THE COURSES

In the course and seminar descriptions that follow, the number in parentheses at the end of the description represents the value of the course or seminar in course hours per quarter.

FIRST-YEAR COURSES

CIVIL PROCEDURE. 302. 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. The second part studies the power of particular courts to decide cases (subject matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. Aut (3). Mr. Baird, Mr. Klerman. Spr (3). Ms. Garrett, Mr. Ramseyer.

CONTRACTS. 305. 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 elaborations 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 (3), Win (3). Mr. Craswell, Mr. Lessig.

CRIMINAL LAW. 303. 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 (3), Spr (3). Mr. Kahan, Mr. Schulhofer.

ELEMENTS OF THE LAW. 301. This course examines certain issues that occur in many different areas of the law and considers the relationship between these issues and comparable questions in other fields of thought, such as moral and political philosophy, economics, and political theory. The subjects for discussion include: the nature of, and justification for, reasoning from precedent; the meaning of such notions as consent, coercion, and voluntary choice; the decision whether to impose rules or allow discretion; the problems of interpreting statutes and other authoritative texts; and the objective or subjective nature of moral judgments. Aut (3). Mr. Brewer, Mr. Sunstein.

LEGAL RESEARCH AND WRITING. 307. 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 (2), Win (1), Spr (1). Ms. Bullen, Mr. Butterton, Mr. Friedman, Mr. Peters, Mr. Romero, Ms. Scafidi.
PROPERTY. 304. An introduction to the legal relationships that arise out of or constitute 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 (3), Spr (3). Mr. Epstein, Mr. Helmholz.

TORTS. 306. 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 (3), Win (3). Mr. Strauss, Mr. Sykes.

SECOND- AND THIRD-YEAR COURSES

ADMINISTRATIVE LAW. 461. Administrative law is the law that governs the executive departments and the administrative agencies in carrying out the multiple programs of the modern regulatory state. This course undertakes an examination of administrative law in the context of a broad inquiry into the nature of contemporary government. It will focus attention on the purposes of regulatory statutes, on their malfunctions in practice, and on the potential contribution of administrative law to counteracting these malfunctions. A central inquiry is whether control of administrative discretion through procedural formalities and judicial review can be reconciled with effective and politically responsible government. The constitutional position of these agencies, applicable procedural requirements, and the availability and scope of judicial review will also be examined. Win (3). Mr. Sunstein.

ADMINISTRATIVE LITIGATION. 510. (Seminar) Litigation against federal government agencies, whether initiated by regulated parties or public interest groups, presents statutory, policy, and factual proof questions not normally encountered in private party litigation. This course will explore recurring issues in such cases including standing and justiciability, statutory construction after Chevron, standards of judicial review, and the effective use of risk, benefit, and cost data. This seminar focuses on advocacy skills and, in lieu of a paper or examination, students will be required to prepare short appellate briefs and to argue orally on behalf of regulated parties, public interest groups, and government agencies in hypothetical cases challenging agency rulemaking actions. Spr (3) Mr. Warren.

ADVANCED CONTRACT THEORY. 532. (Seminar) This seminar will study selected writings dealing with the normative underpinnings of the rules of contract law. Because most recent writings in this vein have drawn on the economic analysis of law, our primary focus will be on the economic perspective and its critics, but other perspectives will also be considered, and no prior knowledge of economics is required. Students will be expected to prepare one long paper and short written comments on each week's readings. Spr (3) Mr. Craswell.

ADVANCED CIVIL PROCEDURE: COMPLEX LITIGATION. 525. (Seminar) The focus will be on handling the preparation for trial, and trial, of today’s increasingly complex civil litigation. Topics covered will include class actions, joinder and intervention devices, managing discovery, refining issues and trial techniques. The perspective will be that of a practicing trial lawyer dealing with these issues under the Federal Rules supplemented by a critical look at how these procedures might be improved to the benefit of our civil justice system. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Jentes.

AGENCY, PARTNERSHIPS, AND THE LAW OF FIDUCIARY DUTIES. 434. Fiduciary duties are common in law and exist in a variety of different contexts. This course examines the different contexts in which the term fiduciary is used and the different meanings of the term in those contexts. The course will focus on the law of
agency and partnerships, trusts, franchiser-franchisee relationships, as well as other areas. (3). Mr. Fischel. [Not offered in 1995-96.]

**AMERICAN LAW AND THE RHETORIC OF RACE. 598 (=LL/Soc 243, =PolSci 273). (Seminar) An episodic study of the ways in which American law has treated legal issues involving race. Two episodes are studied in detail: the criminal law of slavery during the antebellum period and the constitutional attack on state-imposed segregation in the twentieth century. The case method is used, although close attention is paid to litigation strategy as well as to judicial opinions. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Hutchinson. [Not offered in 1995-96.]**

**AMERICAN LEGAL HISTORY, 1600–1760. 475. This course will explore the history of American law from the founding of the colonies through the aftermath of the Revolution. Special attention will be paid to the interplay of legal inheritance and ideology; the transformation of legal culture; regional variation; the development of the law of slavery; dispute settlement; gender; the British imperial connection; the role of lawyers; and the ambiguous process of legal "modernization." This is not a course on constitutional history; and it will not cover the framing of the state or federal constitutions. (3). Mr. Ross. [Not offered in 1995-96.]**

**AMERICAN LEGAL HISTORY AFTER INDEPENDENCE. 493. This course will explore the social history of American law from the Revolution to the present. Special attention will be paid to race relations, family law, social control including criminal justice, the role of lawyers in society, and law and economic development; the perspective will be broadly sociological and cultural. (3). [Not offered in 1995-96.]**

**ANCIENT GREEK LAW. 546. (Seminar) The seminar will examine a number of topics relating to ancient Greek legal theory and practice. Using legal, philosophical, and literary texts, we will examine Greek conceptualizations of the rule of law and its relation to various theories of democracy. We will then turn to the realm of actual litigation and study how Athenian legal institutions functioned in a highly agonistic society. This examination of cases involving the legal regulation of violence, sexuality, and intra-familial conflict, will aim at uncovering the very different assumptions about democracy, justice, and the legal sphere which shaped the Athenian legal system. Satisfies part of the writing requirements if substantial written work is completed. Spr (3). Mr. Cohen.**

**ANTITRUST LAW. 428. An introduction to the law of antitrust. After a brief consideration of the common law of restraint of trade and the basic antitrust statutes, the course focuses first 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, and mergers to monopoly and other types of horizontal merger. The course then looks at the practices by which firms, either singly or in combination, exclude actual or potential competitors from their markets, by means of practices such as boycotts, tying arrangements, vertical integration, and price discrimination under the Robinson-Patman Act. Both price and**
non-price vertical restrictions are considered. Finally, procedural doctrines that affect antitrust enforcement, such as the state action exemption and the petitioning immunity, are included. Aut (3). Mr. Rosenfield.

ART LAW. 529. (Seminar) This seminar examine the law’s response to issues in the visual arts, including such topics as moral rights, regulation of the art market including laws governing an artist’s right to part of the resale value of a work of art, problems in valuing art, international disputes over ownership of works of art, and government subsidies to the arts. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Dam, Mr. Grampp, and Mr. Landes.

BANKRUPTCY. 437. 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 claims that are cognizable in bankruptcy, the rejection and assumption of executory contracts, the automatic stay, and the avoidance powers of the trustee. Secured Transactions is not a prerequisite for this course but is highly recommended. This course is a prerequisite for Corporate Readjustments and Reorganizations. Win (3). Mr. Picker.

BIBLICAL LAW. 567. (=BS 567) (Seminar) A study of law as it is presented in the Hebrew Bible. We will study the three legal collections of the Pentateuch and the narratives that present legal matters directly or indirectly. We will analyze such topics as property law, slavery, women and the law, torts, criminal law, and judicial procedure. We will also consider such questions as: the jurisprudential nature of the law "codes"; the philosophy of biblical law and the relation of the nomos to the narrative in which it is embedded; the relationship of biblical law to the common law of the ancient Near East; the development of biblical law during the period of biblical Israel. The seminar will be held in two sessions. The main seminar, which will focus on these issues, requires no prior knowledge of Hebrew and the Bible. In the Hebrew module of the course we will study the texts in Hebrew. The Hebrew module is only open to those also attending the main seminar. Requirements include attendance to the seminar, one short theme paper, and a final exam. Aut (3). Ms. Frymer-Kensky.

BLACKSTONE. 479. This course will involve a systematic study of all four volumes of Blackstone’s Commentaries in their eighteenth century context. Special emphasis will be placed on Blackstone’s conception of property, but also on his ideas of the British constitution and sovereign power. (3). Mr. Holmes. [Not offered in 1995–96.]

BUSINESS PLANNING. 427. The aim of this course is to develop and apply the student’s knowledge of taxation and corporate and securities law in the solution of a series of transactional problems involving typical steps in business formation and rearrangement. The problems include the formation of a closely held company; the transition to public ownership of the corporation; executive compensation arrangements; the purchase and sale of a business; and mergers, tender offers, and other types of combination transactions. Both small-group discussions and lectures will
be employed. The student must have taken (or be taking concurrently) Corporation Law and Corporate Income Taxation. Win (3). Mr. Berkshire, Mr. Sheffield.

**CHILD WELFARE LAW. 553. (Seminar)** This course examines the rights of children and parents in cases in which the state intervenes in family life. The basis for state intervention and the state's interests are considered, as are the concepts of a child's "best interests" and the principles of "family integrity." The course will analyze statutory schemes established to protect these interests, beginning with child abuse and neglect reporting acts and concluding with termination of parental rights and adoption laws. The course will examine the failings of child welfare and juvenile court systems in addressing the rights and needs of children and families and include consideration of systemic child welfare reform litigation. Specific topics such as the impact of substance abuse and homelessness on the child welfare system will also be discussed. Spr (3). Ms. Redleaf.

**COLLEGE AND UNIVERSITY LAW. 521. (Seminar)** This course will explore and analyze the impact of constitutional, statutory, administrative, and common law on colleges and universities. It will explore how legal requirements affect the work of faculty and students and the range of action available to institutions. Particular emphasis will be placed on developing areas of university law. Topics covered will include: academic freedom of faculty in research and teaching, faculty employment issues, intellectual property disputes, admissions, student discipline (for both academic performance and behavioral misconduct), free speech and assembly in campus settings, campus safety, athletics, and legal issues arising from an institution's business dealings and external funding arrangements. Win (3). Mr. Poskanzer.

**COMMERCIAL TRANSACTIONS. 421.** This course deals with commercial transactions arising under the first seven articles of the Uniform Commercial Code, emphasizing those topics not covered in the first-year contracts course. In addition to selected topics in the law of sales under Article 2 of the UCC, the course will study bank collections, negotiable instruments, documents of title, and other more exotic methods of payment. Spr (3). Mr. Craswell.

**COMMUNICATIONS LAW. 519. (Seminar)** This seminar will examine the regulation of the communications industry in the United States from the creation of the Federal Radio Commission in the 1920s until the present day. The seminar will cover the regulation of both the broadcast business (radio, television, and cable) and the common carrier business of telecommunications both before and after the break up of the Bell System in the early 1980s. It will examine the efforts for legislative reform in the past several years, including the statutory reforms (if any) passed in the autumn of 1995. Win (3). Mr. Epstein.

**COMPARATIVE CONSTITUTIONAL LAW. 592. (Seminar)** The aim of this seminar is to develop an understanding of Western European constitutional traditions. We will focus primarily upon the German and French constitutions, using the American Constitution as a comparative background. The course will cover
Comparative Constitutionalism and Rights. 483. This class compares the approach to constitutionalism and individual rights in major Western democracies. The ideas of constitutionalism and rights in Europe and their practical application will be analyzed. The process of constitution-making, the idea of separation of powers, the mechanisms for the protection of individual rights, and the modes of constitutional review adopted in the United States, Great Britain, France, Italy, and Germany will be discussed. The applicability of different models of constitutionalism to countries that have recently launched the transition to democracy will be assessed. It is expected that a graduate of this course will be able to appreciate the unique character of the American concept of constitutionalism and rights. In addition, a student will also realize the need for the change of a "constitutional paradigm" as a prerequisite to comprehend legal, constitutional, and political developments outside the United States and to better communicate with foreign partners in constitutional, political, and legal matters. The course will combine the instructor's lecture with class discussions and short presentations by students. The credit will be based on the participation in class and on the final exam. Spr (3). Mr. Osiatynski.

Comparative Law. 417. The course will be based on the book by Rudolph Schlesinger, et al., entitled "Comparative Law" as well as additional materials introduced during the run of the course. The interaction of substantive law and procedural law will be examined, with special regard to the U.S. and European legal systems. Other systems also will be taken into account, especially Japan. Aspects of comparative corporation law and comparative accounting will be introduced. In addition, basic concepts of comparative law will be studied. This will lead into the impact of language concepts, of time, and of geometrical reasoning on ideas of order. Aut (3). Mr. Großfeld.


Conflict of Laws. 415. An inquiry into the division of lawmaking and judging authority among the several states, principally through consideration of choice of law and respect for prior judgments in cases connected with more than one state. (3). Mr. Currie. [Not offered in 1995-96.]

The Constitution in Congress. 501. (Seminar) Students will present papers on constitutional controversies that have arisen in Congress, such as the Alien and Sedition Acts, the Missouri Compromise, and Reconstruction. Topics will be assigned and researched during the Autumn Quarter so that oral presentations may begin in
January. Prerequisite: Constitutional Law I. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Currie. [Not offered in 1995-96.]

CONSTITUTIONAL AND ECONOMIC TRANSITION IN POLAND. 406. (=GSB 739, =Pol Sci 506) This course analyzes the constraints on social and constitutional change resulting from history and from the transition itself. It also emphasizes internal contradictions in the simultaneous transition to constitutional democracy and an open market. The course looks in detail at the reasons for the inability to adopt a new constitution in Poland, at the struggles about the separation of powers, and at the debates concerning constitutionalization of market economy and of social and economic rights. Privatization, tax reform, and major legal changes implied by the transition to an open market are reappraised. The transition to constitutional culture and to the rule of law is also discussed. Since the course deals not only with institutions and laws but also with values and attitudes, it will help American businessmen and lawyers to understand the different legal and economic way of thinking they will inevitably encounter while doing business in Central Europe. An integral part of the course will be a two day conference on November 16-17, in which Poland’s former prime minister and former minister of finance will participate. Credit for the class will be based on attendance, class participation and the final exam. Aut (3). Mr. Osiatynski.

CONSTITUTIONAL DECISION MAKING. 502. (Seminar) Students enrolled in this seminar will work as “courts” consisting of five “Justices” each. During each of the first eight weeks of the quarter, the “courts” will be assigned several hypothetical cases raising issues under either the equal protection clause or the first amendment’s guarantee of freedom of speech and press. Each “court” must select in advance whether it will focus on equal protection or first amendment. All cases must be decided with opinions (concurring and dissenting opinions are of course permitted). The decisions may be premised on the “legislative history” of the amendment (materials on that history will be provided) and on any doctrines or precedents created by the “Justices” themselves. The “Justices” may not rely, however, on 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. Constitutional Law II and III are not prerequisites for participation in this seminar. Enrollment will be limited to three courts. Since the members of each court must work together closely under rigid time constraints, it is preferable for students to form their own complete courts. All students interested in participating in the seminar must notify the instructor on or before Friday, June 2, 1995. If more than two courts sign up, the instructor will select the participating courts by lot. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Stone.

CONSTITUTIONAL LAW I: GOVERNMENTAL STRUCTURE. 401. Analysis of the structure of American government, as defined through the text of the Constitution and its interpretation. The major subjects covered are: the allocation of powers
among the legislative, executive, and judicial branches, the function of judicial review, and the role of the states and the federal government in the federal structure. It is recommended that students take Constitutional Law I before studying Constitutional Law II or III, Administrative Law, or Federal Jurisdiction. Aut, Win (3). Mr. McConnell, Mr. Currie.

CONSTITUTIONAL LAW II: FREEDOM OF EXPRESSION. 402. A study of the doctrine and theory of the constitutional law of freedom of speech. The subjects for discussion include advocacy of unlawful conduct, defamation, invasion of privacy, commercial speech, obscenity and pornography, offensive speech, symbolic expression, restrictions on the speech of government employees, restrictions on speech in schools and colleges, the relevance of free speech principles to museums and libraries, protest in public places, regulation of campaign expenditures and communications, freedom of the press as a distinct principle, and regulation of the electronic media. Spr (3). Mr. G. Stone, Mr. Lessig.

CONSTITUTIONAL LAW III: EQUAL PROTECTION AND SUBSTANTIVE DUE PROCESS. 403. This course will consider the law that has developed under the Civil War Amendments to the Constitution, particularly the Equal Protection and Due Process Clauses of the Fourteenth Amendment. The central subjects will be: the constitutional principles governing discrimination on the basis of race and gender; judicial review of legislation for rationality; constitutional rights that are thought to have been recognized without any explicit textual basis; the application of the Bill of Rights to the states; and the principle that the Constitution applies only to government action. We will also consider certain foundational questions about constitutional interpretation, such as the role of the text, the Framers' intentions, and precedent. Spr (3). Mr. Strauss.

CONTEMPORARY AMERICAN LEGAL THEORY. 467. This course briefly examines Blackstone’s Commentaries, which shaped American legal consciousness in the late eighteenth and most of the nineteenth centuries. It then considers the jurisprudential revolution of the early twentieth century, focusing particularly on the ethical skepticism of Oliver Wendell Holmes and the legal realists. The bulk of the course is devoted to a critical assessment of current schools of legal thought—law and economics, empiricism, critical legal studies, feminism, and natural justice. The readings include works by Jerome Frank, Richard Posner, Mark Kelman, Duncan Kennedy, Carol Gilligan, Catharine MacKinnon, Robin West, Arthur Leff, Michael Moore, Abraham Lincoln, and others. (3). Mr. Alschuler. [Not offered in 1995-96.]

COPYRIGHT. 458. This course will examine the major areas of copyright law including copyrightable subject matter, ownership and duration of copyrights, the rights and limitations of copyright holders including fair use, remedies for copyright infringement, and federal preemption of state law. Aut (3). Mr. Landes.

CORPORATE FINANCE. 425. An examination of corporate financial matters, including corporate capital structure and leverage, enterprise and securities valuation, the financial protection of security holders and creditors, dividend policy and
regulations, and fairness and shareholder protection in mergers and acquisitions. The concept of efficient capital markets and its implications for investment strategy will also be considered. Corporation Law is a prerequisite. Spr (3). Mr. Carlton and Mr. Fischel.

CORPORATE GOVERNANCE. 587. (Seminar) This seminar begins with a review of the recent economic and legal developments which have led to the current dialogue on corporate governance, as well as a review of the various federal and state laws and regulations relevant to corporate governance. In particular, we will consider developments in the law of director liability, the rise in influence of institutional investors and recent changes in SEC disclosure policy and proxy rules and the impact of each on corporate governance. Thereafter, we will consider recent and currently pending reform proposals, with emphasis on the related implications for corporate managements and boards and for the lawyers who advise them. Corporation Law is a prerequisite. Spr (3). Mr. Cole.

CORPORATE GOVERNANCE IN JAPAN. 550. (Seminar) This class will explore legal and economic problems raised by the governance patterns of Japanese firms. Issues covered may include: shareholder involvement, cross-shareholding arrangements, bank intervention, and bankruptcy. About half the readings will be from legal texts, and about half from the business and economic literature. The class will meet twice a week; the grade will be based on class participation and an exam. Because most of the readings will be in Japanese, students interested in the course should first contact Mr. Ramseyer. Win (3). Mr. Ramseyer.

CORPORATE READJUSTMENTS AND REORGANIZATIONS. 426. This course deals with readjusting or reorganizing a corporation under the Bankruptcy Code. It focuses on the negotiating advantages or disadvantages that legal rules provide to various participants in the reorganization process. In analyzing a wide range of situations, attention is directed to (1) the role played by nonbankruptcy law; (2) the extent to which bankruptcy law overrides that law; (3) the measure of protection afforded creditors holding secured claims; (4) the treatment of lessors and lessees and of parties to executory contracts; (5) the contents of reorganization plans; (6) the degree to which a majority of those in a particular class of participants can bind dissenting minorities; and (7) the ability of the courts to force a plan on a dissenting class of participants. The course in Bankruptcy is a prerequisite for this course. Spr (3). Mr. Picker.

CORPORATION LAW. 423. 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 laws and competition among states; the social responsibility of corporations, including corporate altruism, corporate speech, the use of bribes to obtain business, the amenability of corporations to the criminal law, and the responsibility of corporations for the acts of preceding owners of their assets; derivative litigation and other attempts by owners to act directly for the corporation. Aut, Win (3). Mr. Fischel, Mr. Ramseyer.

CRIME CONTROL: LAW & POLICY. 527. (Seminar) This seminar will examine the principal legal and policy issues raised by a number of current proposals designed to reduce violent crime. Among topics to be explored will be trends in the level of violent crime, crime control strategies at the police patrol level (e.g., community policing), drug enforcement policy, measures designed especially to target domestic abuse and other violence against women, and sentencing policy (including intermediate sanctions, boot camps, mandatory minimums and the "three strikes" concept). Satisfies part of the Writing Requirement if substantial written work is completed. Win (3). Mr. Schulhofer.

CRIMINAL JUSTICE SYSTEM. 469. This course examines the criminal justice system and the problems of its reform. The primary purpose is to understand the institutional and operational interrelationships in that system using interdisciplinary materials that bridge substantive criminal law and constitutional criminal procedure. Topics will include the causes of crime and effectiveness of various crime control strategies, the operations of police (deployment issues, discretion, and police misconduct), pretrial procedure (including bail, diversion and preventive detention), plea negotiation, sentencing, and prison reform. Aut (3). Ms. Meares.

CRIMINAL PROCEDURE I: THE INVESTIGATIVE PROCESS. 472. The focus of this course is on the constitutional law that governs searches, seizures, and confessions. The course considers in detail the evolution of the exclusionary rule and the development and administration of the probable cause and the warrant requirements. It also examines stop and frisk, administrative searches, searches incident to arrest, vehicle searches, consent searches, and the admissibility of confessions. Aut (3). Mr. Alschuler.

CRIMINAL PROCEDURE II: THE ADJUDICATIVE PROCESS. 473. This course examines what happens in criminal cases after police investigations have been concluded. It considers such topics as bail and preventive detention, the right to counsel, the prosecutor's decision to charge, grand jury screening, the right to a speedy trial, pretrial discovery, plea bargaining, and the right to jury trial. The final portion of the course is devoted to a brief comparative examination of criminal procedure in Germany. Students need not have taken Criminal Procedure I to enroll in this course. Win (3). Mr. Alschuler.

CRIMINAL PROCEDURE III: FURTHER ISSUES IN CRIMINAL ADJUDICATION. 497. This course is limited to students who have taken either Criminal Procedure I or Criminal Procedure II. It is recommended, moreover, only for students who have taken or intend to take both of these courses. The course will
examine electronic surveillance, lineups, the use of unlawfully obtained evidence for impeachment purposes, joinder and severance, prejudicial pretrial publicity, the right to appeal, freedom from double jeopardy, and federal habeas corpus. Spr (3). Mr. Alschuler.

CURRENT DEVELOPMENTS IN CORPORATE AND SECURITIES LAW. 522. (Seminar) The seminar deals with the most important developments in U.S. (and to some extent foreign) corporate and securities practice during the preceding six months. The legal, political, and economic implications of these developments are analyzed from the points of view of lawyers giving advice to a variety of clients, including legislators and regulators, and of lawyers faced with litigation. Each student submits one paper and gives an oral presentation and analysis of another student’s paper. The student papers may take many different forms, for example: a short law review article, legal opinion, legal memorandum or brief for litigation. The instructors critique each paper in writing for the private benefit of the student. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Herzel and Mr. Shepro.

CURRENT ISSUES IN RACISM AND THE LAW. 543. (Seminar) This seminar will examine current problems in American race relations and the role the law has played in structuring the race debate. How have past and present legal approaches to racism fared? Has the continued emphasis on statutory solutions to racism impeded the development of potentially richer political, economic, and cultural approaches, and if so, can minorities afford to shift their emphasis given the continued prevalence of racism in society? Can, and should, the existing concepts of American jurisprudence provide racial minorities more than formal equality through the courts? Students will prepare papers that evaluate how the legal system has dealt with particular incidents of racism and that discuss the comparative merits of litigation, legislation and market solutions to problems of institutional racism in American society. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Obama.

DEVELOPMENT OF LEGAL INSTITUTIONS. 476. An introductory course in the historical background of Anglo-American law, with particular emphasis on the development of English criminal and civil procedure from the era of Magna Carta to the centuries before the American Revolution. Topics: (1) Fact finding: trial by battle, by ordeal and by jury; the development of jury trial—the self-informing jury, passivization, and jury control. (2) Law making: customary law; Chancery—writs and the forms of action, equity and the trust; Parliament and legislation; legal fictions; precedent and law reporting. (3) Civil justice: the growth of the common law and the jurisdiction of feudal, manorial and ecclesiastical courts; legal education, attorneys, bar and bench; pleading; appellate jurisdiction; equitable procedure and remedies, the fusion of law and equity. (4) Criminal procedure: private and public prosecution; Star Chamber; defense counsel, the privilege against self-incrimination and other defendant rights; criminal sanctions. Spr (3). Mr. Klerman.
DOMESTIC VIOLENCE. 575. (Seminar) This seminar will focus on legal problems arising out of domestic violence. There will be both an in-class component and a field work component. For the in-class component, the group will meet in a weekly seminar, for which there will be readings, presentations, and panels, on the causes of domestic violence, the response of the legal system to the problem, including alternative responses of the police, the passage of domestic violence statutes providing simplified procedures for obtaining orders of protection and anti-stalking bills, and the controversy over the admissibility of evidence about the “battered woman syndrome” in defense of women who kill their abusers. The field work component of the course will consist of observing domestic violence court, working on part of a domestic violence case, and participating as one member of a team of three people in the preparation of a clemency petition on behalf of a woman who is currently serving a prison sentence for killing or injuring her abusers. Teams will consist of two students and an attorney, either one of the teachers of the seminar or an attorney participating on a pro bono basis. Enrollment limited to 20. Aut (3). Ms. Banar, Ms. Becker, and Ms. Kaplan.

DRUGS: LAW AND POLICY. 574. (Seminar) This seminar will examine legal and policy aspects of the war on drugs, including legalization; supply-side and demand-side strategies for prevention, treatment and enforcement; civil and criminal forfeiture; and federal and state sentencing statutes. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Schulhofer. [Not offered in 1995-96.]

EDUCATION LAW AND POLICY. 405. This course will trace and critique the central legal and public policy choices that shape the public and private primary and secondary schools in the United States. The primary focus will be state rather than federal law. A central theme will be the allocation of discretion and control over key aspects of education policy among state government, local government, school boards, school administrators, teachers, and parents, but we will also explore how these powers have typically been used by those who possess them. Topics will include competing conceptions of education, control over curriculum, school finance, the “voucher” and “choice” debates, training, hiring and firing teachers, admissions, and discipline standards. Readings will be drawn from a variety of disciplines, including law, history, political science, sociology and economics. (3). [Not offered in 1995-96.]

EMPLOYEE BENEFITS. 555. (Seminar) The private pension system now has assets approaching two trillion dollars, and pension accounts have become a fundamental means both of individual saving and of aggregate capital formation. This seminar will provide an overview of the main types of pension plans as well as other types of employee benefit plans, the principles of taxation governing deferred compensation arrangements, the Internal Revenue Code requirements applicable to qualified pension plans and the fiduciary and conflict of interest requirements of the Employee Retirement Income Security Act of 1974 (ERISA). The federal insurance scheme for defined benefit plans administered by the Pension Benefit Guaranty Corporation will also be examined. Finally, the seminar will explore the role of, and issues relating to, pension
plans and welfare plans in various types of transactions, particularly plan investments and corporate acquisitions. The materials will include finance and accounting literature as well as statutory and case material. Spr (3). Ms. Lutgens.

EMPLOYMENT DISCRIMINATION. 433. This course studies the prohibition of discrimination in the labor market, with particular emphasis on Title VII of the Civil Rights Act of 1964, which bans discrimination on the basis of race, sex, religion, national origin, or color. The course will include consideration of sexual harassment and discrimination based on sexual orientation. Attention is given to substantive, procedural, and remedial issues, including unequal treatment, facially neutral rules that have disproportionate impacts on particular groups, dress codes and other facially discriminatory policies allowed by courts, and affirmative action. Win (3). Mr. Schmidt.

EMPLOYMENT LAW. 435. This course will explore the law of employment by focusing on both the legal status of collective labor organization and the problem of individual worker rights. With the declining rate of unionization, the employment relationship is increasingly governed by an expanding set of rules defining the relationship between individual employees and their employers. This course will analyze the multiple schemes of regulation now governing the workplace and the contrasting models of employment they embody. The course will focus on topics such as union organizing, collective bargaining, the constitutional rights of public employees, antidiscrimination law, job security, and wage and hour laws. Aut (3). Mr. C. Becker.

ENVIRONMENTAL LAW. 460. An introduction to the role of legal institutions in resolving environmental resource conflicts and dealing with the health and ecological risks generated by industrialization. The resolution of environmental problems through private litigation, federal regulation, economic incentive systems, and judicial review of administrative decisions will be examined. Spr (3). Mr. Sunstein.

ESTATE PLANNING. 451. The principal objective of this course is an examination of the federal estate and gift tax law and federal income taxation of trusts and estates. The course includes a study of various arrangements for the aggregation and devolution of wealth, applying principles of wills, trusts, future interests, and tax. The course seeks to develop an understanding of the process of estate planning and choosing among alternative means of accomplishing client personal and tax objectives. Spr (3). Mr. Kanter.

EVIDENCE. 416. The content and reform of the law governing proof of disputed propositions of fact in criminal and civil trials, including relevance; character evidence; the hearsay "rule" and other rules of exclusion; and the confrontation, examination, and privileges of witnesses. Aut (3). Mr. Scorza.

EVOLUTION OF LEGAL DOCTRINES. 531. (Seminar) Legal doctrines have life cycles. They are born and mature. Many doctrines fade and die. There is a form of natural selection among doctrines, with several candidates offering to serve the same function in different ways. This seminar looks at the maturation
and replacement of doctrines, posing the question why some die and others survive. Scope is eclectic: the doctrines range from "separate but equal" under the equal protection clause to the "original package doctrine" under the commerce clause, from the appointment of counsel under the Sixth Amendment to the understanding of the Rules of Decision Act (that is, why Swift gave way to Erie). The premise of the seminar is that those who fail to learn from the past are condemned to repeat it. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Judge Easterbrook.

EXPERT KNOWLEDGE AND LEGAL DECISION MAKING. 584. (Seminar) The topic of this course lies at the intersection of legal doctrine (principally, doctrines of evidence and procedure) and philosophical analysis. In order to make justifiable legal decisions, legal reasoners must have reliable information about the way the world is. But as society’s techniques for discerning the way the world is becoming more complex and more dependent on advanced technical training, it becomes less and less plausible to think that judges, or judges plus juries, are competent to make the kinds of reliable judgments about the world that legitimate legal decision making requires. Because of this epistemic limitation on legal reasoners, they must, and regularly do, defer to the expert judgment of scientists, medical doctors, statisticians, and others—expert testimony regarding “DNA fingerprint” evidence is a paradigm case. In this course we will carefully examine both the reasoning process that judges and juries use when they defer to expert judgments and the doctrinal framework that guides that reasoning process. The course will pursue three closely related inquiries into that underlying issue: 1) What is the doctrinal framework in which expert judgments about the world are permitted to enter the legal decisionmaking process (such as evidentiary rules for scientific testimony)? 2) From a philosophical point of view, is the reasoning process by which non-expert judges and juries defer to expert knowledge justified? 3) Are there limits to the “expert” disciplines to which judges and juries should defer? For example, it is widely recognized that it is appropriate under some circumstances for them to defer to the judgments of physical scientists and statisticians. Is it ever appropriate for them also to defer to the judgments of linguists and philosophers? Why or why not? Readings will be from cases and from work by philosophers and legal scholars. A background in philosophy is helpful, but not required, and one need not have taken a previous course in evidence. Aut (3). Mr. Brewer

FAMILY LAW. 450. This course examines the legal regulation of the family, with special emphasis on issues arising at and after divorce, including child custody, property distribution, support obligations, and separation agreements. There will be no consideration of family tax planning. Aut (3). Ms. Becker.

FEDERAL CRIMINAL LAW. 465. This course deals with selected issues in the federal substantive criminal law. Particular topics to be studied include federal criminal jurisdiction, mail and wire fraud, RICO, drug enforcement offenses, and sentencing federal offenders. The prescribed casebook is Federal Criminal Law and its Enforcement by Norman Abrams (West, 1986). Aut (3). Mr. Schulhofer.
FEDERAL JURISDICTION. 411. A study of the role of the federal courts in the federal system. Topics will include: federal question, diversity, and admiralty jurisdiction; litigation against federal and state governments and their officials; abstention and related doctrines; direct and collateral review of state-court decisions; and congressional control of the jurisdiction and composition of the federal courts. Aut (3). Mr. Currie.

FEDERAL REGULATION OF SECURITIES. 424. 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 Corporate 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. Win (3). Mr. Choi.

FEDERALIST PAPERS. 474. This course will involve a careful reading of the most important source for "the intent of the framers." Issues to be discussed include conceptions of democracy, popular sovereignty, the purpose of limited government, the separation of powers, federalism, and judicial review. (3). Mr. Holmes. [Not offered in 1995-96.]

FEMINIST APPROACHES TO LEGAL ISSUES. 466. This course will use feminist methods of approaching legal issues to examine a number of contemporary controversies. The readings will include a broad range of scholarly writings by feminists on specific legal issues. Spr (3). Ms. M. Becker.

FOREIGN INVESTMENT IN JAPAN. 482. (=GSB 385). An introduction to the legal issues arising out of foreign investment in Japan. Students will investigate a case study of a joint venture between an American and a Japanese firm, and follow the progress of the venture from its formation through its eventual dissolution. In the process, they will explore issues relating to, inter alia, civil procedure, corporate law, foreign exchange regulations, intellectual property, and antitrust law. No prerequisites. (3). Mr. Ramseyer. [Not offered in 1995-96.]

FREE MOVEMENT, MIGRATION, AND THE EUROPEAN UNION. 533. (Seminar) The seminar will be concerned with immigration and migration policy in Europe. It will explore the dual structure of migration in the European Union (EU): the freedom of movement provisions for EU nationals and their families on the one hand, and the immigration controls affecting non-EU nationals on the other. Attention will be given to clarifying the contrasting legislative and policy frameworks governing these two areas and their practical consequences. Topics to be discussed will include the relationship between national sovereignty and European integration, the development of the free movement provisions and their consequences for non-nationals, the meaning of European Union citizenship, the concept of "Fortress Europe," and agreements between the EU and third countries affecting migration. Win (3). Ms. Bhabha.
GAME THEORY AND THE LAW. 506. (Seminar) This seminar examines the principles of game theory and information economics that are useful in analyzing legal problems. The seminar will examine a number of different legal issues through this lens, including ones drawn from torts, contracts, labor law, bankruptcy, antitrust, and employment discrimination. Win (3). Mr. Baird.

THE GERMAN CONSTITUTION. 557. (Seminar) An examination of basic themes in the 1949 Grundgesetz, as illuminated by decisions of the Federal Constitutional Court, with comparative references to the U.S. Constitution. Topics covered will include federalism, the distribution of powers, and basic rights. Prerequisites: reading knowledge of German (if possible); Constitutional Law I. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Currie. [Not offered in 1995-96.]

HEALTH LAW SPECIAL TOPICS. 545. (Seminar) This seminar will explore many of the legal issues involved in health care. Topics will likely include access to health care, rationing, end of life decisions, reproductive rights, and physicians' conflicts of interest. Readings will include case law as well as articles from the legal, medical and ethical literature, and special attention will be given to the tension between libertarian and communitarian impulses. Enrollment is limited to eighteen students. Satisfies part of the writing requirement if substantial written work is completed. (3). [Not offered in 1995-96.]

HISTORICAL AND INTELLECTUAL FOUNDATIONS OF PROPERTY. 548. (Seminar) This seminar will trace the intellectual developments in the theory of property rights through the classical writers on the subject. It will cover such authors as Aquinas, Hobbes, Harrington, Locke, Hume, the Federalist Papers and the anti-Federalists, as well as the early Supreme Court constitutional decisions on takings property rights. Several short papers will be required of students during the course. Enrollment is limited to 20 students. Satisfies part of the writing requirement if substantial written work is completed. (3) Mr. Epstein. [Not offered in 1995-96.]

HISTORY OF AMERICAN LAW. 493. The growth and development of American legal institutions, from colonial times to the present, with particular attention to crime and punishment, slavery and race relations, family law, the role of law in developing the economy, and the place of lawyers in American society. Spr (3). Mr. L. Friedman.

HISTORY OF CRIMINAL JUSTICE. 551. (Seminar) This seminar will deal with the growth and evolution of the American system of criminal justice. Special attention will be paid to empirical studies of the operation of trial courts over time. Other topics will include criminalization and punishment of crimes against morality; sentencing policy; the evolution of prisons and other forms of correction; and changes in the structure of criminal law. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. L. Friedman.
HOLMES: JURIST AND ICON. 478. (=LL/Soc 235, =Hist 458.) This course examines the life and writings of Oliver Wendell Holmes Jr., with emphasis on his ambitions as well as his theories, and with special attention to his role, largely posthumous, as symbol, or even icon, for a disparate variety of philosophical trends in Anglo-American law. (3). Mr. Hutchinson. [Not offered in 1995-96.]

IMMIGRATION LAW. 447. This course covers the constitutional foundations of the power to control immigration, the historical evolution of U.S. immigration law, and the constitutional rights of aliens seeking admission to the U.S. or resisting expulsion. In addition, we will discuss judicial and administrative decisions interpreting the provisions of the Refugee Act of 1980, a particularly dynamic and controversial area of immigration law. Current public policy issues will be discussed. Win (3). Ms. Gzesh.

INSURANCE LAW AND POLICY. 579. (Seminar) Each session of this seminar will be devoted to an important set of issues in modern insurance law. We will work our way through much of the leading casebook in the field, touching on such topics as insurer "bad faith" under first and third party policies, duty to defend controversies, trigger of coverage issues, pollution exclusion issues, gender-based rate classifications, and antitrust issues. Students may elect between a paper and a take home examination. Spr (3). Mr. Sykes.

INTELLECTUAL ORIGINS OF THE U.S. CONSTITUTION. 407. (=Pol Sci 665.) This course will focus on the main philosophical traditions underlying the constitutional settlement of 1787. Particular attention will be paid to the history of ideas about sovereignty, federalism, executive authority, separation of powers, and judicial review. The writers to be studied fall roughly into three traditions: republicanism, natural jurisprudence, and liberalism. Particular authors to be read include: Harrington, Locke, Trenchard and Gordon, Hume, Montesquieu, and Blackstone. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Holmes. [Not offered in 1995-96.]

INTERNATIONAL AND COMPARATIVE ENVIRONMENTAL LAW. 412. Environmental problems of the world can be solved only if there is an interaction between national and international legal reactions and only with a clearly global perspective. The course reviews German, French, Dutch, British, Japanese, and European Community and East European solutions in air and water pollution, waste management, and wildlife protection, using the U.S. as a background. International law reactions to transboundary problems are offered. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Sajo.

INTERNATIONAL FINANCE. 489. Today the volume of international financial flows far exceeds the volume of international trade. This course deals with the international aspects of domestic banking and security markets and with offshore markets. The focus will be on U.S., European and Japanese regulatory systems and the role of international financial institutions. Among the topics covered will be the eurodollar and euribond markets, the international banking and securities clear-
ing systems, foreign exchange as well as futures and options markets, derivatives, swaps and an introduction to emerging markets finance, especially with regard to privatization. This course is intended to complement, rather than substitute for, courses in U.S. securities and banking regulation. Aut (3). Mr. Dam.

INTERNATIONAL INTELLECTUAL PROPERTY. 564. (Seminar) This seminar will deal with selected topics in the international aspects of patent, copyright, trademark and trade secrets law, including differences between national laws, efforts to harmonize national laws, domestic regulation of international transactions through intellectual property law, and international agreements bearing on the interaction of national laws. Completion of an intellectual property course or contemporaneous registration in such a course is a prerequisite. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Dam.

INTERNATIONAL LAW. 485. The basic introductory course in international legal studies. Students will be acquainted with a rapidly evolving legal system that is formally a part of the law of the United States. International law is an unavoidable feature of relationships and transactions in the global marketplace. The course will address the legal and organizational structure of the world community, the fundamental concepts and sources of international law, as well as the law governing the use of force and the protection of human rights. Spr (3). Mr. Gottlieb.

INTERNATIONAL LAW, HUMAN RIGHTS, AND WAR CRIMES. 429. The course will focus on the development of international law pertaining to war crimes and the protection of human rights from Nuremberg and the other World War II war crimes trials through the Vietnam era and up to the new International Tribunals for Bosnia and Rwanda. A central focus of the course will be on the development of doctrines defining individual responsibility for war crimes and human rights violations, but we will also study problems relating to the concepts of aggression, intervention, self-defense, and military necessity. The overarching concern of the course will be to assess the legal legacy which the Bosnian and Rwandan tribunals have inherited. Win (3). Mr. Cohen.

INTERNATIONAL TAXATION. 446. 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 is on the U.S. tax system, but some attention is devoted to adjustments made between tax regimes of different countries through tax credits and tax treaties. (3). Mr. Isenbergh. [Not offered in 1995-96.]

INTERNATIONAL TRADE AND COMPETITION. 586. This seminar will examine the question whether antitrust or competition rules should be developed at the international level, either regionally or under the auspices of the World Trade Organization, as a complement to the existing international trade regime in the post-Uruguay Round world. It will include an examination of the possible content of such rules, looking both to prior drafting efforts and current proposals, the economic case for multilateral regulation of competition policy, and the kinds of insti-
tutional mechanisms that would be required. A background in either Antitrust or International Trade Regulation is recommended. Students in the seminar will be expected to write a substantial paper, the completion of which will satisfy part of the writing requirement. Win (3). Judge Wood.

INTERNATIONAL TRADE REGULATION. 484. This course will examine the regulation of international trade in goods and services under national and international law. The emphasis will be on the principal obligations of the WTO/GATT system, including the most favored nation obligation, the national treatment obligation, and various other constraints on domestic regulatory policies. We will also examine laws of the United States enacted to implement WTO rights and obligations, including the "escape clause" and the antidumping and countervailing duty laws. Considerable attention will be devoted to the structure of international dispute resolution and to the use of unilateral trade sanctions. We will at times consider how similar problems have been handled in different legal systems, comparing the law of the WTO/GATT, the NAFTA, the European Union, and the U.S. federal system. Issues relating to trade and the environment will also receive some attention. Spr (3). Mr. Sykes.

INTRODUCTION TO TAX POLICY. 537. (Seminar) A survey of the causes and consequences of the methods chosen by governments to raise revenues through taxation. The seminar involves a smattering of public finance, politics, and tax analysis. We consider possibilities for improving the U.S. tax system, and also attempt to grasp the main lines of the tax systems used in other countries. Prior courses in individual and corporate income taxation (or the equivalent) are recommended but not required. There is an examination, with option to write a paper instead. Satisfies part of the writing requirement if substantial written work is completed. Prof. Garrett will participate in this seminar. Win (3). Mr. Isenbergh.

ISSUES IN POVERTY AND LAW. 574. (Seminar) This seminar is designed to explore how the law (and the absence of law) affects those who are poor. We will begin by analyzing the rhetoric of poverty in court decisions. We will then examine interdisciplinary materials focused on two substantive areas: housing and the criminal justice system. Some issues that we will discuss are: housing discrimination, screening regulations in public housing, regulation of space, criminalization of homelessness, the Fourth Amendment and poverty, and the relationship between access to law enforcement by poor people and the Second Amendment. A continuing theme of this course will be the relationship between race and poverty. Students will be expected to complete three short written pieces. Aut (3). Ms. Meares

JAPANESE ECONOMIC LAW. 566. [=GSB 584] (Seminar) This seminar will introduce students to a variety of Japanese-language materials on economic law (e.g., corporate law, securities law, antitrust, intellectual property). Students will begin by reading excerpts from law review articles and move to other sources as time permits (e.g., selections from contracts, cases, or treatises). The titles to be read will be determined at the beginning of the quarter and will as much as possible reflect student preferences. Modest reading ability in Japanese required. Japanese LL.M. students may not take this seminar for credit. (3). Mr. Ramseyer. [Not offered in 1995-96.]
JAPANESE LAW. 481. An introduction for the nonspecialist law student to major features of the Japanese legal system. The course will attempt to integrate the structures, processes and personnel of the Japanese legal system into other aspects of Japanese society and history. Topics covered include (but are not limited to) litigation and extra-judicial settlement, the legal services industry, economic regulation, electoral rules, judicial independence, corporate control, and environmental law. Aut (3). Mr. Ramseyer.

JUDICIAL ADMINISTRATION. 568. (Seminar) The steep and rapid growth of judicial caseloads in recent decades has placed strains on the state and federal courts and incited innovative thinking about judicial administration. The seminar will consider a variety of positive and normative issues bearing on the efficient administration of the courts, including the causes, extent, and consequences of the caseload "explosion," the potential of alternative dispute resolution, the lessons from foreign experience, the measurement of judicial productivity, the restructuring of the legal profession, careers in judicial administration, and the promise and limits of computerization, bureaucratization, specialization, sanctions, attorney's-fee shifting, user fees, and procedural streamlining as partial answers to the caseload crisis. Perspectives furnished by economics and organization theory will be emphasized along with more traditional legal-process and jurisprudential approaches. Successful completion of a substantial paper satisfies the writing requirement. Spr (3). Judge Posner.

JURISPRUDENCE. 496. Philosophy and Anglo-American Jurisprudence. This course aims to explore the extent to which investigation of certain central philosophical issues in metaphysics, philosophy of language, and ethical theory can serve to illuminate and deepen our understanding of the leading theories of law in contemporary Anglo-American jurisprudence. We will be reading excerpts from the works of several analytic philosophers and discussing the relevance of philosophical notions such as objectivity, indeterminacy, naturalism, and rule skepticism in assessing the legal theories of Austin, Hart, Dworkin, and Raz. Bring two hats. Aut (3). Ms. Chang.

JUVENILE JUSTICE. 583. (=SSA 478). (Seminar) 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 minors in need of supervision (e.g., truancy cases, runaways, etc.). Major emphasis will be placed on the institutions of juvenile justice: the police, the courts, detention, clinical services, probation, and correctional institutions. The seminar requires the completion of a paper. (3). Ms. Rosenheim. [Not offered in 1995-96.]

LABOR LAW. 431. This course examines the legal framework for collective bargaining. After brief consideration of labor law history, the course focuses on the National Labor Relations Act, and considers labor organizing, selection of unions by employees as their collective bargaining representatives, regulation of the bargaining process, enforcement of collective bargaining agreements, and the duty of fair representation. This is a course on the federal law governing the relationships among unions, employees, and employers and is not a course on
all of the state and federal law dealing with employment relations. (3) Ms. Kagan. [Not offered in 1995-96.]

LAND DEVELOPMENT. 456. 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 of Individual Income or permission of instructor. (3). [Not offered in 1995-96.]

LAND USE PLANNING. 463. This course will examine the range of available legal approaches that can be used to regulate land use decisions, and the various types of justifications for them. It will cover some common law remedies applicable to the area and various schemes of zoning and taxation that can be imposed through the planning process. It will also examine the constitutional limitations on the state planning power imposed through the takings clause and other constitutional provisions. (3). Mr. Epstein. [Not offered in 1995-96.]

LAW AND ECONOMICS: INTRODUCTION. 492. Over the last forty years, economics has become an important tool for those who want to understand the effect legal rules have on the way people behave. This course provides an introduction to the concepts of law and economics. The course also explores the extent to which the principles of economics can be used to explain the workings of the legal system itself. The topics covered in the course include the Coase theorem, the choice between property and liability rules, the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; and the economics of legal procedure. No prior acquaintance with economics or calculus is assumed; the relevant economic concepts are developed through an examination of particular legal applications. Spr (3). Mr. Landes.

LAW AND ECONOMICS: ADVANCED. 439. This course provides a formal introduction to the positive and normative economic analysis of law. It will address topics in law and economics drawn principally from the fields of torts, insurance, contracts, commercial law, and the economics of litigation. Intended for students who have taken Price Theory (Economics 301/Law 436) or the equivalent, it will freely employ multivariate calculus and other standard tools of microeconomic analysis. (3). Mr. Sykes. [Not offered in 1995-96.]

LAW AND LITERATURE. 480. An examination of the interrelations between two systems of complex texts. The first two-thirds of the course will focus on the depiction of law in works of literature by Aeschylus, Sophocles, Shakespeare, Melville, Shaw, Kafka, Forster, and Camus and will ask what jurisprudential insights can be found in that depiction. The last third of the course will consider the possible utility of principles of literary interpretation for the interpretation of statutes and the Constitution, and of principles of literary style and rhetoric for legal advocacy and judicial expression. Texts plus mimeographed materials. A paper can be substituted for the examination at the student's option. Satisfies part of the writing requirement if substantial written work is completed. (3). Judge Posner. [Not offered in 1995-96.]
LAW AND THE MENTAL HEALTH SYSTEM. 470. The course is designed to help lawyers function effectively when issues of mental disability relate to legal issues. The course will examine the interrelationship between legal doctrine, procedural rules, medical, cultural and social scientific understandings of mental disability and institutional arrangements affecting the provision of services to the mentally disabled. Consideration will be given to admission to and discharge from mental health facilities; competency to consent to or to refuse treatment; to surrogate decisionmaking for those found incompetent; to the rights of those confined in mental health facilities; to discrimination against the mentally disabled; and to the rights of the mentally disabled in the criminal justice system. Win (3). Mr. Heyrman.

LAW AND POLITICS: U.S. COURTS AS POLITICAL INSTITUTIONS. 513. (Seminar) (= Pol Sci 370) The purpose of this seminar is twofold. First, it aims to introduce students to the political nature of the American legal system. In reviewing a substantial amount of the social science literature on courts, we will focus on the relationship between the courts and other political institutions. The sorts of questions we will ask include: Are there interests that courts are particularly prone to support? What effect does congressional or executive action have on court decisions? What impact do court decisions have? Second, by critically assessing approaches to the study of courts, the course seeks to highlight intelligent and sound approaches. Particular concern will focus on what assumptions students of courts have made, how evidence has been integrated into their studies, and what a good research design looks like. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Rosenberg. [Not offered in 1995-96.]

LAW AND SOCIAL THEORY. 504. (Seminar) This course surveys developments in legal and social thought in the 19th and 20th centuries, with special emphasis on the origins and growth of socio-historical approaches to law and the relationship of law and modernity. It begins with an examination of the emergence of historical jurisprudence and theories of legal evolution in the 19th century and their culmination in the pivotal work of Max Weber. It goes on to critically examine the reception and refinement of the perspective in 20th-century American legal theory, including sociological jurisprudence, legal history, legal realism, and critical legal studies. (3). Mr. Novak. [Not offered in 1995-96.]

THE LAW OF CYBERSPACE. 534. (Seminar) This seminar will explore issues related to the regulation of cyberspace. It is not a course in computer law, or copyright, or intellectual property. It is instead an effort to understand the particular problems that regulation in this new world will present — especially the question of what kind of regulation (activist or laissez faire) makes sense. Topics will include the regulation of speech in cyberspace, the construction of cyberspace communities, the regulation of privacy, cryptography, and virtual reality, as well as other topics to be determined. No experience with computers or cyberspace is required. The seminar will be limited enrollment, and members will be selected to assure a diversity of background. Part of the class will be conducted in cyberspace, and the only strong requirement is participation in that forum. Win (3). Mr. Lessig.
THE LAW OF LAWYERING. 409. This course will focus on an interdisciplinary analysis of the legal profession as well as an analysis of the laws that regulate the profession. Special attention will be given to the regulation of the government attorney, but regulation of the private attorney also will be examined. This course satisfies the professional responsibility requirement for upper-year students. Students who have taken The Legal Profession are not eligible for this course. Spr (3). Ms. Meares.

THE LAWYER AS NEGOTIATOR. 419. The aim of this course is to investigate the uses of law in negotiations and to develop students' skills as negotiators. Students will be given a theoretical framework with which to analyze problems of negotiation. They will experiment actively with a variety of negotiating techniques. Special emphasis will be given to ethical issues. Students will be engaged in exercises with simulation materials. Win (3). Mr. Gottlieb.

LEGAL INTERPRETATION. 516. (Seminar) Many challenges in law come from the difficulty of interpreting words—always incomplete, often old. This seminar explores different methods of resolving interpretive problems: “plain meaning,” its cousin textualism, a search for intent (“original,” presumed, or imputed), functional analysis, and so on. The seminar will ask how the competing approaches to decoding texts stand up on different criteria, such as consistency with principles of democratic governance (including the contributions of public choice theory) and the philosophy of language. Constitutional and statutory interpretation will receive approximately equal emphasis. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Judge Easterbrook.

LEGAL ISSUES OF ADDICTION. 565. (Seminar) This seminar familiarizes students with similarities and differences between dependencies on alcohol, drugs, and other substances. The disease model of addiction and recovery will be studied. Against that background, the policies toward alcohol and drugs will be examined. The seminar will point to legal instruments which can be used by judges, prosecutors, law enforcement officials and attorneys to motivate addicts to seek help. The relationship between addiction and crime and the legalization of illicit drugs and the harm reduction approach to drug use will be discussed. The main objective of this seminar is to make law students sensitive to the manifestations of addictive behavior they may face in their working roles and in their private lives so that they could help people around them to break a vicious circle of denial and addiction. Another goal of this seminar is to increase the self consciousness of the participants. The seminar will combine readings, class lectures, and discussions with experiential learning. Credit will be based on class participation, oral presentation in class, and a final paper. Aut (3). Mr. Osiatynski.

THE LEGAL PROFESSION. 410. This course seeks to give students a basic introduction to the structure, ideology, and functioning of the modern American legal profession with particular emphasis on the corporate sector. The course is divided into four parts. Part one introduces students to the standard conception of the lawyer’s role. Part two examines how this conception has been applied by rule
makers and courts in the four primary areas of ethics regulation: confidentiality, conflicts of interest, competition, and licensing. In part three, we will investigate whether this model adequately responds to the special problems and possibilities of the corporate workplace. Specifically, we will discuss how factors such as institutional incentives, team decision-making, personal or group identity, and changing career opportunities can affect the profession’s (or an individual’s) understanding of the lawyer’s role. Finally, we will conclude by returning to the core concept of “professionalism” and ask how this venerable ideal might be reformulated to better fit the demands facing the women and men about to enter the corporate law world of the twenty-first century. Materials: Kaufman, Problems in Professional Responsibility (3d ed. 1989); any 1995 pamphlet containing the Model Rules of Professional Conduct and the Model Code of Professional Responsibility; and xeroxed materials to be handed out in class. Aut (2). Mr. Wilkins.

THE LEGISLATIVE PROCESS. 464. An understanding of legislative process and statutory interpretation is increasingly necessary as the influence of statutory law broadens to affect a wide range of legal issues. Solutions to many problems facing today’s lawyer involve either a knowledge of how legislation develops in Congress or an understanding of how laws will be interpreted by the judicial and executive branches. Focusing on the federal level, we will examine the contemporary legislative process, including the role of interest groups and the effect of lobbying; the use of legislative history in statutory interpretation; and the legal issues implicated by recent legislative reform proposals. We will also explore topics such as the constitutional law and political theory of representation, campaign finance reform, and term limit proposals. These issues will be discussed from legal, economic, and political perspectives, and theoretical conclusions will be applied to practical examples of actual legislation. Aut (2). Ms. Garrett.

LIBERAL THEORIES OF JUSTICE: RAWLS AND HIS CRITICS. 430. (=Phil 314) The course will study Rawls’s A Theory of Justice, Political Liberalism, and other related writings, together with criticisms and discussions of Rawls’s views by writers including Amartya Sen, Ronald Dworkin, Robert Nozick, Susan Okin, and others. Topics will include: the priority of liberty; the role of theories of the good in political liberalism; individualism and community; the difference principle and egalitarianism; the role of gender and family; the role of religious discourse in political liberalism. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Ms. Nussbaum.

LITIGATION METHODS. 418. 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, pretrial 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, pretrial 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 pretrial or trial methods for major 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 for 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 Advocacy or Major Civil Litigation. Students may choose to take the course for only the first two quarters. Satisfies part of the writing requirement if substantial written work is completed. Aut (2), Spr (2), Win (1), Spr (1). Mr. Heyrman, Mr. Palm, Mr. Schmidt, Mr. R. Stone.

MAJOR CIVIL LITIGATION. 511. (Seminar) In this practical seminar students are taught proper and effective methods for preparing and presenting major civil litigation in trial and pretrial settings. Emphasis is on the federal courts. Unlike the Trial Advocacy seminar, this seminar covers not only trial presentations but also pretrial proceedings and discovery. It also requires preparation of written materials. Using a complex fact setting, students participate, both as plaintiff and defense counsel, in each of the principal litigation steps: contact by the client; development of the facts; drafting of pleadings; discovery including depositions; motion practice; hearings; and trials. Emphasis is also placed on teaching students how to perfect the appellate record at the trial court level. The seminar in the second quarter focuses on particular issues which arise in major civil litigation. For example, the second quarter concentrates on the effective presentation of expert witnesses, including economic experts, accounting experts, and market survey experts. The seminar is taught by a federal trial judge assisted by experienced trial lawyers. Enrollment is limited to sixteen students. Students should have taken Evidence. Students taking Major Civil Litigation are not eligible to enroll in Trial Advocacy or Litigation Methods. The seminar extends over two quarters. Satisfies part of the writing requirement if substantial written work is completed. Win (2), Spr (2). Judge Holderman.

MESOPOTAMIAN LAW. 596. (Seminar) This seminar will examine the ancient near eastern Sumerian, Babylonian, and Assyrian law collections (all in English translations) from the third, second, and first millennia B.C., and explore questions relating to the legislative and judicial significance of these collections. The materials will be placed within their political, social, and economic settings, and will be explored from the perspectives of comparative material from other ancient and modern legal systems. No knowledge of ancient languages is required for the course. (3). Ms. Roth. [Not offered in 1995-96.]
MINING LAW. 454. A survey of the American law of mineral development, excluding oil and gas. The principal focus will be on the public lands. An introductory section of the course will be devoted to the statutory framework governing mining development. (3). Mr. Helmholz. [Not offered in 1995–96.]

NONPROFIT ENTITIES. 432. This course will provide a broad introduction to the special legal and conceptual problems of nonprofit organizations. The course will include a description of the nonprofit universe and the theoretical rationales for the nonprofit sector. The course will also include coverage of such topics as organization and governance, fiduciary obligations of officers and directors, investment powers, regulation of charitable solicitation, and the enforcement powers of donors, the attorney general, and others. Win (3). Mr. Fischel.

OIL AND GAS. 453. The basic 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. Taxation and post-production marketing controls will not be covered. Aut (3). Mr. Helmholz.

OPINION WRITING. 520. (Seminar) The endeavor of this seminar is, through practice, examples (both good and bad), and precept, to train students, particularly those who will be law clerks in the federal courts of appeals, in the drafting of judicial opinions and in the ancillary responsibilities of modern law clerks. Some attention will be paid to problems of conflicts of interest and other ethical issues that occasionally confront law clerks; to the rules and procedures of the courts of appeals; and to issues of law characteristically overlooked by parties to federal appeals, including recurrent jurisdictional problems of district court and appellate jurisdiction, standards of appellate review, and conflicts of laws. The main emphasis of the seminar, however, will be on the drafting of opinions in typical court of appeals cases. Win (3). Judge Posner.

PARABLES OF THE LAW. 528. (Seminar) A series of fictional writings, designed to illumine issues in criminal law and family law, will be read and discussed. They will include Melville's Billy Budd, Butler's Erewhon, Burgess' Clockwork Orange, Forster's Maurice, Dickens' Bleak House, and novels by Chicago authors Jack Fuller and Scott Turow (who may be persuaded to attend when their books are discussed), together with a series of lesser studies in The Brothel Boy and Other Parables of the Law by Norval Morris. The books, stories, and essays discussed will be considered in terms of their analytic validity and their capacity to clarify contemporary legal, moral, and ethical issues. Students will be required to prepare as a paper either their own attempt at such a story or a substantial essay on one of the studies discussed in the seminar. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Morris. [Not offered in 1995–96.]

PATENTS AND TRADE SECRETS. 459. This course focuses on patent law and, to a lesser extent, on trade secret law. Though the course is primarily concerned with
legal doctrine, it will deal with how intellectual property rules promote and sometimes deter innovation. Most of the time will be devoted to U.S. law but international patent cooperation efforts, as well as key differences between the U.S. and foreign patent systems, will also be discussed. Win (3). Mr. Dam.

POLITICS OF WELFARE. 552. (=SSA 460). (Seminar) This seminar explores the evolution of welfare policy in the U.S. with particular attention to theoretical explanations for the dynamics that motivate policy change. Alternative approaches to understanding the political, economic, institutional and social dynamics that influence poverty policy and the implications of these dynamics for welfare policy in the current period era will be considered. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Ms. Brodkin.

POST-INDUSTRIAL SOCIETY AND AMERICAN LABOR LAW. 539. (Seminar) An examination of the economic and social problems spawned by deindustrialization, focusing on the resolution of these problems in labor and employment law. Topics include: global economic competition and labor standards; the breakdown of divisions between mental and manual work on which labor law is premised; job segmentation by race and sex; the relocation of work from factories to office and homes; the simultaneous rise of career and casual employment. Along with legal materials, readings include recent sociological and economic literature. Win (3). C. Becker.


PROBLEMS OF INTERNATIONAL LAW: ETHNIC AND REGIONAL CONFLICTS. 576. (Seminar) The seminar will address juridical aspects of the management of ethnic and regional conflicts with special emphasis on the situation in Ireland, Cyprus, Kurdistan, the former Yugoslavia, and the conflict between Israel, her Arab neighbors, and the Palestinians. It will grapple with the circumstances that warrant intervention by the United States and by the United Nations to provide humanitarian assistance and to protect peoples subjected to genocidal attacks. It will consider issues involving the use of force as well as credible collective enforcement strategies. (By permission of the instructor, limited to fifteen students.) Satisfies part of the writing requirements if substantial written work is completed. Spr (3). Mr. Gottlieb.

PROBLEMS IN SUPREME COURT HISTORY: THE BRENNAN-WHITE COURT(S). 572. (Seminar) Institutional studies of the Supreme Court of the United States tend to periodize by reference to the Chief Justice or the President who made influential appointments. The tone and direction of the Court, however, is more often set by one or two forceful figures whose impact spans more than one Chief Justiceship. The most striking case in point recently is that of Justices White and
Brennan, who, in different ways, established the metes and bounds of the Court during the last three decades. This seminar will investigate the Brennan-White Court, using doctrinal analysis, voting studies, archival material and other relevant material. A major research document is expected. Aut (3). Mr. Hutchinson.

RATIONALITY AND PRACTICAL REASON. 517. (Seminar) This seminar will discuss the ideas of "practical reason" and "rationality," in an effort to figure out what it means for a legal or policy decision to be "well-reasoned" or "rational." It will explore utilitarian ideas of rationality, and recent challenges to those ideas. We will also discuss competing theories of legal reasoning. The seminar will examine some practical issues too, including the allocation of taxpayer money to protect against risks to life and health. Spr (3). Mr. Sunstein, Ms. Vogler.

READINGS IN LEGAL THOUGHT. 570. (Seminar) Students in this seminar will read a selection of important works in the development of Anglo-American legal thought from the eighteenth century to the present. In the past, authors have included Blackstone, Bentham, Mill, Holmes, Llewellyn, Frank, Bickel, Calabresi, Posner, MacKinnon, and members of the Critical Legal Studies movement. Students will submit three comments or questions on each reading prior to its being discussed in class. Grades will be based on those submissions and on class participation. Limited to fourteen students. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Judge Ginsburg.

REFUGEE LAW. 577. (Seminar) This seminar will explore the differences between various conceptions of refugees as commonly perceived, and the narrower legal definition of "refugee" incorporated in the 1951 United Nations Convention Relating to the Status of Refugees. It will consider the historical background to the modern definition of a refugee and its key elements; issues such as the standard of proof in refugee claims and the relationship between international human rights law and refugee law will also be discussed. The seminar will examine North American and European refugee caselaw, together with topical issues such as the treatment of Haitian asylum seekers by the United States government, and Bosnian asylum seekers by European Union states; the relationship of rape, domestic violence, and other "private" acts to the legal definition of persecution; the appropriateness of the refugee definition to current realities; and the applicability of philosophical and legal conceptions of "rights" and "truth" to refugee experience. Spr (3). Ms. Bhabha.

REGULATED INDUSTRIES. 462. This course addresses state and federal regulation of price, quantity, and entry, with an emphasis on the regulation of natural monopolies, cost-of-service ratemaking, rate design, and the problem of partial competition within a regulated environment. While the scope of the course precludes a detailed investigation of any particular industry or system of regulation, particular attention is paid to electrical generation, natural gas, and telecommunications, with exposure to problems of regulating transportation, agriculture, medical care, broadcasting, and other industries. Administrative Law is helpful as background but is not a prerequisite. (3). Mr. McConnell. [Not offered in 1995-96.]
REGULATING FAMILY, SEX, AND GENDER. 443. There are many ways in which the legal system regulates sexuality, sexual identity, and gender. This course will consider such regulation in a number of substantive areas, including marriage laws, custody rules, sodomy laws, and constitutional rights such as free speech, equal protection, and substantive due process. Readings include cases and articles from the legal literature together with work by scholars in other fields on current questions of identity and other theoretical issues. Win (3). Ms. M. Becker and Mr. Knight.

REGULATION: WHAT WORKS AND WHAT DOESN'T. 542. (Seminar) One of the most sharply disputed subjects in the area of law and government has to do with the likelihood that government regulation will actually serve its intended purposes. This seminar will explore a variety of efforts by government to regulate private conduct in order to solve social problems. The principal focus will be on social regulation, including such areas as occupational safety and health, communications, safety and health generally, the environment, and discrimination on the basis of race and sex. Principal attention will be given to three topics: (1) what sorts of arguments justify government intervention in these areas? What sort of presumption should be given to "private" ordering?; (2) under what circumstances have regulatory programs actually served their intended purposes?; and (3) is it possible to draw some general conclusions about the relationship between institutional design and successful regulation? The seminar will be highly interdisciplinary, drawing on political theory, law, economics, and empirical work. The ultimate goal is to provide a set of guidelines by which to assess those problems of social regulation that are most likely to arise in the next generation. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Sunstein [Not offered in 1995-96.]

RELIGION AND THE FIRST AMENDMENT. 404. A study of the relationship between government and religion, as ordered by the Free Exercise and Establishment Clauses of the First Amendment. The course will include both historical materials and modern Supreme Court doctrine, and will cover such topics of current interest as aid to parochial schools, religious activities in public schools, religious influences in politics, regulation of activities of religious organizations, and religious accommodation. Aut (3). Mr. McConnell.

REMEDIES. 414. This course is designed to expand upon legal remedies studied during the first year. However, the primary focus of this course is to explore equitable remedies, such as injunction and restitutionary remedies to prevent unjust enrichment, and the principles that govern their exercise. The relationship between legal and equitable remedies and the relative effectiveness of each type in practice will be explored. This course also emphasizes ancillary remedies and non judicial remedies. Win (3). Ms. Meares.

RESEARCH IN AMERICAN LEGAL HISTORY. 547. (Seminar) This seminar provides an opportunity for research and writing in American Legal History. The seminar will spend several weeks exploring different methods of doing legal history. Students will then select a topic for research, preparing first an oral report and, later, a final paper. (3). Mr. Ross. [Not offered in 1995-96.]
RESEARCH IN ENGLISH LEGAL HISTORY. 549. (Seminar) The seminar provides an opportunity for intensive research and writing in the legal history of England. Enrollment is small, research is supervised, and students are encouraged to produce several drafts. The object is to produce work of publishable quality. The first meetings will deal with bibliographic questions and discussion of selected topics designed to give students a general familiarity with the sources. The questions suitable for investigation include: changes in the jury system, relations between the common law and its rivals; comparison of English and Continental law, development and scope of various rules of evidence, the development of the right to defense counsel and other safeguards in the criminal process, how a legal system confronts demands for legal change. Prerequisite: Law 476, Development of Legal Institutions, or the permission of the instructor. Writing is likely to extend over the Winter and Spring Quarters. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Helmholz.

RIGHTS PROTECTION IN EUROPEAN INTERNATIONAL COURTS. 542. (Seminar) Constitutional issues are becoming more and more international in Europe and these developments will have a profound impact on the global development of law. The seminar will discuss issues of federalism, the European concept of the rule of law, free speech, discrimination, freedom of religion, and other timely issues which will put into perspective some of the most debated American constitutional issues. Leading cases of the European Human Rights Court and of the European Community’s Court will be discussed. Win (3). Mr. Sajo.

ROMAN LAW. 477. An outline of the sources and procedure of Roman private law, followed by an examination of the Roman institutional system, the basis of most modern civil law codes. Particular emphasis will be given to property and to obligations (contracts and torts). The course is intended to develop skills in analyzing legal problems according to the processes of the Roman civil law, in contrast with those of the common law, and does not purport to give a comprehensive treatment of its detailed workings. No knowledge of Latin is required for the course. (3). [Not offered in 1995-96.]

RUSSIAN LAW & POLITICS. 590. (Seminar) A study of legal and political changes in Russia today. (3). Mr. Holmes. [Not offered in 1995-96.]

SECTION 1983 CIVIL RIGHTS LITIGATION. 514. (Seminar) 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. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Palm.
SECURED TRANSACTIONS. 422. This course deals with security interests in personal property under Article 9 of the Uniform Commercial Code, and the effect of those laws on debtor-creditor relations. These are issues that every corporate and commercial lawyer should have a firm grasp of. The course is a useful, though not absolutely essential, preparation for Bankruptcy. Aut (3). Mr. Picker.

SELECTED READINGS IN JAPANESE LAW. 567. (Seminar) This seminar is designed to introduce students to a variety of Japanese-language legal materials. Students will begin by reading excerpts from law review articles and move to other sources as time permits, e.g., selections from contracts, cases or treatises. The titles to be read will be determined at the beginning of the quarter and will as much as possible reflect student preferences. Modest reading ability in Japanese required. Japanese LL.M. students may not take this seminar for credit. (3). Mr. Ramseyer. [Not offered in 1995-96.]

SELECTED TOPICS IN FEDERAL INCOME TAXATION. 558. (Seminar) This seminar will examine a number of current and perennial issues in taxation from theoretical, practical, and policy perspectives, with particular emphasis on the survival of common law concepts in a codified field. Potential topics (which are subject to change as new issues arise) include tax protesters, the proliferation of hybrid financial instruments, asset securitization transactions, the rise of information reporting, and the audit process. Participants will be expected to complete a substantial paper on one of the topics discussed (or another topic chosen with the instructor’s consent). Taxation of Individual Income is a prerequisite. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Ms. Flom.

SEMINAR IN LEGAL ETHICS: IDENTITY AND PROFESSIONAL ROLE. 582. (Seminar) In this seminar we will investigate the relationship between certain ascriptive characteristics, such as race, gender, and religion, and the lawyer’s role. We will do so primarily by examining the experiences of the emerging generation of black corporate lawyers. Our goal will be to shed light on three debates that have preoccupied much of legal academia during the last decade: the role of law in social change, the moral and social significance of group identity, and the meaning of professionalism. As to the first, what difference will it make that blacks and other previously excluded groups have begun (slowly) to gain a foothold among the ranks of the elite corporate bar? Does their experience confirm or deny the profession’s power to shape social and political institutions? To what extent do the answers to these questions depend upon the second set of issues regarding the moral or practical significance of group identity? Do blacks, women, or members of other previously excluded groups have distinctive styles or values that they bring to the job of lawyering? Should institutions maintain policies that categorize lawyers by race or gender? Finally, to what extent do the experiences of black corporate lawyers and others undermine the traditional claim that lawyers are governed by a separate and distinct professional morality that supersedes an individual’s other moral, political, economic, or social commitments? Can a concept that was created at a time when the legal profession was relatively homogeneous (and in fact has consistently been deployed to exclude newcomers) be successfully adapted to the demands of a more diverse profession? Can we learn something from the experiences of these new entrants that might help us to rehabilitate what has clearly become a discredited ideal
for all lawyers? Students will be asked to write and present papers on these and other topics. Xeroxed materials to be distributed in class. Aut (3). Mr. Wilkins.

SOCIAL SCIENCE RESEARCH AND LAW. 595. (Seminar) This seminar examines the wide range of social science research on law-related issues and its influence on legal decisionmakers. Among the topics that the seminar may consider are: pornography, violence in the media, the reliability of eyewitness identification, jury selection, jury size, the comprehensibility of jury instructions, the administration of the death penalty, the death penalty’s possible deterrent effect, the success or failure of programs for rehabilitating criminals, the effects of segregated schools and of efforts to remedy segregation, the harms and benefits of single-sex schools, and the prediction of dangerousness. During the quarter before the seminar, every student will be expected to attend an organizational meeting, select a paper topic, and begin work on a paper. Every student will then be expected to conduct a one-hour discussion of his or her topic during the seminar. No prior training in statistical methodology or in the social sciences is expected. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Alschuler and Mr. Lindgren.

SOLUTIONS TO COLLECTIVE ACTION PROBLEMS. 536. (Seminar) The collective action problem is central to many modern justifications for the role of the state. In this framework, law is seen as a tool for shrinking the social losses that result when cooperation cannot be achieved. This seminar will focus on the ways in which lawyers and other participants actually solve collective action problems in practice. These problems arise when a real estate developer seeks to amass parcels of land, when an oil pipeline is to be built, when a number of related patents must be licensed together to create an effective product and in many other areas as well. Teams of 3 to 5 students will undertake field research based upon provided background materials. Registration for this course and distribution of the background materials will occur at the beginning of Winter Quarter so as to give students enough time for the field research. In the Spring, the initial meetings of the seminar will lay out the intellectual framework for analyzing collective action problems. Thereafter, students will present drafts of working papers analyzing their findings. Lawyers and other participants may discuss their approaches to these problems as well. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Coase, Mr. Choi, and Mr. Picker.

STATE AND LOCAL GOVERNMENT. 406. An examination of the structures and allocation of power at the state and municipal levels, with an emphasis on electoral accountability, budgets, educational policy, and land use policy. (3). Mr. McConnell. [Not offered in 1995-1996.]

STRUCTURING VENTURE CAPITAL AND ENTREPRENEURIAL TRANSACTIONS. 530. (Seminar) This seminar covers the tax and legal principles applicable to a series of interesting, complex, current entrepreneurial transactions, including a new business start up, a growth-equity investment in an existing business enterprise, a leveraged buyout of a private or a public company (including a going-private transaction), a restructuring of an existing enterprise to provide better incentives to key

executives, devising an equity-based executive compensation program, a restructuring or workout (in or out of bankruptcy) for the troubled over-leveraged enterprise, devising an exit scenario for the successful venture capital financed enterprise (such as an IPO, SEC rule 144 sales, or a sale of the company), utilizing an NOL in a venture capital or LBO deal, and forming a new venture capital, LBO, or private equity fund. Substantive subjects covered include federal income tax, securities regulation, corporate law, partnership law, LLC law, bankruptcy law, fraudulent conveyance law, and other legal doctrines and accounting rules relevant to entrepreneurial transactions. The seminar reviews these tax, legal, and accounting principals in a transactional context and also considers their policy underpinnings and likely future evolution. There will be an examination (no paper). Spr (3). Mr. Levin.

THE SUPREME COURT. 503. (Seminar) A study of selected cases currently on the docket of the Supreme Court of the United States. The members of the seminar, after considering the briefs filed with the Supreme Court by the parties to the cases, will present oral arguments, discuss the cases and draft opinions, generally before the Court’s actual decision in the case. Each student will be responsible for several opinions. Enrollment will be limited. Satisfies part of the writing requirement if substantial written work is completed. (3). Ms. Kagan. [Not offered in 1995-96.]

SYMPOSIUM: FINANCIAL REGULATION. 455. (= GSB 538) This course will address a number of advanced topics in the regulation of financial markets and institutions, including banking firms and securities, and commodities and futures markets. The first four meetings will consist of lectures on the overall subject matter of the seminar. The remainder of the course will consist of the presentation of student papers on selected topics approved by the instructors and prepared under their supervision. Representative topics include treasury auctions, jurisdictional conflicts between the SEC and the CFTC, regulation of dual trading on exchanges, the pros and cons of open-outcry markets, restrictions on trading practices on the floors of exchanges, regulation of off-exchange trading and hybrid instruments, clinical studies about the relationship among laws and developing financial markets and exchanges, regulatory approaches to ensuring solvency, regulatory efforts to expand access to public markets, risk-based deposit insurance premiums, risk-based capital adequacy rules, bank closure and failure regimes, international banking supervision, the dual banking system, and the analysis of systemic risk in financial markets. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Miller.

TAXATION OF BUSINESS ENTERPRISES I. 448. This course examines income tax aspects of the formation, operation, and liquidation of corporations and partnerships, including the tax treatment to shareholders of corporate distributions and to partners of partnership income. It also examines the tax treatment of transactions between partners and partnerships, and of the transfer by taxable sale of a corporate business. (Tax-free corporate reorganizations are covered in Taxation of Business Enterprises II, rather than in this course.) The tax considerations affecting one’s choice of business entity, and the reasons for differences between the corporate and partnership tax systems, will draw attention throughout the quarter. The taxation of S corporations may receive very brief attention. Win (3). Mr. Isenbergh.
TAXATION OF BUSINESS ENTERPRISES II. 449. This course surveys the taxation of reorganizations and other adjustments involving continuing businesses: mergers, combinations, asset and stock acquisitions and other similar shifts of ownership and control, recapitalizations, divisions, and transactions with overlapping characterizations (such as combined liquidations and reincorporations and consolidations of related entities). Points of focus are the recognition of gain and loss and the survival and allocation of tax attributes (basis, earnings, and most importantly loss carryovers) in these transactions. Spr (3). Mr. Isenbergh.

TAXATION OF INDIVIDUAL INCOME. 441. A survey of the essential elements of the U.S. income tax, with principal focus on the taxation of individuals. Points of concern are the nature of income, its timing and measurement, the notions of tax benefit and tax incentive, realization, sales and exchanges, the boundary between personal and business expenditures, capital recovery and capital gains, and assignment of income among related taxpayers. Aut (4). Mr. Isenbergh. Win (4). Ms. Garrett.

THEORETICAL FOUNDATIONS OF THE REGULATORY STATE. 571. (Seminar) Why does American government do what it does? What should it do instead? This seminar will focus on these questions in the context of an inquiry into the notions of democracy, freedom, and welfare that underlie the modern state. It will place particular emphasis on the law governing the environment, occupational safety and health, and consumer product safety. Though much of the discussion will be theoretical, there will also be attention to practical questions of reform. (3). Mr. Sunstein. [Not offered in 1995-96.]

THEORIES OF INTERNATIONAL JURISDICTION. 589. Although it has become commonplace to recognize that the reach of national regulation often cannot stop at the physical borders of the modern State, it is far more difficult to define the acceptable scope of jurisdiction over activities outside the State that affect activities or persons within it. Theories relying on effects within the regulating State, while becoming more accepted in the international community at large, continue to give rise to significant diplomatic frictions, and the same is true of nationality-based theories. In this seminar, we will examine both the existing U.S. jurisprudence on the subject, with particular emphasis on economic regulation, as well as perspectives from other countries. A substantial paper will be required, the completion of which will satisfy part of the writing requirement. Spr (3). Judge Wood.

THEORIES OF INTERNATIONAL LAW. 538. (Seminar) The purpose of this seminar will be to survey, discuss, and critique different theoretical approaches to the field of International Law and to examine discrete problems in international law in the light of different theoretical approaches. Among the theories covered will be Realism and Neo-Realism, Liberalism and Neo-Liberalism, Critical Legal Studies, Feminist Jurisprudence, and certain Post-Modernist approaches. The seminar will be based on assigned readings. Seminar papers on any topic related to theory and international law. Some prior knowledge (such as general course, etc.) of international law required. Spr (3). Mr. Weiler.
TRADEMARKS AND UNFAIR COMPETITION. 457. This course deals with federal and state laws designed to protect trademarks and to protect against unfair competition, including misappropriation, false and deceptive advertising. The course also examines FTC regulation of advertising and state laws protecting rights to publicity. Win (3). Mr. Klerman

TRADING IN AND WITH EUROPE: INTRODUCTION TO THE LAW OF THE EUROPEAN UNION. 495. The course is designed as a general introduction to the legal system of the European Union covering both its constitutional and institutional architecture and focusing on a selection of substantive law issues. Attention will be given to equipping students with the basic tools necessary to understand the underlying principles of European legal integration and becoming comfortable working with the European Union legal sources. Materials and discussion will follow three basic themes: 1) The Transformation of Europe from the Treaty of Rome to the Treaty of Maastricht: The Constitutional and Institutional Setting of the Community and its Evolution; 2) Select Issues of Intra-Community Trade in Goods; 3) Select Issues of International Trade with Europe. Xeroxed materials. Spr (3). Mr. Weiler.

TRIAL ADVOCACY. 512. (Seminar) A study of advocacy in civil and criminal trials. This intensive course teaches trial preparation and strategy in a courtroom setting. The primary teaching method is student participation followed by instructor critique and demonstration. All aspects of a trial are covered, as procedural and substantive principles of law are presented through litigation techniques. Students in the seminar should have taken Evidence or be taking Evidence concurrently. Students taking Trial Advocacy are not eligible to enroll in Litigation Methods or Major Civil Litigation. The seminar will extend over two quarters. Win (2), Spr (2). Mr. Howlett, Judge Wolfson, and Ms. Wolfson.

TRUSTS AND ESTATES: FAMILY WEALTH TRANSMISSION. 452. This course examines various means of family wealth transmission: inter vivos transfers (including trusts), wills, and the operation of intestacy statutes. (3). [Not offered in 1995-96.]

TYRANNY OF ABSTRACTION. 535. (Seminar) This seminar will examine the proper domain of abstract reasoning in substantive criminal law. In particular, we will evaluate the use of theory and non-theoretical moral intuitions as alternative mechanisms for bringing incompletely specified doctrines (e.g., proximate causation, necessity, duress, self-defense, and the voluntary act requirement) to bear on particular facts. Readings will include defenses and critiques of abstract reasoning in moral philosophy and in law generally. We will also assess the adequacy of voluntarism, consequentialism, and other prominent theoretical accounts of substantive criminal law. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Kahan.

THE UNITED STATES AND THE WORLD ECONOMY. 541. (Seminar) This seminar will be concerned with what policy the U.S. government has pursued and should pursue with regard to the international economy. Using a methodology stressing
the considerations that govern public decisions, the seminar will confront contemporary issues concerning trade, exchange rates, finance, technology and immigration. Each student will be expected to write a research paper. Satisfactory completion of this paper satisfies part of the writing requirement. Win (3). Mr. Dam.

**VOTING RIGHTS AND THE DEMOCRATIC PROCESS. 509. (Seminar)** This seminar will examine the legal developments pertaining to political representation and voting rights. There will be an historical overview of the court's approach to the disenfranchising and disempowering of political and racial minorities. Particular attention will be given to the constitutional and statutory framework for analyzing issues of racial gerrymandering and minority vote dilution. Spr (3) Mr. Miner.

**WORKSHOP IN FEMINIST LEGAL THEORY. 585. (Seminar)** In this workshop, scholars will present and discuss their work in feminist legal theory, considering how changing views of gender may reshape law and legal institutions. Students must prepare one- or two-page critiques of each of the six papers presented, and each student must also prepare a paper of his or her own on a legal issue of concern to women or a broader issue of feminist theory. Satisfies part of the writing requirement if substantial written work is completed. Win (1), Spr (3). Ms. Becker.

**WORKSHOP IN LAW AND ECONOMICS. 560. (Seminar)** 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 five credits for satisfactory completion of a substantial paper. Satisfies part of the writing requirement if substantial written work is completed. Aut (2), Win (2), Spr (1). Mr. Fischel, Mr. Landes.

**WORKSHOP IN LEGAL THEORY. 563. (Seminar)** This seminar is an opportunity to write, under supervision, a substantial paper of the sort that a legal academic might do, while attending workshops given by leading scholars in law and allied fields. The workshop will meet as a group several times during the year to hear papers given by invited speakers, often from other universities. The requirements are that students attend those sessions and complete the seminar paper. Paper topics will be suggested but students are free to select their own. The paper should, however, be directed more toward a theoretical subject than a technically legal or doctrinal one. Enrollment may be limited. Aut (1), Win (1), Spr (1). Mr. Strauss.

**COURSES IN OTHER DEPARTMENTS**

Students are also reminded of the opportunity to take up to six 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. Courses that may be considered under this option include:


INDEPENDENT STUDY

INDIVIDUAL RESEARCH. 499. 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.

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.

The following is a non-exclusive listing of most faculty members’ preferred areas for supervising written work.

Albert W. Alschuler: criminal law; criminal procedure (especially sentencing, search and seizure, and juries); American legal theory.

Douglas G. Baird: bankruptcy; commercial law; law and economics; game theory.

Mary E. Becker: family law; employment discrimination; feminism; law and social change; trusts and estates.

Richard Craswell: contract law, commercial law, law and economics, antitrust, trade regulation, and advertising.

David P. Currie: constitutional law; federal jurisdiction.
Kenneth W. Dam: international trade; comparative public law; intellectual property.
Richard A. Epstein: any common law subject; property-related constitutional; issues; law and economics.
Elizabeth Garrett: legislative process; federal budget process; positive political theory; federal tax policy; alternative tax systems.
Gidon A. G. Gottlieb: public international law; legal theory; international human rights issues; issues involving foreign conflicts; lawyer's role as negotiator.
R. H. Helmholz: English legal history; continental legal history; real property; personal property.
Mark J. Heyrman: rights of the disabled—particularly, the rights of the mentally handicapped, both in institutions and in the community; mentally handicapped in the criminal justice system, including fitness to stand trial, insanity defense, sexual offender laws.
Joseph Isenbergh: domestic and international income and transfer taxation; corporate finance; tax policy; federal jurisdiction.
Elena Kagan: constitutional law, especially First Amendment; labor law; civil procedure; federal jurisdiction; feminism.
Dan Kahan: substantive criminal law; constitutional law; administrative law; federal jurisdiction; law and political theory.
Daniel Klerman: legal history.
William M. Landes: law and economics; intellectual property; torts.
Lawrence Lessig: legal theory; constitutional law; computer law.
Michael W. McConnell: constitutional law; church and state; state and local government; federalism.
Tracey Meares: criminal justice system and criminal procedure (especially the role of the prosecutor); regulation of attorneys (especially government attorneys); poverty law; race-conscious remedies.
Bernard D. Meltzer: labor law; employment law; evidence.
Martha Nussbaum: moral and political philosophy, jurisprudence, law and literature, ancient Greek philosophy, feminist theory, theories of motivation.
Gary H. Palm: federal civil rights litigation; poverty and antipoverty law—child support, job referrals and job training, day care; employment discrimination.
Randal C. Picker: secured transactions; bankruptcy; corporate reorganizations, game theory; environmental law.
J. Mark Ramseyer: Japanese law; comparative law; corporate law.
Gerald N. Rosenberg: law and society; law and social change; interest groups, law and the courts; political jurisprudence; empirical approaches to the study of law, courts, and judicial behavior.
Randall D. Schmidt: civil rights; employment discrimination; attorneys' fees; retroactive application of statutes and/or cases; civil litigation—including discovery, pretrial procedures, trial practice, evidentiary issues, etc.

Stephen J. Schulhofer: criminal law; criminal procedure.

Geoffrey R. Stone: evidence; freedom of speech and press; equal protection; search and seizure.

Randolph N. Stone: criminal justice; ethics; legal profession; poverty; racism; legal services to the poor.

David A. Strauss: constitutional law; federal jurisdiction; legal theory or jurisprudence; criminal procedure; civil procedure; administrative law; employment discrimination.

Cass R. Sunstein: environmental law; occupational safety and health regulation; administrative law; separation of powers; jurisprudence and legal theory; constitutional law; social security and welfare law.

Alan O. Sykes: torts; contracts; insurance; economic analysis of law; private international law.

Diane P. Wood: international antitrust; antitrust; International trade and business; International conflicts of law—private international law.

** ** **