according to the following scale: A, 80 and above; B, 74–79; C, 68–73; D, 60–67; F, below 60. (Grades are recorded as numerical grades in the Office of the Registrar of the Law School and as letter grades 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 (three-quarter sequence) and a cumulative average of 68 after the conclusion of the second year (sixth quarter) and the third year (ninth quarter). 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 The privilege of membership in the School may be withdrawn for unsatisfactory class work or attendance.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 with Honors 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. 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 *Pennoyer v. Neff* to present-day "long-arm" statutes; principles of finality of judgments and their implementation through the Full Faith and Credit Clause; proceedings in rem and quasi in rem and interpleader and class actions as devices for extending judgments to the rights of persons beyond the personal jurisdiction of the court; the role of the federal courts under the diversity jurisdiction; the enforcement of judgments. Aut (4). Mr. Currie, Mr. Miller, Judge Posner. Spr (4). Mrs. Hutchinson, Mr. Lucas, Mr. Sunstein.

303. **CRIMINAL LAW.** This course relates the general doctrines of criminal liability to the moral and social problems of crime. The definitions of crimes against the person and against property (as they are at present and as they might be) are considered in the light of the purposes of punishment and of the role of the criminal justice system, including police and correctional agencies, in influencing behavior and protecting the community. Aut (4). Mr. Morris. Win (4). Mr. Morris, Mr. Simpson.

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 conveyancing. Win (4), Spr (4). Mr. Epstein, Mr. Helmholz.
305. 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. Win (4), Spr (4). Ms. Becker, 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 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. Aut (4), Win (4). Mr. Kimball.

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. Helmholz and Mr. Feigenson, Mr. Gershonowitz, Mr. Madry, Ms. Ruttenberg, Ms. Schmall, Ms. Slade.

ELECTIVE. In the Spring Quarter first-year students will elect one course or seminar from among the following: 471, The Criminal Justice System; 478, Legal History: Contract and Tort; 483, Comparative Legal Institutions: Germany; 492, Economic Analysis of Law; 551, Seminar: History of American Legal Thought; 554, Seminar: Primitive Law. Preferences will be indicated in advance 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 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. It is recommended that students take Constitutional Law I before studying Constitutional Law II or III, Administrative Law, or Federal Jurisdiction. Aut (4). Mr. Sunstein.

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 laws, sedition, public-issue picketing, symbolic conduct, and protest in public places. Spr (4). Mr. Carrie.

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. Win (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 federal 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. (4). Mr. Gottlieb. [Not offered in 1983–84.]

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. (4). Mr. Casper. [Not offered in 1983–84.]

406. STATE AND LOCAL GOVERNMENT. An examination of selected provisions of state constitutions, general laws providing for the formation and regulation of public corporations, and legislative and freehold charters, with an emphasis on the role defining the voting public in the design and operation of democratic institutions. Aut (4). Mr. Lucas.

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. Admission is limited to third-year students. Preference will be given to those students whose record at the Law School clearly indicates strong qualifications for handling frequent and exceptionally demanding assignments. Enrollment will not exceed approximately nine students. Win (4). Mr. Easterbrook, Mr. Sunstein.

502. CONSTITUTIONAL DECISION MAKING. 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 opinions (concurrences 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. Win (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. (4). Mr Kurland. [Not offered in 1983–84.]

504. CONSTITUTIONAL THEORY. An examination of arguments concerning the scope of judicial review in the American constitutional system. A variety of writers on this subject will be discussed. Aut (4). Judge Bork.

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 controversies involved, the development 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. (4). Mr. Kurland. [Not offered in 1983–84.]

536. THE LAW CONCERNING AMERICAN INDIANS. For seminar description refer to section on Administrative Law and Government Regulation.

507. PRIVACY AND SECRECY. What are the legal protections and limits for these two concepts? Emphasis on First, Fourth, and Fifth Amendments. Oral presentations and term papers will be required. Aut (4). Mr. Kurland.

508. RETROACTIVITY. What are the present limits on retroactive legislation and adjudication? Emphasis on origins and rationale of retroactivity doctrine, with emphasis on the Ex Post Facto, Bill of Attainder,
and Impairment of Contract Clauses. Oral presentations and term papers will be required. Win (4). Mr. Kurland.

509. PROPERTY AS A CONSTITUTIONAL CONCEPT. What has happened to the notion of private property as protected by the Fifth and Fourteenth Amendments? What was the meaning of the word to the Founders? What has it come to mean in the "service state"? Oral presentations and term papers will be required. Spr (4). Mr. Kurland.

537. SELECTED PROBLEMS IN GENDER DISCRIMINATION. For seminar description refer to section on Administrative Law and Government Regulation.

558. COMPARATIVE CONSTITUTIONAL LAW. For seminar description refer to section on Comparative and International Law.

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 course will conclude by studying the conflicts lawyers face in different contexts, such as those arising from representing the government or from specializing in tax, business, or criminal law. Aut (3). 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, the jurisdictional amount, abstention, the limitations 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. ADMIRALTIES. 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.

414. REMEDIES. The course is designed to examine the scope of legal and equitable remedies and to determine how effective they are in practice. The main topics are: (1) the object of an award of damages, what it does and should achieve; (2) equitable jurisdiction and remedies; the enforcement of equitable remedies; the effect of the so-called merger of law and equity; (3) restitutionary remedies to prevent unjust enrichment. A selection of topics designed to illustrate the application of legal and equitable remedies will be: (1) remedies for injuries to tangible property (including the misappropriation of money), personal and real property; (2) remedies for injuries to intangible interests (including interference with contract rights, the abuse of fiduciary relationships and diversion of trade); also the protection of a person’s reputation and privacy; (3) remedies for breach of contract: the "grey" areas; (4) remedies for duress, undue influence and unconscionability; (5) remedies for mistake. Win (4). Mr. Jones.

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. Aut (5). Mr. Melzer, Mr. Stone.

472. CRIMINAL PROCEDURE I. 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.

471. THE CRIMINAL JUSTICE SYSTEM. For course description refer to section on Criminal Law and Criminal Procedure.
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 initial 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 30 third-year students, and students must have taken Evidence. Aut (4). Mr. Holderman.

512. **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. Win (2), Spr (2). Judge Marshall.

513. **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 instructors. Preference in enrollment is given to second-year participants in the Mandel Legal Aid Clinic who will be eligible for certification under Illinois Supreme Court Rule 711 to practice with the Clinic during their third year. Students taking Trial Practice (b) are not eligible to enroll in Trial Practice (a). Aut (2), Spr (2). Mr. Heyrman, Ms. Kamp, Mr. Krieger, Mr. Palm, Mr. Schmidt, and Mr. Weber.

514. **Section 1983 Civil Rights Litigation.** The seminar will examine the use of the Civil Rights Act of 1871, the Ku Klux Klan Act, 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 availability and effectiveness 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 the Mandel Legal Aid Clinic. Students should have taken or be enrolled in courses in federal jurisdiction and constitutional law. The prerequisites can be waived by the instructor. Win (4). Mr. Palm.

515. **Civil Discovery.** An examination of the scope and methods of discovery in civil cases under the Federal Rules and the Illinois Supreme Court Rules, recurrent dissatisfaction with abuses of the discovery process, and proposals for changes in the discovery rules. Win (4). Mr. Lucas.

522. **Securities Litigation.** For seminar description refer to section on Commercial, Business and Labor Law.

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. (4). Mr. Lucas. [Not offered in 1983–84.]

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. Assignments will include written exercises. This seminar is experimental, and enrollment will be limited to approximately ten students. (4). Judge Posner. [Not offered in 1983–84.]

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 deals with commercial transactions arising under the first seven articles of the Uniform Commercial Code. Topics include negotiable instruments, bank collections, wire transfers, letters of credit, and documents of title, along with a brief review of sales under Article 2. Aut (4). Mr. Baird.

422. COMMERCIAL LAW: SECURED TRANSACTIONS. 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. Spr (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 limitations on liability, 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 restricted, and their duties to shareholders (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. Win (4). Mr. Easterbrook.

424. FEDERAL REGULATION OF SECURITIES. Financial transactions of businesses (other than reorganizations) are the subject of this course. It deals with regulation under the Securities Act of 1933 and the Securities Exchange Act of 1934, and includes study of disclosure and filing requirements, private rights of access to 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.

494. ACCOUNTING. For course description refer to section on Complementary Courses.

425. CORPORATION. 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. Spr (4). Mr. Carlton.

426. 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. Spr (4). Mr. Blum.

434. BANKRUPTCY. This course focuses on the policies underlying federal bankruptcy law. Subjects covered will include the jurisdiction of the bankruptcy courts, an individual's right to discharge, the nature of the claims that are cognizable in bankruptcy, the rejection and assumption of executory contracts, the automatic stay, and the avoidance powers of the trustee. Because we shall not cover reorganizations under Chapter 11, students are urged to take this course in conjunction with Corporate Readjustments and Reorganizations. Win (4). Mr. Baird.

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 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. Hess, Mr. Krane.
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 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. (Aut (4).) *Mrs. Hutchinson, Mr. Landes.*

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 offense of monopolization, are discussed. Also considered 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. Carlton, Mrs. Hutchinson.*

430. **Regulation of Industries.** For course description refer to section on Administrative Law and Government Regulation.

431. **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. (Win (4).) *Mr. Meltzer.*

432. **Labor Law II.** A more intensive examination of the administration and enforcement of collective agreements, including the grievance-arbitration process, mediation and conciliation; and coordination of arbitration 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. (Spr (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 comparative treatment of the many other sources of protection from 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, reinstatement, back pay, constructive seniority, job progression rules, attorneys' fees, procedural obstacles, and class actions. (Aut (4).) *Ms. Becker.*

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

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.
SELECTED PROBLEMS IN COMMERCIAL LAW. The seminar this year will focus on problems that arise in planning complex secured transactions, such as leveraged equipment leases and secured loans backed by standby letters of credit. Among the problems we shall address include those that arise when assets are located in several jurisdictions. Students will be asked to write several memoranda in addition to a final examination. Prerequisite: Commercial Law: Secured Transactions. Spr (4). Mr. Baird.

SECURITIES LITIGATION. This seminar explores problems in securities litigation. Unlike the Business Planning course, which presents problems in designing deals, this seminar concentrates on deals that have collapsed and spawned litigation. Each week's work revolves around a legal issue, such as the materiality of omissions from disclosure, the availability of rescission or other damages, and litigation as a response to a tender offer. To the extent possible, the seminar draws its materials from the briefs and records of cases now in litigation. Spr (4). Mr. Herzel and Mr. Shapiro, with Mr. Easterbrook.

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, Employee Stock Ownership Plans (ESOPs), Individual Retirement Accounts (IRAs), Keogh Plans, and nonqualified deferred compensation arrangements will be examined to give the student the background to deal with selected current topics such as fiduciary responsibility, prohibited transactions, withdrawal and terminational liability, funding, integration with Social Security, federal preemption, and taxation of distributions. (4). [Not offered in 1983–84.]

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

INTELLECTUAL PROPERTY. For seminar description refer to section on Advanced Courses in Family Law, Property Rights, Restitution and Insurance.

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

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, Mr. Isenbergh.

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.

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. (4). Ms. Becker. [Not offered in 1983-84.]

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 are made between tax regimes of different countries through tax credits and tax treaties. Spr (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 problems in the administration of typical state-local tax systems. (4). Mr. Lucas. [Not offered in 1983-84.]

455. LAND DEVELOPMENT. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restitution, and Insurance.

427. 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 problems affecting overseas investments and business operations of American taxpayers: foreign personal holding companies, controlled foreign corporations, deferral, adjustments 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. FAMILY LAW IN TRANSITION IN THE UNITED STATES AND WESTERN EUROPE. This course explores the complex interaction of behavior, ideology and legal norms in selected areas of family law (including marital property and inheritance law). The principal inquiry concerns the relationship of change in family law to alterations in the economic and social roles of family members and shifts in the nature and forms of wealth. A major aim of the course is to encourage students to think creatively about current issues in the family law field in the United States and to critically appraise American family law reform efforts. The course materials are drawn primarily from American, English, French, Scandinavian and West German sources. Multilithed coursebook. Aut (4). Ms. Glendon.

452. 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. Langbein.

443. 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 Regulation.

474. Legal Problems of the Mentally Ill. For course description refer to section on Criminal Law and Criminal Procedure.

453. Natural Resources. A survey of the law relating to the development and the protection of America’s natural resources, principally on the public lands. Rights in water, minerals and timber will be examined; the continuing theme of the course will be the legal conflicts created by the desire both to conserve and to consume our natural resources. Aut (4). Mr. Helmholz.

454. Land Use Controls. This course examines the public and private control of land use and development. 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 this field. (4). Mrs. Hutchinson. [Not offered in 1983-84.]

455. 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, and to the business and tax problems of real estate syndication. Spr (4). Mr. Miller.

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, inventions, and trade secrets. (4). Mr. Baird. [Not offered in 1983-84.]

414. Remedies. For course description refer to Courts, Jurisdiction and Procedure.

458. 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, its relationship to other financial transactions and institutions, the law of the insurance contract. Spr (4). Mr. Kimball.

Seminars

531. 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. (4), Mrs. Rosenheim, Mr. Zimring. [Not offered in 1983-84.]

537. Selected Problems in Gender Discrimination. For seminar description refer to the section on Administrative Law and Government Regulation.

555. Modernization of Islamic Family Law. For seminar description refer to section on Comparative and International Law.


532. Intellectual Property. This seminar will examine from an economic perspective the law of trademarks, copyright and patents. Win (4). Mr. Landes.

509. Property as a Constitutional Concept. For seminar description refer to section on Constitutional Law.

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 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. 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. (4). Mr. Easterbrook. [Not offered in 1983–84.]


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.


432. Labor Law II. 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 (AFDC, 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. (4). Mr. Sunstein. [Not offered in 1983–84.]

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 the alienation of land; and the civil rights of Indians under the Constitution and statutes. (4). Mr. Lucas. [Not offered in 1983–84.]

537. Selected Problems in Gender Discrimination. The seminar will focus on some topical problems, including those that arise in the contexts of employment discrimination, family law, and educational opportunity. Procedural issues relating to the differences between federal and state standards will be discussed where appropriate. No prerequisites; Constitutional Law III recommended. Spr (4). Ms. Becker, Mrs. Hutchinson.

CURRICULUM 23
Courses

471. THE CRIMINAL JUSTICE SYSTEM. A study of the operation of the criminal justice system and 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. Spr (4). Mr. Morris.

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 bargaining, line-ups, discovery, and rights of witnesses before grand juries. This course is offered in alternate years. (4). [Not offered in 1983-84.]

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, juries, 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. Aut (4). Mr. Easterbrook.

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 relationship, including confidentiality and the civil liability of psychiatrists for errors of professional judgment. (4). Mr. Morris. [Not offered in 1983-84.]

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

Seminar

541. 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, as will the submission of a final seminar paper. (4). Mr. Morris. [Not offered in 1983-84.]

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

542. THE COMMITMENT OF THE MENTALLY ILL AND RETARDED. This seminar will examine the jurisprudence and practice of compulsory and voluntary commitment of the mentally ill and retarded, adult and juvenile, to State institutions, together with their rights to treatment and to refuse particular treatments and the processes available, judicial and administrative, to give substance to those rights. The commitment, treatment and release of those found unfit to stand trial and those found not guilty by reason of insanity will also be considered; but the focus will not be on the criminal law rules and procedures that define and produce those groups but rather, like civilly committed patients, on the conditions of their detention and the rules and practices governing their release. Visits will be arranged.
to commitment courts and to Department of Mental Health and Developmental Disabilities institutions. A paper will be required. Win (4). Mr. Morris.

543. CRIMINAL LAW AND MORALITY. The seminar will explore issues connected with the problem of legislating in the area of morals. It will focus on the case of the British Royal Commission on Pornography. Win (4). Mr. Simpson.

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 recasting 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. (4). Mr. Langbein. [Not offered in 1983–84.]

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 continuities 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; history of 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 1983–84.]

478. LEGAL HISTORY: CONTRACT AND TORT. A course devoted to the study of the doctrinal development of the main substantive fields of the common law. Topics are taken primarily but not entirely from the period before the separation of English and American law. The history of contract law will predominate, with particular attention to the origins of assumpsit and its derivatives, the development of the consideration rules, and the long-delayed formation of the law of damages. Spr (4). Mr. Simpson.

480. HISTORY OF THE CANON LAW. A survey of the law of the Western Church from the establishment of the fundamental texts in the 12th and 13th centuries up to the Council of Trent in the 16th. The medieval canon law was in force throughout Europe, and it covered both internal regulation of the clergy and a wide variety of secular matters. For example, it extended to the law of commerce and contracts, crime and criminal procedure, and property and succession. This course will cover selected substantive areas of the law, illustrating both their contemporary and their subsequent importance for legal development. The course will also touch upon general principles of legal authority, conflicts of law, and legal sanctions, illustrating some of the special characteristics of religious law. Spr (4). Mr. Landau.

405. 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. Win (4). Mr. Gottlieb.

492. ECONOMIC ANALYSIS OF LAW. For course description refer to section on Complementary Courses.

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

Seminars

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 will be required for the seminar. (4). Mr. Epstein. [Not offered in 1983–84.]
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—canon law, vulgar Roman Law, Germanic law, feudal law, urban law. Part II: The revival of Roman law in Italy and the differentiation of the national legal systems in the North. Part III: The "reception of Roman law" in the Renaissance. Part IV: The assimilation of Roman law and the origins of the codification movement. (Prerequisites: Law 476, Development of Legal Institutions, or Law 547, Seminar: Roman Law. Students with adequate command of German, French, Italian, or Dutch may substitute a paper for the examination.) Win (4). Mr. Langbein.

549. 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 seventeenth and eighteenth 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 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. Langbein.

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, torts, criminal law, property, and procedure. Secondary as well as record sources will be used. (4). Mr. Helmholz. [Not offered in 1983-84.]

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 nineteenth-century formalism, against which 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. Spr (4). Mr. Hutchinson.

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 criminal jury trial and the Seventh Amendment right to civil jury trial. We shall commence with the Sixth Amendment, where the court has felt itself less bound by history, but we shall emphasize the Seventh Amendment, whose language of "preservation" 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. (4). Mr. Langbein. [Not offered in 1983-84.]

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

543. CRIMINAL LAW AND MORALITY. For seminar description refer to section on Criminal Law and Criminal Procedure.

Comparative and International Law

Courses

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 scheme forbidding the exercise of prosecutorial discretion. Part III: Civil procedure. Part IV: Codification and the significance of case law in a code system. The course materials are in English. Students with adequate command of German may substitute a research paper for the examination. Enrollment limited to 40 students, preference to third-year students and to second-year students with foreign language backgrounds who anticipate doing subsequent law school work in comparative law. Spr (4). Mr. Langbein.

480. HISTORY OF THE CANON LAW. For course description refer to section on Legal History and Jurisprudence.

484. THE 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 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). [Not offered in 1983-84.]

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 in international organizations. The sources 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 control of international conflicts, and the character and function of United Nations organs. Aut (4). Mr. Gottlieb.

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. No prerequisites. (4). Mrs. Hutchinson. [Not offered in 1983-84.]

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 governing expropriation, economic coercion, and the sharing of resources. Legal aspects of concession and other agreements concluded with foreign governments will be analyzed together with other questions about the responsibility of States. Win (4). Mr. Gottlieb.

445. 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

554. PRIMITIVE LAW. The subject of the seminar is legal concepts, rules, procedures, and institutions in ancient and primitive societies, such as those of ancient Greece and Rome, tribal Africa, and North American Indians, as described by anthropologists such as Maine, Gluckman, Driver, Fallers, and Hoebel. Particular attention will be paid to methods of dispute resolution, to criminal and contract law, to the role of custom as a source of law, and to the applicability of modern ideas of economic rationality to premodern societies. Modern parallels in such areas as international law and the law of arbitration will also be considered. There will be a reading list as well as distribution of some mimeographed materials and each student enrolled in the seminar will be expected to write a substantial paper. Spr (4). Judge Posner.

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

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

558. COMPARATIVE CONSTITUTIONAL LAW. A comparative look at some fundamental principles of the West German Basic Law and of the Constitution of the United States. Preference will be given to students having taken Constitutional Law I. Aut (4). Mr. Currie, Mr. Denninger.

555. MODERNIZATION OF ISLAMIC FAMILY LAW. Classical Islamic law, which comprehended all facets of life, individual and collective, and was called the Shari'a, 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 1950s) which had always been regarded as the central precinct 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. (4). Mr. Rahman. [Not offered in 1983-84.]

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 on the European nuclear balance. The seminar will also address legal and diplomatic dimensions of arms limitations, arms reductions, and nuclear-freeze proposals. (4). Mr. Gottlieb. [Not offered in 1983-84.]

559. INTERNATIONAL LAW AND DIPLOMACY: THE QUESTION OF PALESTINE. A case study of the relation between law, diplomacy and politics in the ongoing conflict between Israel and the Arab States. Specific issues in the conflict will be reviewed in order to explore the role of law in negotiations, the weight of political constraints, and the functions of international organizations. Aut (4). Mr. Gottlieb.

526. 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. (4). Mrs. Hutchinson. [Not offered in 1983-84.]

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 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. Carlton. [Not offered in 1983-84.]

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. Landes.

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. Win (4). Mr. Meier.

496. INDUSTRIAL ORGANIZATION. This course covers in a nontechnical 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. Aut (4). Mr. Carlton.

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. Peltzman, Mr. Stigler.

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 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 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.

Schedule of Courses by Quarters

1983–84

First-Year Courses

Autumn

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<th>Course</th>
<th>Hours</th>
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<tbody>
<tr>
<td>301. Elements of the Law</td>
<td>4</td>
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<tr>
<td>302. Civil Procedure I</td>
<td>4</td>
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<tr>
<td>303. Criminal Law I</td>
<td>4</td>
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Winter

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<th>Course</th>
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<tr>
<td>303. Criminal Law II</td>
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<td>304. Property I</td>
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<tr>
<td>305. Contracts I</td>
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