemental materials). Cases have been chosen which deserve more attention than can normally be paid to them in the context of course analysis. Constitutional Law I and Constitutional Law II or III are a prerequisite. (4). Mr. Casper. [Not offered in 1977-78.]

550. **Seminar: Constitutional Law: The Necessary and Proper Clause.** This seminar will be devoted to a study of the "necessary and proper clause" of Article I, including its origins, its uses, and its potential for allocating power not only between nation and states but within the government itself. Each student will be expected to prepare a paper for presentation to the seminar. Admission by permission of the instructor. (4). Mr. Kurland. [Not offered in 1977-78.]

551. **Seminar: Equal Protection of the Laws.** Students enrolled in this seminar are divided into "courts," each of which consists of five "Justices." During each of the first five weeks of the quarter, the courts are assigned several hypothetical cases raising issues under the Equal Protection Clause of the Fourteenth Amendment. The cases must be decided with opinion (concurring and dissenting opinions are permitted). The decisions may be premised on the legislative history of the Clause, and on any doctrines or precedents created by the "Justices" themselves. The "Justices" may not rely, however, upon any actual decisions of the United States Supreme Court. The seminar is designed to give students some insight into the problems a Justice confronts in collaborating with colleagues, interpreting an ambiguous constitutional provision, and then living with the doctrines and precedents he or she creates. Spr (4). Mr. Stone.

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. (4). [Not offered in 1977-78.]

553. **Seminar: Workshop in Constitutional Law.** The seminar will examine seminal constitutional cases to consider their origins, strategies, arguments, political bases, and effects. The subject matter is really the Supreme Court as a "continuing constitutional convention" with an attempt to evaluate its legitimacy and its constituencies. Each student will be expected to prepare a paper for presentation to the seminar. Admission by permission of the instructor. (4). Mr. Kurland. [Not offered in 1977-78.]

554. **Seminar: The Legislative Process.** The seminar will be concerned with the current work of the Congress. Each student will be required to prepare a paper on one major piece of legislation. The paper will take the form of a report setting out the problem addressed by the legislation, the cures suggested, the
political forces on each side, the prognosis for passage, the legal and conditional questions involved, and a conclusion recommending approval or disapproval in whole or in part. Students admitted with the permission of the instructor only. (4). Mr. Kurland. [Not offered in 1977–78.]

555. Seminar: Separation of Powers. The seminar will examine the issues involved in the separation of powers among the executive, legislative, and judicial branches of the federal government. Emphasis will be placed not merely on cases decided by the judiciary but also on established practices in such areas as the budget, monetary policy, tax policy, economic regulation, and government reorganization. Procedural rules within the executive and the legislative branches will be examined to determine their bearing on the outcome of issues involving other branches. (4). Mr. Dam. [Not offered in 1977–78.]

557. Seminar: French Administrative Law. An examination of the classical Continental system of administrative law, intended to provide a comparative basis for common lawyers. We will begin with the historical origins of the Conseil d'Etat. We will examine the organization, staffing, procedure, and jurisdiction of the Conseil and of the lesser administrative courts. We will conclude with a study of certain of the fields of substantive law which the administrative courts have produced, especially the law of public contracts. The course in Administrative Law is an essential prerequisite for this seminar; it will in no case be waived. All assigned materials for the seminar will be in English although optional reading in French will be suggested; knowledge of the French language will be required only of students who wish to substitute a research paper for what will otherwise be a 48-hour take-home examination. (4). Mr. Langbein. [Not offered in 1977–78.]

558. 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. (4). Mr. Epstein. [Not offered in 1977–78.]

559. Seminar: Jurisprudence. A detailed analysis of selected problems in jurisprudence studied in connection with the classic original writings in the area. Among the problems to be considered are: the definition of law, the relationship between law and morality, the enforcement of morals, the analysis of "legal" concepts, and the place of precedent in legal thought. Students will be required to write a paper on a problem of their own choosing. (4). Mr. Epstein. [Not offered in 1977–78.]

560. Seminar: Thomas Hobbes and the Rule of Law. This seminar will explore Hobbes's main ideas on the nature of law and legal authority. Emphasis will be placed on the systematic features of Hobbes's theory of political association and its consequences for our understanding of private law. In addition, an effort will be made to identify points of contact between the Hobbesian revolution in political science and the social and intellectual revolutions of the seventeenth century. Texts will include: The Elements of Law, Leviathan, and A Dialogue Between a Philosopher and a Student of the Common Laws of England. All students taking the seminar will be required to submit a paper. Aut (4). Mr. Kronman.

561. Seminar: The Legal Imagination. A study of the ways in which lawyers think and speak. We explore the limits and resources of traditional forms of legal thought and expression both directly and by extensive comparison with passages drawn from other fields, including poetry, fiction, drama, and history. The premise of the study is that the law can be regarded as an imaginative and literary activity that yields the sorts of pleasures and significance, and makes the sorts of demands, that other important writing does. To discover the possibili-
ties available to him or to her both as a lawyer and as an independent mind, the student will be asked to prepare a series of detailed legal and non-legal writing assignments. The subject of the seminar is the art by which those possibilities can be enhanced or expanded. Specific topics with respect to which these interests are pursued include: the rhetoric of the death penalty; the intellectual implications of the statutory form; the ways in which the law talks about human character; the use of racial language in the law; the implications of the use of the rule as an instrument for the organization of social relations and as a device for arriving at and explicating judgments; and rather extended comparisons between the sorts of writing the lawyer does and the writing of poets and historians. Weekly papers are assigned. Enrollment will be limited to fifteen students. Readings: White, The Legal Imagination; Shakespeare, Troilus and Cressida; Euripides, Alcestis; and Jane Austen, Pride and Prejudice. Win (4). Mr. White.

562. Seminar: Slavery and the Law. This is the fourth phase of a sequence devoted to the study of slavery. In the first year we studied the use of law to create and maintain the institution of slavery. In the second year we examined the role of law in attempting to terminate slavery through prohibitions on the slave trade, manumission, and emancipation. Last year we studied abolitionism. The current seminar will focus on the interstate problems created by the institution of slavery: the status of slaves who crossed voluntarily or escaped into free jurisdictions; complications created by the interstate slave trade and other forms of interstate commerce; the impact of regionalism on the question of slavery in the territories. In general, we will consider the significance of federalism in the history of slavery in the United States. A series of short papers (or, alternatively, a long research paper) will be required of each student. In addition, there will be weekly reading assignments in prepared course materials. The aim of the seminar is both historical and jurisprudential, to get a better understanding of slavery and the nature of American law. (4). Mr. Katz. [Not offered in 1977-78.]

563. Seminar: The Law of Charities in England and America: The Nineteenth Century. The seminar will investigate the history and development of charitable trust law, particularly in the period following 1832. We will examine the reports of the Brougham Commission and the several Parliamentary reforms of the law of charity, especially the repeated efforts to provide responsible supervision of charitable behavior and to reform relevant chancery procedures. We will also study the gradual expansion in the definition of charitable purpose. The English experience will be contrasted with that of the American states (especially Massachusetts, New York, Pennsylvania, and Virginia). One inquiry will be how American jurisdictions which lacked chancery courts (Massachusetts and Pennsylvania) dealt with the law of charities, and thus how legal doctrine relates to the structure of legal institutions. A final inquiry will be how, in America, the law of charity gave way to what might be called the law of philanthropy, a development which occurred much sooner in the United States than in Great Britain. A research paper will be required. Spr (4). Mr. Jones, Mr. Katz.

564. Seminar: American Legal History: Philanthropy, Public Policy, and Social Reform, 1865–1969. The seminar will concern itself with the transformation from the private to the public sector in the management of American social reform. We are interested in the process by which private reform and philanthropic organizations became public institutions or had their functions amalgamated into government. Seminar meetings will be devoted to intensive discussion of prepared materials on a series of topics designed to illustrate the private-public tension in reform management: the emergence of the modern foundation; conservation of natural resources; public health; social welfare; Indian Americanization; Black integration; the consumer movement; federal involvement in education. The assigned materials will be drawn from both legal...
and historical sources. This seminar is open to law students and graduate students in the social sciences. Graduate students may enroll for a second quarter in the spring. A research paper will be required of all students. Aut (4). Mr. Katz, Mr. Karl.

566. SEMINAR: ENGLISH LEGAL HISTORY. The seminar provides an opportunity for intensive research and writing in the legal history of the early modern period. Enrollment is very small, research is supervised, and papers normally go through several drafts. The object is to produce work of publishable quality, primarily on topics connected with the history of criminal and civil procedure in the sixteenth and seventeenth centuries. Among the questions suitable for investigation: changes in the jury system, such as the decline of the grand jury; juror selection; the feigned issue; the development and scope of various rules of evidence, such as the disqualification of parties for interest, the origins of compulsory process for witnesses; the Statute of Frauds of 1677; the development of the right to defense counsel and other safeguards in the criminal process; the growth of appellate review for insufficiency of the evidence; the expansion of the lawyer's role from pleading to trial advocacy. Prerequisite: Law 463, Development of Legal Institutions, or the permission of the instructor. Win (4). Mr. Langbein.

567. SEMINAR: INTERNATIONAL LAW. An examination of the future of the International Legal Order based upon major academic projects under way at Princeton University, the Council on Foreign Relations, the Institute for World Order, and at the Tri-Lateral Commission. Topics to be studied include existing trends and patterns of international society, the character of recurring options about the future, the design of international institutions and arrangements, principal types of world order systems, relevant utopias, transition to preferred futures, international justice and the problem of values in world order. Spr (4). Mr. Gottlieb.

568. SEMINAR: THE ROLE OF CONGRESS IN THE MAKING OF FOREIGN POLICY. The seminar will explore the foreign and defense policy role of the Congress in terms of the framers' intentions, historical developments, and international relations. The seminar will single out the topic of so-called executive agreements and analyze the problems Congress encounters in attempting to oversee these agreements from the vantage points of constitutional law, international law, and domestic and international politics. (4). Mr. Casper, Mr. Gottlieb. [Not offered in 1977-78.]