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 review of law, statutes, and the constitution under a written constitution; the divisions of functions, including the relationship between law and other institutions; basic ideas and distinctions. Aut (4). Mr. Levi.

302. 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 Prouty v. Nef 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. Aut, Win, Spr (5). Mr. Hetmolr and Mr. Bianca, Mr. Collins, Ms. Dresser, Mr. Hall, Mr. Legaet, Ms. Misra.

304. PROPERTY. This course provides an introduction to the legal relationships that arise out of or comprise ownership of property. Among the subjects to be covered are the initial acquisition of rights in real and personal property, the nature of ownership of natural resources, the various types of concurrent and successive interests in land, and restraints on alienation. The course will also deal with the law relating to easements and covenants, landlord and tenant, and convyancing. Aut (4), Win (4). Mr. Helmsclz.

305. CONTRACTS. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for breach, and justification or excuses for non-performing. The nineteenth-century elaboration of the rules of contract doctrines as that of consideration will be examined in the light of the purposes of punishment and of the role of the criminal justice system, including police and corrective agencies, in influencing behavior and protecting the community. Aut (4), Mr. Currie, Mr. Inhebergh. Spr (4). Mr. Neal, Mrs. Hutchinson.

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 negligence 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. Win (4), Spr (4). Mr. Epstein, Mr. Kintblll.

307. 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. Helmsclz and Mr. Buncclzula, Mr. Collins, Mr. Dreyer, Mr. Hall, Mr. Leggaet, Mr. More.

ELECTIVE. In the Spring Quarter first-year students will elect one course or seminar from among the following: 492, Economic Analysis of Law; 479, Jurisprudence; 480, Studies in Argument; 476, Development of Legal Institutions; 484, The Law of the European Community; 456, Seminar in Greek Law and Rhetoric (first-year students only, advanced standing possible with consent of instructors); 547, Roman Law. Preferences will be indicated in advanced registration during the Winter Quarter. Where necessary in order to limit these courses and seminars to a reasonable size, enrollment by first-year students will be limited by lot.

SECOND- AND THIRD-YEAR COURSES

This section is subdivided sequentially into the following categories:

**Constitutional Law**

**COURSES**

401. CONSTITUTIONAL LAW I. The function of constitutionalism, the institution and role of judicial review, the concept of separation of powers, the role of precedent, 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. It is recommended that students take Constitutional Law I before studying Constitutional Law II or III. Administrative Law, or Federal Jurisdiction. Win (4). Mr. Currie.

402. CONSTITUTIONAL LAW II: FIRST AMENDMENT. A study of the relationship between Church and State and 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, law, sedition, public-issue picketing, symbolic conduct, and protest in public places. Aut (4). Mr. Suttiesca.

403. CONSTITUTIONAL LAW III: EQUAL PROTECTION AND SUBSTANTIVE DUE PROCESS. The course will focus on the development of the equal protection clause and on such concepts as substantive equal protection and substantive due process. Particular attention will be paid to the legacy of the Reconstruction Amendments. Spr (4). Mr. Stone.

404. FOREIGN RELATIONS AND THE CONSTITUTION. A study of the Constitutional framework for the conduct of the foreign relations of the United States. Subjects covered will include the constitutional authority of the foreign government, the allocation and distribution of powers by the executive and legislative branches, the separation of powers, treaties and other international agreements, the role of courts in foreign relations and the rights of individuals in matters relating to foreign affairs. Win (4). Mr. Gurtz.

405. AMERICAN CONSTITUTIONAL HISTORY. Following an introductory examination of the separation of powers in state constitutions after 1776, the course will focus on the separation of powers concept in the Constitutional Convention. The main part of the course, however, will be devoted to the actual operations of the three branches of the national government from the adoption of the Constitution through the presidency of Thomas Jefferson. The emphasis will be on interactions of the legislative and executive branches. The class materials will mostly consist of legislation, congressional debates, materials concerning the workings of administrative departments and other non-case sources. Two areas of concentration concern the budgetary process and Congress's role in the making of foreign policy. Reading assignments will be very substantial. Constitutional Law I is a prerequisite. Win (4). Mr. Casper.

406. STATE AND LOCAL GOVERNMENT. An examination of selected provisions of state constitutions, general laws providing for the formation and regulation of public corporations, the allocation and legislative and local charters, with an emphasis on the role of the federal government within the framework of separation of powers, and the relationship between constitutional adjudication and its political, social, and economic context. It is recommended that students take Constitutional Law I before studying Constitutional Law II or III. Administrative Law, or Federal Jurisdiction. Win (4). Mr. Currie.

472. CRIMINAL PROCEDURE I. For course description refer to section on Criminal Law and Criminal Procedure.
Seminars

501. 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. Prin. Swedstein, Mr. Estreicher. (4).

502. CONSTITUTIONAL DECISION MAKING. Students enrolled in this seminar are divided into "courts," each of which consists of five "jurisdictions." 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 case will be decided with opinions (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.

503. AMERICAN CONSTITUTIONAL HISTORY. The seminar will be concerned with the origins of the Constitution of 1787 and the first twelve Amendments and with the interpretation of these provisions through the Marshall Court period. Each student will be expected to deliver an oral presentation to the seminar and to submit a written paper. Aut (4). Mr. Kuriland.

504. SUPREME COURT HISTORY. Students will prepare and present papers on various topics relating to early Supreme Court decisions. Topics will be assigned at the beginning of Autumn Quarter to permit oral presentations during Winter. Preference will be given to students having taken Constitutional Law I. Win (4). Mr. Currie.

505. SUPREME COURT JUSTICES: MR. JUSTICE ROBERT H. JACKSON. Some justices, more than others, have made important contributions to the jurisprudence of the Supreme Court. Some justices, more than others, are regarded by their successors as appropriate authorities to whom to turn for guidance. This seminar will attempt to study Robert H. Jackson as a Supreme Court Justice, through his writings, judicial and extrajudicial, and through his criticism, judicial and extrajudicial. Readings will be assigned. A paper will be expected of each member of the seminar. Spr (4). Mr. Kuriland.

552. LEGAL HISTORY: THE SUPREME COURT AND THE JURY. Guarantees. For seminar description refer to section on Legal History and Jurisprudence.

506. LEGISLATIVE PROCESS. Contemporary Congressional legislation will be examined in light of the problems addressed, the political process involved, the constraints of legislative history, constitutional issues raised, and reasons for the success or failure of the legislative proposals. Students will be expected to prepare papers to be presented in class. Registration limited. Win (4). Mr. Kuriland.

556. THE LAW CONCERNING AMERICAN INDIANS. For seminar description refer to section on Administrative Law and Government Regulation. Spr (4). Mr. Lucas.

Courts, Jurisdiction and Procedure

Courses

411. THE LEGAL PROFESSION. This course examines the role of the lawyer in this country from several different perspectives, beginning with a review of the history of the profession. It then looks at the structure of the profession and the consequences that flow from having a highly organized, self-governing bar. Subsequent classes will focus on the rules (existing and proposed) that govern the practice of law, including those addressing the unauthorized practice of law, lawyer advertising, minimum fees, and mandatory bar membership. The court will conclude by studying how lawyers face different contexts, such as those arising from representing the government or from specializing in tax, business, or criminal law. Aut (3). Mr. Casper and the Faculty.

412. FEDERAL JURISDICTION. This course explores in detail the question of which matters can be litigated in the federal courts. Diversity, federal-question, and admiralty jurisdiction; sovereign immunity, federal question, and personal jurisdiction. Analysis of the conflict among courts, the doctrine of abstention on injunctions against other proceedings; removal, habeas corpus, and Supreme Court review of state courts; the power of Congress over jurisdiction; and the case-or-controversy requirement. It is recommended that students complete the course in Constitutional Law I before taking Federal Jurisdiction. Win (4). Mr. Currie.

413. ADMIRALTY. Historical development of "cases of admiralty and maritime jurisdiction" as an element of the jurisdiction of the federal district courts; the role of the Supreme Court in the "common law" development of the substantive law of the admiralty; a brief introduction to the main elements of the substantive maritime law: the maritime lien, maritime torts and contracts, salvage, general average, and limitation of liability. (4). Mr. Lucas. [Not offered in 1982-83].

414. EQUITY. Equity is a disparate body of supplemental remedies; devices, 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 distinguishing equitable principles continues 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 matters not systematically covered elsewhere, including the remedies of injunction and receivership, the defenses of qualified and unqualified estoppel, the replevin, the reparable rule, the irreparable rule, and the special problems raised by non-monetary remedies, such as premarital, voluntary cessation, comparative hardship, impracticability, enforcement, modification, and preliminary relief. Win (4). Mr. Lucas.

415. 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. Aut (4). Mr. Neal.

416. 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.

471. THE CRIMINAL JUSTICE SYSTEM. For course description refer to section on Criminal Law and Criminal Procedure.

472. CRIMINAL PROCEDURE. For course description refer to section on Criminal Law and Criminal Procedure.

473. CRIMINAL PROCEDURE II. For course description refer to section on Criminal Law and Criminal Procedure.

480. STUDIES IN ARGUMENT. For course description refer to section on Legal History and Jurisprudence.

Seminars

511. MAJOR CIVIL LITIGATION. A practical study of tactical and strategic considerations in the preparation and trial of major civil litigation. Employing a significant action in the Federal Court as an example, students will participate, both as plaintiff and defense counsel, in each of the principal litigation steps from contact by the client through investigation and development of the facts, drafting of pleadings, interviewing and preparing witnesses, discovery, motion practice, and trial. Experienced trial lawyers will assist by instruction and demonstration. Enrollment will be limited to 20 third-year students, and students must have taken Evidence. Aut (4). Mr. Jones.

512. TRIAL PRACTICE. An introduction to the techniques of advocacy in civil and criminal trials. In civil cases, pleading and discovery and their relationship to trial will be addressed. In criminal cases, the seminar will consider pre-trial proceedings such as commissioner's hearings, preliminary hearings, arraignments, motions, and trial 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 Criminal Procedure. Enrollment will be limited to thirty-five students. Permission of the instructor is required. Preference will be given to third-year students. The seminar will extend over two quarters. Win (2). Spr (2). Mr. Russell and Mr.Sher.

513. TRIAL PRACTICE. (8) 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 who will be eligible for certification under Illinois Supreme Court Rules 1-711 to represent the clinic during their third year. Students taking Trial Practice (8) are not eligible to enroll in Trial Practice (2). (A) Mr. Heyman, Mr.Kamp, Mr. Krüger, Mr. Palm, Mr. Schmidt, and Mr. Weber.

514. SECTION 1983 CIVIL RIGHTS LITIGATION. The seminar will examine the case of the Civil Rights Act of 1871, the Ku Klux Klan Act of 1871, and other Reconstruction era enactments 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 realizability and effect of civil rights remedies. Throughout the seminar, selected briefs and documents from cases pending before the United States Supreme Court and the Seventh Circuit Court of Appeals will be examined to see how some of these strategies are currently being applied. Students will be encouraged to select a topic for the written paper suggested by the discussion of pending cases or to prepare a brief for use in an actual §1983 case in a courtroom under the supervision of the instructor and clinic fellows. Preference in enrollment will be limited to approximately ten students, Win (4). Mr. Fischel, Mr. Carlton.

515. 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. Aut (4). Mr. Lucas.

516. APPELLATE ADVOCACY. This seminar will examine problems and methods of effective advocacy, including such matters as strategy in shaping an appellate case, framing of questions presented, effective use of the statement of facts, sequence of argument and scope of contentions, use of authority, and elements of persuasive style. Examples for analysis and critique will be drawn from briefs and other papers in actual cases. Assignment will include written exercises. This seminar is experimental, and enrollment will be limited to approximately ten students. Win (4). Judge Posner.

501. SUPREME COURT. For seminar description refer to section on Constitutional Law.

Commercial, Business, and Labor Law Courses

421. COMMERCIAL LAW: COMMERCIAL PAPER AND THE SALE OF GOODS. This course will study security interests in personal property as treated by Article 9 of the Uniform Commercial Code. Much of the focus of the course will be on the interaction between Article 9 and the rest of the Commercial Code and the new Bankruptcy Code. Aut (4). Mr. Baird.

423. CORPORATION LAW. This course considers the nature of the modern business corporation. It begins with an inquiry into the nature of the firm, including problems of the scope of liabilities, the selection of a particular form of doing business, and the extent of integration of operations. It then considers the role of managers, devices by which their authority is defined and exercised, and their duties in relation to the corporation (including duties with respect to insider trading); the market for corporate control, including tender offers, mergers, squeeze-outs, going private, proxy fights, and other devices by which some owners can replace either fellow owners or management; the market for corporate chartering, including the choice between state and federal law and the competition among states; the social responsibility of corporations, including corporate altruism, corporate speech, the use of bribes to obtain business, the amenability of corporations to the criminal law, and the responsibility of corporations for the acts of preceding owners of their assets; derivative litigation and other attempts by owners to act directly for the corporation. Aut (4). Mr. Fischel.

424. FEDERAL REGULATION OF SECURITIES. Financial transactions of businesses (other than reorganizations) are the subject of this course. It deals with regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934, including the duty of disclosure and filing requirements, private rights of action, the procedures of the SEC, and regulation of the exchanges. The course emphasizes finance theory and the economics of efficient capital markets in addition to study of the legal rules. Corporation Law is a prerequisite. Spr (4). Mr. Easterbrook.

425. CORPORATE FINANCE. An examination of corporate financial matters, including corporate capital structure and leverage, enterprise and securities valuation, the financial protection of security holders and creditors, dividend policy and regulations, and fairness and shareholder protection in mergers and acquisitions. The concept of efficient capital markets and its implications for investment strategy also will be considered. Corporation Law is a prerequisite. Win (4). Mr. Fischel, Mr. Carlton.

426. CORPORATE RESTRUCTURING AND REORGANIZATIONS. This course considers the adjustments 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 procedures. It then deals with problems encountered by the debtor, especially in the face of financial stress, and in reorganizing the rights of shareholders in distress situations. Attention is directed to the standards of fairness imposed by law on modification of shareholders' rights and reorganization agreements in a debtor and enterprise's relationships with secured and unsecured creditors in these various situations. The standards for reorganization in a bankruptcy proceeding are compared with the rules of fairness applied where reorganization 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. Spr (4). Mr. Blum.

427. 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 reorganization. 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. Hess, Mr. Krane.

496. INDUSTRIAL ORGANIZATION. For course description refer to section on Complementary Courses.

CURRICULUM 13
428. 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 vertical and horizontal 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. Aut (4). Ms. Landes, Judge Panter.

429. 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 offenses of monopolization, are discussed. Considered also are the procedural aspects of the private antitrust case. Antitrust Law I (or the consent of one of the instructors) is a prerequisite. Win (4). Mr. Estherbrook, Ms. Lande.

456. COPYRIGHT, TRADEMARKS, AND PATENTS. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restriction, and Insurance.

462. REGULATED INDUSTRIES. For course description refer to section on Administrative Law and Government Regulation.

430. REGULATION OF BANKING. This course is concerned with the federal regulation of national banks by the comptroller of the currency, the Federal Reserve Board, and the Federal Deposit Insurance Corporation. Primary emphasis will be placed on the limitations on the lending activities of commercial banks, with some comparative attention paid to the role of thrift institutions. Spr (4). Mr. Fishel.

458. INSURANCE LAW. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restriction, and Insurance.

451. 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 NLRA, courts, and Congress; problems of federalism. Aut (4). Mr. Meltzer.

452. LABOR LAW II. 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 among fair employment legislation, labor arbitration, and the regulations of labor relations, private law, and public law 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; 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.

433. EMPLOYMENT DISCRIMINATION. This course studies the prohibition of discrimination in the labor market, based on factors such as race, sex, religion, national origin, and age. The focus is on Title VII of the Civil Rights Act of 1964, with limited comparison to other equal protection cases and the contemporary problem of protecting against discrimination. Attention is given to substantive, procedural, and remedial issues, including unequal treatment, continuing effects of past unequal treatment, equal treatment with unequal impact, reprisals, affirmative action, goals, quotas, reverse discrimination, and other sources of protection from discrimination. Aut (4). Mr. Meltzer.

434. ADMIRALTY. For course description refer to section on Courts, Jurisdiction and Procedure.

466. INTERNATIONAL BUSINESS TRANSACTIONS. For course description refer to section on Comparative and International Law.

487. INTERNATIONAL ECONOMIC LAW. For course description refer to section on Comparative and International Law.

484. THE LAW OF THE EUROPEAN COMMUNITY. For course description refer to section on Comparative and International Law.

521. SELECTED PROBLEMS IN COMMERCIAL LAW. The seminar this year will focus on problems that have arisen under the new Bankruptcy Code. Included are such issues as standby letters of credit and the rights and obligations of guarantors. Students will be asked to write several memos and in addition to a final examination. Students are urged to take this seminar after Corporate Reorganizations or in conjunction with it. Prerequisite: Commercial Law: Secured Transactions. Spr (4). Mr. Baird.

522. CURRENT PROBLEMS IN CORPORATION LAW. This seminar will focus on one or more topics of current interest in corporation law. A paper is required. Prerequisite: Corporations. Win (4). Mr. Fishel.

523. SEMINAR: PRIVATE PENSION SYSTEM: PENSION, PROFIT SHARING, AND EMPLOYEE BENEFITS. This seminar will study the use of the Employee Retirement Income Security Act of 1974, the Internal Revenue Code, Age Discrimination in Employment Act of 1967, Title VII of the Civil Rights Act, pension plan termination insurance, as well as general corporate, property, and trust law principles to regulate the private pension system. The requirements for qualification and the design of pension plans, profit sharing plans, Individual Retirement Accounts (IRAs), Keogh Plans, and non-qualified deferred compensation arrangements will be examined to give the student the background needed to select appropriate topics such as fiduciary responsibility, prohibited transactions, withdrawal and termination liability, funding, integration with Social Security, federal preemption, and taxation of distributions. Win (4). Mr. Meltzer.

557. INTERNATIONAL ANTITRUST. For course description refer to section on Comparative and International Law.

561. WORKSHOP IN ECONOMIC AND LEGAL ORGANIZATION. For course description refer to section on Complementary Courses.

Taxation Courses

441. 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 (5). Mr. Blum.

442. 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 (5). Mr. Isenbergh.

443. 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. Spr (4). Mr. Becker.

444. PARTNERSHIP TAXATION. An examination of the system for taxing the income generated by ventures operated as partnerships. The issue of defining a partnership for tax purposes is explored. Attention is directed to the extent partners are permitted to allocate tax burdens among themselves. The tax treatment of limited partners is analyzed. Emphasis is placed on the tax advantages and disadvantages of operating as a partnership. The tax aspects of doing business as a partnership are contrasted with using a corporation which elects not to be taxed under the corporate income tax. Win (4). Mr. Blum.

445. INTERNATIONAL TAXATION. A survey of the income tax aspects (1) of investments and business operations of foreigners in the United States, and (2) of overseas investments and business operations of Americans. The principal focus will be on the U.S. tax system, but some attention will be devoted to the adjustments that must be made to the tax regimes of different countries through tax credits and tax treaties. Win (4). Mr. Isenbergh.

446. STATE AND LOCAL TAXATION. A study of government finance in a federal state with an emphasis upon apportionment of tax resources among governmental units and including an examination of federal and state constitutional provisions, efforts at interstate co-operation, and proposed federal legislative solutions, together with a brief canvass of the administration of typical state-local tax systems. Spr (4). Mr. Loes.

447. BUSINESS PLANNING. For course description refer to section on Commercial, Business, and Labor Law.

Seminars

526. ADVANCED INTERNATIONAL TAXATION. A study of various income tax aspects affecting overseas investments and business operations of American taxpayers: foreign personal holding companies, controlled foreign corporations, deferral, adjustment, and reorganization involving foreign corporations. Some prior knowledge of corporate taxation and basic international taxation is essential. Spr (4). Mr. Isenbergh.

523. PRIVATE PENSION SYSTEM. For seminar description refer to section on Commercial, Business, and Labor Law.

Advanced Courses in Family Law, Property Rights, Restitution, and Insurance

Courses

451. DOMESTIC RELATIONS. This course examines the relationship between common law, statutory law, and the federal Constitution, and the formation and dissolution of family units. A major focus will be the evolving constitutional law of the family—a remarkable, recent, and growing body of doctrine limiting and defining the state's power to regulate the intimate relationship between adults. Major topics include state regulation of human sexual and reproductive behavior, the definition of marriage, the state role in regulating entry into the marriage relationship, public law regulation of ongoing marriage and marriage-like relationships, the doctrine of family privacy, property incidents of marriage and divorce, and legal regulation of child welfare within marriage, at divorce, and after. Spr (4). Mr. Ziming.

452. DECEASED 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: Dissociative constructive 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. Langbein.

453. FEDERAL TAXATION III. For course description refer to section on Taxation.

463. WELFARE LAW. For course description refer to section on Administrative Law and Government Law.

474. LEGAL PROBLEMS OF THE MENTALLY ILL. For course description refer to section on Criminal Law and Criminal Procedure.

452. DECEDENTS ESTATES AND TRUSTS. The study of the various aspects (1) of investments and business operations of foreigners in the United States, and (2) of overseas investments and business operations of Americans. The principal focus will be on the U.S. tax system, but some attention will be devoted to the adjustments that must be made to the tax regimes of different countries through tax credits and tax treaties. Win (4). Mr. Kose.

455. LAND DEVELOPMENT, for course description refer to section on Commercial, Business, and Labor Law.

456. COPYRIGHT, TRADEMARKS, AND PATENTS. This course deals with federal and state laws designed to protect against unfair competition and with the federal law of copyright, patents, and trademarks. It revolves around property interests in trade names, literary, musical, and other artistic works, and trade marks and secret processes. Spr (4).

457. 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; restitution as an alternative remedy in consensual transactions; gains obtained through the use of ideas originated by others; restitution in the form of consensual transactions affected by fraud, mistake, and part performance; and restitution of gains obtained through conduct that is independent tortious. Spr (4). Mr. Hoholz.

458. INSURANCE LAW. The law of the insurance enterprise: its relationship to other financial transactions. It covers such topics as zoning, subdivision regulation, building codes, nuisance law, and covenants. Special attention will be given to such contemporary problems as exclusionary zoning, the use of land controls for fiscal objectives, and the general constitutionalization of field. Aut (4). Mrs. HTC.

459. LAND DEVELOPMENT. Primary attention will be given to the legal tools for raising capital for real estate ventures. Emphasis will be placed on the methods for liquidating a venture which has gone sour, and to the business and tax problems of real estate syndication. Aut (4). Mr. 

456. COPYRIGHT, TRADEMARKS, AND PATENTS. This course deals with federal and state laws designed to protect against unfair competition and with the federal law of copyright, patents, and trademarks. It revolves around property interests in trade names, literary, musical, and other artistic works, and trade marks and secret processes. Spr (4).

526. ADVANCED INTERNATIONAL TAXATION. A study of various income tax aspects affecting overseas investments and business operations of American taxpayers: foreign personal holding companies, controlled foreign corporations, deferral, adjustment, and reorganization involving foreign corporations. Some prior knowledge of corporate taxation and basic international taxation is essential. Spr (4). Mr. Isenbergh.

523. PRIVATE PENSION SYSTEM. For seminar description refer to section on Commercial, Business, and Labor Law.

Seminars

526. ADVANCED INTERNATIONAL TAXATION. A study of various income tax aspects affecting overseas investments and business operations of American taxpayers: foreign personal holding companies, controlled foreign corporations, deferral, adjustment, and reorganization involving foreign corporations. Some prior knowledge of corporate taxation and basic international taxation is essential. Spr (4). Mr. Isenbergh.

523. PRIVATE PENSION SYSTEM. For seminar description refer to section on Commercial, Business, and Labor Law.

Advanced Courses in Family Law, Property Rights, Restitution, and Insurance

Courses

451. DOMESTIC RELATIONS. This course examines the relationship between common law, statutory law, and the federal Constitution, and the formation and dissolution of family units. A major focus will be the evolving constitutional law of the family—a remarkable, recent, and growing body of doctrine limiting and defining the state's power to regulate the intimate relationship between adults. Major topics include state regulation of human sexual and reproductive behavior, the definition of marriage, the state role in regulating entry into the marriage relationship, public law regulation of ongoing marriage and marriage-like relationships, the doctrine of family privacy, property incidents of marriage and divorce, and legal regulation of child welfare within marriage, at divorce, and after. Spr (4). Mr. Ziming.

452. DECEASED 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: Dissociative constructive 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. Langbein.
Administrative Law and Government Regulation

Courses

461. ADMINISTRATIVE LAW. Administrative law is the law that governs administrative agencies, including executive departments, in their complex tasks of carrying out governmental programs. Governmental control of private activities, especially of economic life, seems to be everywhere increasing. Legislative bodies determine the general programs, and agencies make them more specific through making rules, adjudicating cases, investigating, prosecuting, and supervising. The main focus of administrative law is on procedural safeguards and on the allocation and control of power, including the structuring, checking, and confining of discretion. A central inquiry repeated in many contexts is how to accommodate procedural fairness to the efficient accomplishment of legislative purposes. The constant quest is for understanding principles of preservation 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. Sunstein.

462. REGULATED INDUSTRIES. This course surveys the traditional methods of regulation—cost of service ratemaking, allocations of goods, price control and entry control—as well as some of the newer methods, such as disclosure, emissions standard setting, taxation, and no regulation at all. Each method is associated with one or more agencies, for example, ratemaking with the ICC and standard setting with the EPA. The course examines the law and operations of the agencies to the extent necessary to bring out the functions of, and problems with, each approach to regulation. The scope of the course precludes a detailed investigation of any particular system of regulation. Administrative Law is helpful as background but is not a prerequisite. Aut (4). Mr. Eastbrook.

424. FEDERAL REGULATION OF SECURITIES. For course description refer to section on Commercial, Business, and Labor Law.

430. REGULATION OF BANKING. For course description refer to section on Commercial, Business, and Labor Law.

458. INSURANCE LAW. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restitution, and Insurance.

428. ANTI-TRUST LAW I. For course description refer to section on Commercial, Business, and Labor Law.

429. ANTI-TRUST LAW II. For course description refer to section on Commercial, Business, and Labor Law.

431. LABOR LAW I. For course description refer to section on Commercial, Business, and Labor Law.

432. LABOR LAW II. For course description refer to section on Commercial, Business, and Labor Law.

433. EMPLOYMENT DISCRIMINATION. For course description refer to section on Commercial, Business, and Labor Law.

463. WELFARE LAW. This course focuses on several major government programs designed to meet the cash income needs of individuals and families, including both the more important ones that employ an eligibility test explicitly measuring need (APDC, the new Supplemental Security Income program, and general assistance) and Social Security. Recent proposals for welfare reform will be analyzed. Several legal themes will recur and furnish bases for comparing programs: (1) the nature of an individual's rights to the benefits being distributed; (2) the opportunities for legal representation in claim disputes; (3) the administrative and judicial mechanisms for enforcing federal standards against the states and state standards against local agencies; and (4) the degree to which eligibility and benefit amount depend on state doctrines of family or property law. Spr (4). Mr. Sunstein.

406. STATE AND LOCAL GOVERNMENT. For course description refer to section on Constitutional Law.

486. INTERNATIONAL BUSINESS TRANSACTIONS. For course description refer to section on Comparative and International Law.

487. INTERNATIONAL ECONOMIC LAW. For course description refer to section on Comparative and International Law.

484. THE LAW OF THE EUROPEAN COMMUNITY. For course description refer to section on Comparative and International Law.

Seminars

506. LEGISLATIVE PROCESS. For seminar description refer to section on Constitutional Law.

536. LAW CONCERNING AMERICAN INDIANS. Status of Indian tribes and bands under treaty and statute; status of individual Indians; self-government of tribes and bands, criminal law, business regulation, and taxation of activities engaged in by Indians and others on and off reservations; Indian land tenure and problems concerning alienation of land; and the civil rights of Indians under the Constitution and statutes. Spr (4). Mr. Lucas.

Criminal Law and Criminal Procedure

Courses

471. THE CRIMINAL JUSTICE SYSTEM. A study of the operation of the criminal justice system and of problems in its reform. The primary purpose is to study the operation of the criminal justice system as a whole and to understand its relationships; a subsidiary purpose is to train the student in the critical assessment of research data bearing on that system and on its reform. Topics will include the definition and measurement of crime, aspects of the function of the police, pretrial criminal procedures, plea negotiations, and sentencing convicted offenders. (4). Mr. Zimring. [Not offered in 1982-83.]

472. CRIMINAL PROCEDURE I. The focus of this course is on the constitutional law that governs searches, seizures, and confessions. Considered in some detail, and with attention to historical background, are the evolution of the exclusionary rule, the development and administration of the probable cause and the warrant requirements, and such particular topics as stop and frisk, administrative searches, searches incident to arrest, vehicle searches, standing, consent, and the suppression of fruits of an illegal search. The right to counsel and confessions are examined more briefly. Special attention is given to areas where the Fourth and Fifth amendments interact: immunity from seizure, wiretapping and bugging, secret agents, and entrapment. In addition, the student will be introduced to such matters as bail, speedy trial, guilty pleas and plea bargains, line-ups, discovery, and rights of witnesses before grand juries. This course is offered in alternate years. Win (4). Mr. White.

473. CRIMINAL PROCEDURE II. The criminal process after the police have completed their work is the subject of this course. Focusing on the procedures used for resolving factual disputes in criminal cases, the course considers indictment, bail, preliminary hearings, the right to counsel, discovery, confrontation and compulsory process, jury, guilty pleas, sentencing, appeals, double jeopardy, collateral attack, and harmless error. Substantial attention is paid to assessing and comparing the costs of error with the costs of improving accuracy. Criminal Procedure I is not a prerequisite; the courses will be offered in alternate years. (4). [Not offered in 1982-83.]

416. EVIDENCE. For course description refer to section on Courts, Jurisdiction and Procedure.

474. LEGAL PROBLEMS OF THE MENTALLY ILL. An examination of law and practice concerning the mentally disabled criminal: competence to stand trial; civil commitment of the mentally ill and retarded; the civil rights and liberties of patients in mental hospitals, including the right to treatment and the right to refuse treatment; and certain legal aspects of the psychiatrist-patient re
The relationship, including confidentiality and the civil liability of psychiatrists for errors of professional judgment. The casebook is Law, Psychiatry and the Mental Health System by Alexander D. Brooks, (Little, Brown & Company, 1974) and its latest supplement. Students will be expected to have read Part I of that textbook (and the supplement) prior to the first class. Spr (4). Mr. Morris.

476. DEVELOPMENT OF LEGAL INSTITUTIONS. For course description refer to section on Legal History and Jurisprudence.

483. COMPARATIVE LEGAL INSTITUTIONS; GERMANY. For course description refer to section on Comparative and International Law.

451. POLICE PRACTICES AND THE LAW. This seminar will examine a variety of controls—constitutional, statutory, administrative, and judicial—of police behavior with a view to understanding their efficacy in striking a proper balance between State authority and individual autonomy in crime control. Topics to be discussed will include undercover operations, intelligence operations, the use of lethal force by the police, and the control of police abuse of power and of corruption. Attention will also be devoted to the role of political influence on police organization, recruitment, and functions. Care will be taken to minimize overlap with the Criminal Justice System course. Class presentation and discussion of some tentative seminar papers will be required, and the submission of a final seminar paper. Win (4). Mr. Morris.

531. JUVENILE JUSTICE. For seminar description refer to section on Advanced Courses in Family Law, Property Rights, Restitution, and Insurance.

Legal History and Jurisprudence

Courses

476. DEVELOPMENT OF LEGAL INSTITUTIONS. An introductory course in the historical background of Anglo-American law, with particular emphasis on the development of criminal and civil procedure in the centuries before the American Revolution. Topics: (I) jury system: origins; European alternatives; passivization; the rise of the law of jury control. (II) Civil justice: the forms of action and the pleading system; attorneys, bar, and bench; the regular and itinerant courts; the yearbooks, law reporting, and the legal treatise; Chancery, the trust, and equitable procedure and remedies; the deterioration of Chancery procedure and the fusion of law and equity. (III) Criminal justice: medieval criminal procedure; presentment and indictment; the reassertion of criminal procedure in the sixteenth and seventeenth centuries; the officialization of prosecution and policing; Star Chamber and High Commission; defense counsel and the privilege against self-incrimination; the adversary system, compulsory process, and the law of evidence; criminal sanctions. Spr (4). Mr. Langbein.

477. ENGLISH CONSTITUTIONAL HISTORY. This course will deal with topics in English law and government over the period 1066-1688. Emphasis will fall particularly on continuity and discontinuities between medieval and early modern history. Topics will include: English feudalism, especially in relation to the resources and techniques of government; conception and functions of the royal office; the King's Council; Parliament; public finance; the Church as a branch of government and in relation to secular government. Readings will consist of sources and secondary literature. Discussion will be centered on the interpretation of major documents. (4). Mr. Gray. [Not offered in 1982-83.]

478. HIGH MEDIEVAL ENGLAND. This course will focus on England between the reigns of Henry II and Edward I, but will look both backward and forward at continuing trends. It is conceived as a "portrait of an age," with emphasis on economic, legal, and social history and on their intersections. That is, high politics and constitutional doctrine will be less in the center than the settings of everyday life. Law will be a major part of the course, with particular attention to its practical functioning in a medieval socioeconomic economy. Reading will be balanced between sources and secondary literature. Win (4). Mr. Gray. ( = History 230.)

485. AMERICAN CONSTITUTIONAL HISTORY. For course description refer to section on Constitutional Law.

479. 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.

480. 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 compromising 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 a system of argument that can function both historically and in the present. This material will be taken by showing the structure of legal and rhetorical institutions and practices, the relations between them, and the place of both in the larger Athenian culture. The hope is that we can compare and contrast different methods of analysis, making this a test case for the student and culture as a whole. We expect that several other faculty members from other departments will be able to participate, on an occasional or regular basis. Students will prepare a series of short papers on specific texts. Knowledge of Greek is not assumed. Spr (4). Mr. Gray and Mr. White. (First year students may be admitted only with consent of the instructor."

492. ECONOMIC ANALYSIS OF LAW. For course description refer to section on Comparative and International Law.

511. THE LEGAL PROFESSION. For course description refer to section on Courts, Jurisdiction and Procedure.

546. GREEK LAW AND RHETORIC. The work of this seminar will be based upon the reading of key legal and rhetorical texts drawn from fourth- and fifth-century Greece, mainly Athens. It will begin with a rather quick introduction to the rudiments of Athenian law and rhetoric, and proceed by a workshop method to the work out a set of questions that can fruitfully be explored in material. We will start by asking about the structure of legal and rhetorical institutions and practices, the relations between them, and the place of both in the larger Athenian culture. The hope is that we can compare and contrast different methods of analysis, making this a test case for the student and culture as a whole. The emphasis will be upon the development of the written record, but generally, we expect that several other faculty members from other departments will be able to participate, on an occasional or regular basis. Students will prepare a series of short papers on specific texts. Knowledge of Greek is not assumed. Spr (4). Mr. Gray and Mr. White. (First year students may be admitted only with consent of the instructor.)

547. 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 is required for the seminar. Spr (4). Mr. Epstein.

548. 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: ecclesiastical 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 in the 19th century. Medical law, development of Legal Institutions, and Law 558, 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 1982-83.]

549. ENGLISH LEGAL HISTORY. The seminar provides an opportunity for intensive research and writing in the legal history of the early modern English family. Enrollment is limited. Undergraduate 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 seventeenth and eighteenth centuries. Among the questions suitable for investigation: changes in the jury system, such as the decline of the grand jury; jury selection; the feigned issue; the development and scope of various rules of evidence, such as the discrepancy issue; the interest of the court in the outcome of the 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. Prerequisites: Law 462, Development of Legal Institutions, or the permission of the instructor. Writing is likely to extend over the Winter and Spring Quarters. Aut (4). Mr. Langein.

550. ANGLO-AMERICAN LEGAL HISTORY. Starting from Julius Goebel's thesis that the American colonists adopted the laws and procedures of English local and ecclesiastical courts rather than those of the chief common law courts at Westminster, this seminar will examine court records from both sides of the Atlantic to test the validity of the thesis. The broader purpose of the seminar will be to understand something of the way our law has developed. Topics for investigation will be the basic areas of the law: contract, tort, criminal law, property, and procedure. Secondary as well as record sources will be used. (4). Mr. Helmlholz. [Not offered in 1982-83.]

551. HISTORY OF AMERICAN LEGAL THOUGHT. The focus of this seminar will be the American "legal realist" movement, which flourished in the early part of the twentieth century. The seminar will examine philosophical, historical, and sociological arguments against the realism that the realists reacted. It will then study the writings of both major and minor figures among the legal realists. Finally, the effects of the movement on contemporary legal thinking and legal education will be explored. (4). Mr. Hutchinson. [Not offered in 1982-83.]

503. AMERICAN CONSTITUTIONAL HISTORY. For seminar description refer to section on Constitutional Law.

504. SUPREME COURT HISTORY. For seminar description refer to section on Constitutional Law.

505. SUPREME COURT JUSTICES: MR. JUSTICE ROBERT H. JACKSON. For seminar description refer to section on Constitutional Law.

552. LEGAL HISTORY: THE SUPREME COURT AND THE JURY GUARANTEES. This seminar will be devoted to the Supreme Court's handling of historical evidence bearing on the scope and application of the Sixth Amendment right to a jury trial and the Seventh Amendment right to a civil jury trial. We shall commence with the Sixth Amendment, where the court has felt it to be bound by history, but we shall emphasize the Seventh Amendment, whose language of "prejudice" has been treated as constitutionalizing the English law/equity division of 1791. Topics for seminar discussion and for research and writing: the history of the drafting and adoption of the two amendments; the functional interpretation of the criminal jury guarantee, especially in the jury size and nonunanimous verdict cases of the past two decades; the origins and merits of the "1791 standard" for civil jury trial; shifts in the law/equity standard before and after fusion; the problem of novel and statutory causes of action; the complex cases controversy in modern law; and the history and potential of the special jury. Aut (4). Mr. Langbein.

555. MODERNIZATION OF ISLAMIC FAMILY LAW. For seminar description refer to section on Comparative and International Law.

553. 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 writing about works that have been 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 possibilities available, 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 possibilities are explored include: the theory 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 avoiding and explicating judgments; and rather extended comparisons between the sorts of writing the lawyer does and the writing of poetics and philosophers. 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. (4). Mr. White. [Not offered in 1982-83.]

Comparative and International Law

483. COMPARATIVE LEGAL INSTITUTIONS: GERMANY. A course designed to acquaint students with the nonadversarial legal institutions of the Continent as exemplified in the West German system. Part I: The law professionals, with emphasis on legal education, judicial selection, the prosecutorial career, and the structure of the bar. Part II: Criminal procedure, with particular attention to the National Socialist forbidding the exercise of prosecutorial discretion. Part III: Civil procedure. Part IV: Constitutional law. 4, 5. Mr. R. Gottlieb.

484. INTERNATIONAL TRANSACTIONS (Trade and Investment). This course will cover both trade and investment. As to effect business transactions in international commerce, it will include an examination of the GATT; tariff and nontariff barriers to imports; escape clauses; dumping, and nondiscrimination obligations. The investment part of the course will cover laws dealing with investments of aliens in the United States and laws of other countries and regional groups (particularly developing countries) concerning foreign investments within their jurisdictions. Win (4). Mrs. Hutchinson.

485. INTERNATIONAL LAW. The basic introductory course in international legal studies. 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 other international organizations. The course will be designed to present the law as it is and how it is and how it may be expected to develop in the future. The development of international law will be emphasized together with the law of international agreements and treaties. Emphasis will also be placed on the position of individuals in the international legal order, the legal character and function of United Nations organs. Aut (4). Mr. Gostin.

486. INTERNATIONAL BUSINESS TRANSACTIONS. (Trade and Investment). This course will cover both trade and investment regimes as they affect business transactions in international commerce. On the trade side, it will include an examination of the GATT; tariff and nontariff barriers to imports; escape clauses; dumping, and nondiscrimination obligations. The investment part of the course will cover laws dealing with investments of aliens in the United States and laws of other countries and regional groups (particularly developing countries) concerning foreign investments within their jurisdictions. Win (4). Mrs. Hutchinson.

487. INTERNATIONAL ECONOMIC LAW. A study of the development and framework for the conduct of international economic relations. Emphasis will be placed on the international monetary system and international financial institutions. Attention will be given to the emergence of an international economic order governed by economic coercion and the sharing of economic resources. Legal aspects of concession and other agreements concluded with foreign governments will be analyzed together with other questions about the responsibility of States. (4). Mr. Gottlieb. [Not offered in 1982-83.]

485. INTERNATIONAL TAXATION. For course description refer to section on Taxation.

404. FOREIGN RELATIONS AND THE CONSTITUTION. For course description refer to section on Constitutional Law.
Seminars

546. GREEK LAW AND RHETORIC. For seminar description refer to section on Legal History and Jurisprudence.

547. ROMAN LAW. For seminar description refer to section on Legal History and Jurisprudence.

548. EUROPEN AND LEGAL HISTORY. For seminar description refer to section on Legal History and Jurisprudence.

555. MODERNIZATION OF ISLAMIC FAMILY LAW. Classical Islamic law, which comprehended all facets of life, individual and collective, and was called the Sharia, has undergone drastic changes in recent times. This seminar will consider the changes that have occurred in the area of Family Law (with particular rapidity since the 1960s) which had always been regarded as the central norm of Islamic law. This development will be explained and analyzed in light of broad social change that has been taking place in the Muslim world due to the impact of modern forces and ideas. Spr (4). Mr. Rahman. (= Arab/Is/441.)

556. INTERNATIONAL LAW: NUCLEAR WEAPONS AND THE BALANCE OF POWER. A study of balance of power doctrines and of their relation to international law in the nuclear era. The legal constraints on intervention and on resort to armed force will be analyzed in the context of the diplomatic and political uses of military power. Emphasis will be placed on big power relations and the European Community. The seminar will also address legal and diplomatic dimensions of arms limitations, arms reductions, and nuclear-freeze proposals. Win (4). Mr. Gottlieb.

552. ADVANCED INTERNATIONAL TAXATION. For seminar description refer to section on Taxation.

557. INTERNATIONAL ANTITRUST. This seminar will examine in detail two different aspects of the operation of antitrust laws at the international level. First, it will consider the extraterritorial reach of the United States antitrust laws. Second, it will examine foreign laws, with an emphasis on the law of the European Economic Community. Finally, the course will offer a brief overview of concerted international efforts to regulate anticompetitive business practices. Antitrust Law I is a prerequisite. Spr (4). Mrs. Hushin.<ref>

Complementary Courses

Courses

491. 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 a 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. Aut (4). Mr. Carlitan.

492. ECONOMIC ANALYSIS OF LAW. A survey of the application of basic economic principles to problems in the law. The topics covered in the course 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; and the economics of legal procedure. No prior acquaintance with economics is assumed; the relevant economic concepts are developed through an examination of particular legal applications. Spr (4). Mr. Lander.

494. 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.

495. 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. (4). Mr. Meier. [Not offered in 1982-83.]

496. INDUSTRIAL ORGANIZATION. This course covers in a non-technical fashion several topics in industrial organization. Topics include the theory of the firm, description of United States industry, advertising, profitability, predatory and strategic behavior, tie-in sales, natural monopoly and its regulation, multiproduct firms, theory of oligopoly, and durability of goods. The course is designed for students with some background in economics. (4). Mr. Carlson. [Not offered in 1982-83.]

474. LEGAL PROBLEMS OF THE MENTALLY ILL. For course description refer to section on Criminal Law and Criminal Procedure.

Seminars

561. WORKSHOP IN ECONOMIC AND LEGAL ORGANIZATION. This workshop is devoted to the examination of selected problems in the structure and behavior of industries, with special emphasis on the role of government regulation, and to the application of economic reasoning to legal questions in such fields of law as contracts, torts, and antitrust. Workshop sessions will be devoted to the presentation and discussion of papers primarily by members of the faculty of the University of Chicago and of other institutions. The workshop will meet every 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. Landes, Mr. Politzman, Mr. Sigler.

Students are also reminded of the opportunity to take up to eight course hours of work for Law School credit in other departments and schools of the University. The conditions of the exercise of this option are explained in the section on Requirements and Grading.

Independent Study

499. INDIVIDUAL RESEARCH. In addition to the opportunities for writing research papers afforded in many of the seminars listed, 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 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 above 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.