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 The privilege of membership in the School may be withdrawn for unsatisfactory class work or attendance.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. CONSTITUTIONAL LAW. This course introduces beginning law students to the Constitution and its interpretation. By focusing on the constitutional law decisions from the Supreme Court's first hundred years, this course explores the institution and role of judicial review, the concept of federalism, 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. Aut (4). Mr. Currie.

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). Mrs. Hutchinson, Mr. Miller. Spr (4). Mr. Neal, 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. Win (4), Spr (4). Mr. Alschuler, Mr. Morris.

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. Helmholz, Ms. Rose.

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. Aut (4), Win (4). Ms. Becker, Mr. Epstein.

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. LEGAL RESEARCH AND WRITING. 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. Izenbergh, and Ms. Bynum, Mr. Dalberg, Mr. Kent, Ms. Roth, Mr. Yanowitch, Mr. Zuehl.

ELECTIVE. In the Spring Quarter first-year students will elect one course or seminar from among the following: 476, Development of Legal Institutions; 479, Jurisprudence; 481, Roman Law; 492, Economic Analysis of Law; 524, Seminar: Workers' Compensation; 550, Seminar: Anglo-American Legal History; 563, Seminar: Early Proof Procedures and the Origin of the Jury. 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

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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. Van Alstyne.

402. CONSTITUTIONAL LAW II: FIRST AMENDMENT. A study of the 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. Win (4). Mr. Stone.

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. Sunstein.

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 1984–85.]
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 noncase sources. Two areas of concentration concern the budgetary process and Congress’s role in making foreign policy. Reading assignments will be very substantial. Constitutional Law I is a prerequisite. (4). Mr. Casper. [Not offered in 1984–85.]

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. (4). Mr. Lucas. [Not offered in 1984–85.]

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. The seminar will be offered once in the winter and once in the spring. Enrollment in each will not exceed approximately nine students. Win, Spr (4). Mr. Kurland.

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 opinion (concurring and dissenting opinions are permitted). The decisions may be premised on the legislative history of the Clause, and on any doctrines or precedents created by the "Justices" themselves. The "Justices" may not rely, however, upon any actual decisions of the United States Supreme Court. The seminar is designed to give students some insight into the problems a Justice confronts in collaborating with colleagues, interpreting an ambiguous constitutional provision, and then living with the doctrines and precedents he or she creates. 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 1984–85.]

504. SUPREME COURT HISTORY. Students will prepare and present papers on various topics relating to Supreme Court decisions during the time of Chief Justice White (1910–21). 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.

500. CONSTITUTIONAL INTERPRETATION. The subject of this seminar is the process of constitutional interpretation, especially in cases involving civil rights and civil liberties. Some time will be spent on the legitimacy and usefulness of the various possible sources of constitutional decisions: the "intent" of the framers; the language of the Constitution; conceptions of justice; precedent; tradition; and social consensus. The broader issues for consideration are (1) the proper role of the Supreme Court in American government and (2) the nature of "legal reasoning" in constitutional law and perhaps more generally. Students who have not taken Constitutional Law I may enroll only with the permission of the instructor. Win (4). Mr. Sunstein.

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. Aut (4). Mr. Kurland.

536. THE LAW CONCERNING AMERICAN INDIANS. For seminar description refer to section on Administrative Law and Government Regulation.
507. CONSTITUTIONAL LAW: 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. (4). Mr. Kurland. [Not offered in 1984–85.]

505. FEDERAL PRACTICE OF CIVIL RIGHTS AND CIVIL LIBERTIES. A study of advanced constitutional law and federal practice, working through a series of problems to provide: (a) familiarity with the principal federal statutes (procedural, substantive, and remedial) used in civil rights litigation; (b) their judicial interpretation and application; and (c) a consideration of frontier constitutional issues. Aut (4). Mr. Van Alstine.

510. SEPARATION OF POWERS. This seminar will examine the idea of separation of powers as a philosophical concept and as a practical principle of government. The first part of the seminar will focus on the idea's development by 18th century thinkers and statesmen; readings will include works by Hobbes, Locke, Rousseau, Montesquieu, and selections from the Federalist Papers. The second part will examine three current problem areas: vetoes (executive, judicial and legislative), appointments and removals, and privileges. Enrollment limited to 25. Spr (4). Mr. Miller.

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

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. ADMIRalty. Historical development of "cases of admiralty and maritime jurisdiction" as an element of the jurisdiction of the federal district courts; the role of the Supreme Court in the "common law" development of the substantive law of the admiralty; a brief introduction to the main elements of the substantive maritime law: the maritime lien, maritime torts and contracts, salvage, general average, and limitation of liability. Win (4). Mr. Lucas.

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. (4). Mr. Jones. [Not offered in 1984–85.]

459. RESTITUTION. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restitution, and Insurance.

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. (4). Mr. Neal. [Not offered in 1984–85.]

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. Stone.

417. ADVANCED CIVIL PROCEDURE. This course will focus on issues in civil procedure that arise after a claim has been reduced to judgment. Topics include enforcement, appeal, and revival of judgments, as well as direct and collateral attacks on them. Spr (4). Mr. Lucas.

418. LITIGATION METHODS. A four-quarter course beginning in the spring quarter of the second year and concluding in the spring quarter of the third year. The course develops legal skills with special emphasis on litigation strategy, pre-trial and trial preparation, and trial and appellate advocacy. Topics will include interviewing, initial planning, investigation, counseling, case planning, negotiation, pleading, discovery, motion practice, voir dire, direct and cross examination, expert witnesses, opening statements, closing argument, pre-trial preparation, post-trial procedure, and appeals. Throughout the course a combination of teaching techniques will be employed, including lectures, large and small group discussions, videotaping, simulations and actual clinical experiences. Special emphasis will be placed on teaching strategic planning and preparation. Actual cases in progress will be used in small groups and large classes to teach the various elements of advocacy. Major impact cases actually in progress at the Clinic will be used to help students identify any differences in pre-trial or trial methods for major cases. Particular emphasis will be placed on how modern discovery techniques are used in complex cases. Students will prepare and present actual cases in court under the supervision of the instructors. Each student will be expected to complete the following requirements in actual cases: substantial participation in an evidentiary hearing; a contested legal argument, three other court appearances, strategic planning memos on several cases, preparation of a legal brief or memorandum for submission to court, participation in discovery in at least one case and participation in at least one major case. Preference in enrollment will be given to second-year participants in the Mandel Clinic. All students will be certified to appear in court under Illinois Supreme Court Rule 711 during their third year. Evidence is a prerequisite. Students taking Litigation Methods are not eligible to enroll in Trial Practice or Major Civil Litigation. Students may choose to take the course for only the first two quarters. Spr (2), Aut (2), Win (1), Spr (1). Ms. Kamp, Mr. Krieger, Mr. Palm, Mr. Schmidt, Mr. Weber, Mr. Weisselberg.

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.

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 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 20 third-year students, and students must have taken Evidence. Aut (4). Mr. Holderman.

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, 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. Preference will be given to third-year students. The seminar will extend over two quarters. Win (2), Spr (2). Judge Marshall.

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.

517. 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. (4). Mr. Lucas. [Not offered in 1984–85.]

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 1984–85.]

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. Win (4). Judge Posner.

518. THE JUDICIAL PROCESS. This seminar explores how judges decide cases. After introducing the principal perspectives, from the traditional (such as Cardozo’s Nature of the Judicial Process) to the realist, economic, and critical, the seminar takes up a series of problems, such as the role of stare decisis, the extent to which rationales and broad holdings govern later cases, and the power of a court to decide issues other than those identified by the parties. The seminar will use appellate briefs and arguments in pending cases to put the procedural issues in perspective. Win (4). Mr. Easterbrook.

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

505. FEDERAL PRACTICE OF CIVIL RIGHTS AND CIVIL LIBERTIES. For seminar description refer to section on Constitutional Law.

519. THE CRISIS OF THE FEDERAL COURTS. An examination of the causes, extent, consequences of, and the possible cures for, the federal caseload explosion. Specific topics to be discussed will include: attorney-fee shifting; the selection and evaluation of federal judges; the use of law clerks, magistrates, and other judicial adjuncts; methods of caseload forecasting; litigation substitutes such as arbitration; the contemporary role of the jury; and the optimal division of responsibilities between state and federal courts. Spr (4). Judge Posner, Mr. Goldman.

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. Win (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. Fischel, Mr. Miller.

424. FEDERAL REGULATION OF SECURITIES. This course covers the issuance and trading of securities.
The first half of the course looks at the issuance process in some detail, paying special attention to the complex rules issued by the Securities and Exchange Commission. It takes the decision to raise capital as a given (see the course in Finance for attention to this subject). The second part of the course looks at trading, including tender offers, the duties of brokers and underwriters, private actions, and damages. The economics of finance and capital markets is employed to assist the analysis. Corporation Law is a prerequisite. Spr (4). Mr. Easterbrook.

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

425. CORPORATE FINANCE. An examination of corporate financial matters, including corporate 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, Mr. Fischel.

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. (4). Mr. Baird. [Not offered in 1984-85.]

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 of merger and other types of combination transactions, a recapitalization, division, dissolutions. Both small-group discussions and lectures will be employed. Students will represent the interests of particular parties, negotiate transactions, and prepare the necessary documents. The student must have taken Corporation Law and Federal Taxation (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). Mr. Easterbrook.

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). Mrs. Hutchinson, Mr. Landes.

456. COPYRIGHT, TRADEMARKS, AND PATENTS. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restitution, 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 and restrictions on the lending activities of commercial banks, with some comparative attention paid to the role of thrift institutions. (4). Mr. Miller. [Not offered in 1984-85.]
458. INSURANCE LAW. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restitution, and Insurance.

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. Spr (4). Ms. Becker.

435. PENSION LAW. The private pension system now has assets exceeding a trillion dollars, and pension accounts have become a fundamental means both of individual saving and of aggregate capital formation. This course examines the relation of the private pension system to the public systems (mostly Social Security), and it provides a brief overview of the tax treatment of pension plans. After characterizing the main types of plans, the course looks at the rules governing coverage, vesting, "integration" with Social Security, funding, plan administration, investment, and payout. Attention is given both to the common law (especially trust law) and to various bodies of regulatory law (especially the Employee Retirement Income Security Act of 1974 [ERISA] as amended). The problems involved with terminating a pension plan and the pension issues that arise in a corporate acquisition or sale are particularly emphasized. The federal insurance scheme for defined benefit plans administered by the Pension Benefit Guaranty Corporation will be examined. The course materials will include finance literature as well as statutory and case material. Aut (4). Mr. Fischel, Mr. Langbein.

413. 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.

460. ADVANCED TORTS. For course description refer to section on Advanced Courses in Family Law, Property Rights, Restitution and Insurance.

Seminars

521. SELECTED PROBLEMS IN COMMERCIAL LAW. The seminar focuses on problems that have arisen recently under the Bankruptcy Code. Students will be asked to write several memoranda in addition to a final examination. (4). Mr. Baird. [Not offered in 1984–85.]

522. 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. Herzl and Mr. Shapiro, with Mr. Easterbrook.

20 CURRICULUM
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? Win (5). Mr. Blum, Mr. Isenbergh.

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).

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. Aut (4). Mr. Lucas.

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.

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 reform efforts. The course materials are drawn primarily from American, English, French, Scandinavian and West German sources. Multilithed coursebook. Aut (4). Mr. Glendon.

452. DECEDENTS' ESTATES AND TRUSTS. 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 account, joint tenancy, life insurance, revocable trust. Part III: Intestate succession and family protection. 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. 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 (4). Mr. Langbein.

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

435. PENSION LAW. For course description refer to section on Commercial, Business and Labor Law.

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.

450. OIL AND GAS. The law relating to the exploration, production, and development of oil and gas. The principal topics covered are (1) ownership interests in natural resources, (2) leasing and field development, (3) the classification and transfer of production interests, and (4) regulation of field operation—pooling, unitization, and environmental controls. Post-production marketing controls—the subject of regulated industries—will not be covered. Aut (4). Mr. Helmholz.

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, hard minerals and the law relating to grazing lands, timber and the law relating to the protection of wildlife and wilderness will be explored. A continuing theme will be the legal conflicts created by the desire both to consume and to conserve our natural resources. (4). Mr. Helmholz. [Not offered in 1984–85.]

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 1984–85.]
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. Prerequisite: Taxation I or permission of instructor. 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. Aut (4). Mr. Landes.

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.

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

459. ADVANCED TORTS. The course explores the various legal theories designed to vindicate the protection of nonphysical interests. The first part of the course is devoted to affronts to personality, interference with freedom of action, and infliction of emotional distress. Thereafter, the attention is directed to the law of defamation, privacy, misrepresentation and economic losses. Throughout an effort is made to link these particular subject areas to the general theories of tort developed in the basic torts course and to specific forms of direct regulation designed to modify or displace the tort law. Spr (4). Mr. Epstein.

460. ENVIRONMENTAL LAW. This course is an overview of the efforts which have been made to use the legal system to protect the environment. Topics considered include the National Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Toxic Substances Control Act, and “toxic torts.” The course may be viewed as a series of case studies in regulatory techniques as applied to pollution. Some attention is also given to theories of legislation and regulation. An administrative law background is helpful. Spr (4). Mr. Elliott.

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. Spr (4). Mrs. Rosenheim.

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

524. WORKERS’ COMPENSATION. For seminar description refer to section on Commercial, Business, and Labor 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 on the allocation and control of power, including the structuring, checking, and confining of discretion. A central inquiry repeated in many
contexts is how to accommodate procedural fairness to the efficient accomplishment of legislative purposes. The constant quest is for understanding principles of exertion of governmental power and principles of justice that cut across functions of federal, state, and local agencies and their relations with reviewing courts and with legislative and executive authorities. Win (4). Mr. Elliott. Spr. (4). Mr. Currie.

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. Win (4). Mr. Easterbrook.

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

429. ANTITRUST 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 (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. Aut (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.

510. SEPARATION OF POWERS. 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. Aut (4). Mr. Lucas.

537. SELECTED PROBLEMS IN SEX DISCRIMINATION. Each student enrolled in this seminar will prepare a paper on a sex discrimination issue and present it to the seminar. An organizational meeting will be held in the fall, and topics will be selected at that time. Presentations will be made during the
winter quarter, and each student will distribute a first draft to the seminar prior to his or her presentation. Final drafts will be due in the spring, so that students will have an opportunity to improve their papers based on comments by fellow students and faculty. As an introduction to sex discrimination issues, some readings will be assigned. A list of topics will be provided, though students will be free to suggest their own. Various types of sex discrimination issues will be considered, including the ERA and its history, comparable worth, the toxic workplace, and family law issues. The seminar will be taught in one or two sections, depending on enrollment. Enrollment in each section will be limited to eighteen students. Win (4). Ms. Becker, Mrs. Hutchinson.

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. Morris. [Not offered in 1984-85.]

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. This course is offered in alternate years. Spr (4). Mr. Stone.

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. (4). Mr. Easterbrook. [Not offered in 1984-85.]

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 1984-85.]

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.

Seminars

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 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 1984–85.]

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. (4). Mr. Morris. [Not offered in 1984–85.]

544. PREDICTION IN CRIMINAL LAW AND MENTAL HEALTH LAW. This seminar will address the empirical and jurisprudential problems in the prediction of "dangerousness" and of "safety" in the criminal law and the law relating to mental health. The roles of such predictions, express and implicit, in these areas of the law will be discussed, their constitutional and ethical implications analyzed, and the proper constraints on their application explored. Materials for class discussion will be available. A paper will be required. Win (4). Mr. Morris.

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. 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 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 1984–85.]

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. (4). Mr. Simpson. [Not offered in 1984–85.]

479. JURISPRUDENCE. This course will be concerned with a number of topics of central importance to the controversies surrounding the nature of law. These will include positivism and its critics, the nature of legal obligation, law and its relationship to force, law and morality, theories of natural law and natural rights, the nature of legal decisions, legal authority and validity, iconoclastic views of the law. 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. (4). [Not offered in 1984–85.]

481. ROMAN LAW. An examination of selected topics in the Roman law of contracts, torts (delict), property, and procedure. Topics will be selected in order to shed light on the relationship between common-law and Roman law treatment of certain problems of current interest. The seminar is not designed to provide a comprehensive knowledge of all the detailed workings of Roman law. No knowledge of Latin will be required for the seminar. Spr (4). Mr. Stein.
405. American Constitutional History. For course description refer to section on Constitutional Law.

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. Obligation and Disobedience. A seminar on obligation, the duty to comply, and civil disobedience. The seminar will provide an opportunity to examine central questions from a list of related topics such as the implications which follow for law from different theories as to the bases of obligation, traditional and current views as to the relationship of law and morality, ideas of natural rights and duties, and an examination of writings and case law on theories of civil disobedience or conscientious refusal. Spr (4). Mr. Casper and Mr. Levi.

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 481, 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 1984-85.]

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 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 476, 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. Spr (4). Mr. Helmholz.

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. (4). Mr. Hutchinson. [Not offered in 1984-85.]

553. Introduction to American Legal History. This seminar treats the foundations of American law from the initial transference of English legal institutions in the colonial period down to the drafting of the American constitution. Particular attention is devoted to the historical background of the judicial institutions of Article III of the Constitution and the Bill of Rights. Part I: The reception of English law. Part II: Colonial legal development with special attention to the jury system, civil and criminal procedure, equity, and the legacy of colonial governance and privy council appeal. Part III: English and American sources on the idea of Fundamental Law and the origins of the doctrine of judicial review. Part IV: The English and colonial antecedents of the First and the Fourth through Eighth Amendments. Students will read original sources and historical literature and will write two papers. (4). Mr. Hutchinson, Mr. Langbein. [Not offered in 1984-85.]

503. American Constitutional History. 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 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 1984-85.]

555. Research in American Legal History. This seminar provides an opportunity for supervised research and writing in American legal history. Topics are settled upon by agreement with one of the instructors, and may include doctrinal development, the history of civil and criminal procedure, or institutional issues. The student will prepare a topic analysis based on preliminary research, then proceed to further research and a first draft. Most papers go through several drafts, and the process usually extends across most of the academic year. The object is to produce work of publishable quality, and steps are taken to place successful work in suitable journals. It is strongly advised that students complete one or more of the basic courses in legal history before enrolling for this seminar.

Aut (4). *Mr. Hutchinson, Mr. Langbein.*

562. Legal History. The seminar provides an opportunity to investigate a number of discrete topics in the history of the common law system, which will include: the early history of the Inns of Court, the Victorian legal profession, the origins of equity jurisdiction, the legal regulation of charities, Marxist interpretations of English legal history, Blackstone's place in legal history, the rise of regulatory law. The seminar is more suitable for those who have taken a legal history course before, but should be intelligible to others who are willing to undertake some preliminary general reading. Spr (4). *Mr. Jones, Mr. Simpson.*

563. Early Proof Procedures and the Origin of the Jury. This seminar will look at evidence of the procedure surrounding litigation and methods of proof in various early legal systems, primarily through the Germanic Law collections. It will go on to examine the use of juries or jury-like bodies in England in the 12th and early 13th centuries. Class work will consist primarily in the reading and discussion of sources, on the basis of which students will be expected to write papers. Owing to the availability of good translations, there is no language requirement, though students with a knowledge of Latin or Anglo-Saxon, as well as modern European languages, can make use of it. *Spr (4). Mr. Gray.*

510. Separation of Powers. For seminar description refer to section on Constitutional Law.

518. The Judicial Process. For seminar description refer to section on Courts, Jurisdiction and Procedure.

500. Constitutional Interpretation. For seminar description refer to section on Constitutional Law.

504. Supreme Court History. For seminar description refer to section on Constitutional Law.

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. (4). *Mr. Langbein.* [Not offered in 1984-85.]

480. History of the Canon Law. For course description refer to section on Legal History and Jurisprudence.

481. Roman 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 law of the member countries, as well as questions concerning harmonization of laws. In
addition to studying the legal, political, and economic development of this new type of international (supranational? federal?) organization, the course will attempt to analyze its impact on the "outside" world. (4). [Not offered in 1984–85.]

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. (4). Mr. Gottlieb. [Not offered in 1984–85.]

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. Spr (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 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. (4). Mr. Gottlieb. [Not offered in 1984–85.]

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. (4). Judge Posner. [Not offered in 1984–85.]

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

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 1984–85.]

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. (4). Mr. Gottlieb. [Not offered in 1984–85.]

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 1984–85.]

Complementary Courses

Courses

492. Economic Analysis of Law. A survey of the application of basic economic principles to prob-
lems 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 eco-
nomic 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, depre-
ciation, 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 inno-
vations, 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 1984–85.]

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

Seminars

560. Workshop in Law and Economics. This workshop is devoted to the intensive examination of
selected problems in the application of economic reasoning to a wide variety of legal questions.
Workshop sessions will be devoted to the presentation and discussion of papers by students and by
members of the faculty of the University of Chicago and of other institutions. The workshop will
meet every other week throughout the academic year. Students enrolled in the workshop will receive
six credits for satisfactory completion of a substantial paper. Aut (2), Win (2), Spr (2). Mr. Fischel,
Mr. Shavell.

561. Workshop in Economic and Legal Organization. This workshop is devoted to the exam-
ination 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 pre-
sentation 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

1984-85

First-Year Courses

Autumn

<table>
<thead>
<tr>
<th>COURSES</th>
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<tr>
<td>301. Constitutional Law</td>
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<tr>
<td>302. Civil Procedure I</td>
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<tr>
<td>305. Contracts I</td>
<td>4</td>
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<tr>
<td>306. Torts I</td>
<td>4</td>
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<tr>
<td>307. Legal Research and Writing</td>
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Winter

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<tr>
<th>COURSES</th>
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<tbody>
<tr>
<td>303. Criminal Law I</td>
<td>4</td>
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<tr>
<td>304. Property I</td>
<td>4</td>
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<tr>
<td>305. Contracts II</td>
<td>4</td>
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<tr>
<td>306. Torts II</td>
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<tr>
<td>307. Legal Research and Writing</td>
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Spring

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<th>COURSES</th>
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<tbody>
<tr>
<td>302. Civil Procedure II</td>
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<tr>
<td>303. Criminal Law II</td>
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<td>304. Property II</td>
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<td>307. Legal Research and Writing</td>
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Second- and Third-Year Courses and Seminars

Autumn

<table>
<thead>
<tr>
<th>COURSES</th>
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<tbody>
<tr>
<td>401. Constitutional Law I</td>
<td>4</td>
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<tr>
<td>411. The Legal Profession</td>
<td>3</td>
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<tr>
<td>416. Evidence</td>
<td>5</td>
</tr>
<tr>
<td>418. Litigation Methods*</td>
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<tr>
<td>428. Antitrust Law I</td>
<td>4</td>
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<tr>
<td>435. Pension Law</td>
<td>4</td>
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<tr>
<td>441. Federal Taxation I</td>
<td>5</td>
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<tr>
<td>446. State and Local Taxation</td>
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<tr>
<td>450. Oil and Gas</td>
<td>4</td>
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<tr>
<td>451. Family Law in Transition in the United States and Western Europe</td>
<td>4</td>
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<tr>
<td>456. Copyright, Trademarks, and Patents</td>
<td>4</td>
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<tr>
<td>463. Welfare Law</td>
<td>4</td>
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<tr>
<td>494. Accounting</td>
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<th>SEMINARS</th>
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<tr>
<td>505. Federal Practice of Civil Rights and Civil Liberties</td>
<td>4</td>
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<tr>
<td>506. Legislative Process</td>
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<tr>
<td>511. Major Civil Litigation</td>
<td>4</td>
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<tr>
<td>536. Law Concerning American Indians</td>
<td>4</td>
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<tr>
<td>549. English Legal History</td>
<td>4</td>
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<tr>
<td>555. Research in American Legal History</td>
<td>4</td>
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<tr>
<td>560. Workshop in Law and Economics*</td>
<td>2</td>
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<tr>
<td>561. Workshop in Economic and Legal Organization*</td>
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