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). Ms. Buss, Mr. Currie. Spr (3). Mr. Goldsmith, 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. Baird, Mr. Craswell.

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. Aut (3), Win (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. Strauss, 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. Aamot, Ms. Demsky, Mr. Parry, Mr. Rosen, Mr. Silverman, Mr. Sylvester.
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. Helmholz, Mr. Ross.

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. Win (3), Spr (3). Mr. Epstein, Mr. Sykes.

ELECTIVE. In the Spring Quarter first-year students will elect one course from among the following: The Foundations of American Law: Legal History of Early America. 573; Feminist Philosophy. 477; International Law. 485; Law and Economics, Introduction. 492; The Legislative Process. 442; and Parent, Child, and the State. 471.
SECOND- AND THIRD-YEAR COURSES

ACADEMIC LAW. 581. (Seminar) This seminar, an introduction to contemporary legal scholarship, is designed for students who are, or think they may be, interested in teaching law. After reading and discussing recent examples of the different genres of contemporary legal scholarship, including legal-doctrinal, social-scientific, historical, and narrative, each student will select a topic for a substantial paper to be presented and discussed at the seminar. The goal is to produce a publishable article, as well as a deeper understanding of the rewards and pitfalls of a career in academic law. Successful completion of a substantial paper will satisfy the law school’s writing requirement. (3). [Not offered in 1997-98.]

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 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.

ADVANCED CONTRACT THEORY. 532. (Seminar) An important assumption of many legal scholars is that law is needed to enforce cooperation when cooperation would otherwise fail. But there is a widespread view, among economists and other
social scientists, that cooperation is more pervasive than legal academics assume, even without the threat of legal enforcement. This seminar addresses a number of theories regarding nonlegal incentives to cooperate, including theories of selective incentives, repeat games, signaling games, emotion, and status. The seminar also addresses the implications of these models for contract and commercial law, administrative law, family law, and other areas. The final grade will be based on a paper (which may satisfy the law school’s writing requirement). Short reactions to each week’s readings will also be required, though they will not be graded. Aut (3). Mr. Craswell and Mr. E. Posner.

ADVANCED SECURITIES. 487. This course picks up where the basic securities course leaves off. It covers the regulation of stock and futures exchanges (and other “self-regulatory organizations”), broker-dealers, and investment advisers, and the allocation of responsibilities between the SEC and the CFTC. It includes some issues in the regulation of tender offers and other control transactions that are omitted from the basic course. Topical subjects, such as legislative and regulatory initiatives, the regulation of derivatives, and the listing of securities of foreign issuers, also receive attention. Win (3). Judge Easterbrook.

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. Win (3). Mr. Ramseyer.

AMERICAN LAW AND THE RHETORIC OF RACE. 498. (=LL/Soc 243, =PolSci 273). 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. Win (3). Mr. Hutchinson.

AMERICAN LEGAL THEORY. 467. This course begins with 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 an assessment of current schools of legal thought—law and economics, 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 1997-98.]

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 agnostic 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. (3). Mr. Cohen. [Not offered in 1997-98.]

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.

ARISTOTLE AND KANT ON VIRTUE. 491. (=PHIL 415, DIV RE 409). This course will study closely the accounts of virtue generally, and of particular virtues, in Aristotle’s *Nicomachean Ethics* and Kant’s *Metaphysics of Morals*, against the background of other elements in their ethical theory. How is a conception of virtue related to the thinker’s conception of emotion and desire? To cultural norms? To a conception of ethical justification? To a view about what the central question(s) of ethics are? Win (3). Ms. Nussbaum.

ART LAW. 529. (=ARTH 495) (Seminar) This seminar examines legal issues in the visual arts, including the following: artist’s rights and copyright; government regulation of the art market; valuation problems related to authentication and artist estates; disputes over the ownership of art; illicit international trade of art; government funding of museums and artists, and First Amendment issues as they relate to museums and artists. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Dam, Mr. Grampp, Mr. Landes, and Ms. Rorschach.

BANKRUPTCY AND REORGANIZATIONS I. 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. This course is a prerequisite for Bankruptcy and Reorganizations II. Aut (3). Mr. E. Posner.

BANKRUPTCY AND REORGANIZATIONS II. 468. 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. Bankruptcy and Reorganizations I is a prerequisite for this course. Spr (3).

**BIOETHICAL ISSUES IN HEALTH LAW. 569. (Seminar).** This course examines the ethical issues that arise in health care law and the health care industry, with a look at both "macro" (i.e., global/systemic/infrastructural) as well as "micro" (i.e., individual/personal) ethical dilemmas. It will focus on allocation of scarce health care resources and access to health care; health care provider challenges and conflicts in the era of cost containment and managed care; informed consent and health care decisionmaking; confidentiality and other issues pertaining to the dissemination of medical information, particularly as they pertain to computerized and other electronic means of data collection and distribution; care at the end of life, including physician-assisted suicide, euthanasia, and withholding/withdrawing medical treatment; medical misadventures and truth-telling; and special issues affecting vulnerable populations including children, the mentally ill, and the elderly. Spr (3).

**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 Taxation of Business Enterprises I, or receive instructor approval. (3). [Not offered in 1997-98.]

**CLASS ACTIONS. 507. (Seminar).** This course will explore class actions—their rationale, their problems, their history, and proposals for reform. Among the issues to be discussed will be class certification, opt-out rights, settlements, attorneys fees', mass torts, and future claimants. Materials will consist of cases (including recent developments in tobacco and other high profile class action suits), articles, and proposed rule changes and legislative reforms. (3). Mr. Klerman. [Not offered in 1997-98.]

**COMMERCIAL TRANSACTIONS. 421.** This course is centered on commercial transactions arising under the first seven articles of the Uniform Commercial Code, emphasizing those topics not covered in the first-year contracts course. This course will therefore address selected topics in the law of sales, bank collections, nego-
tiable instruments, documents of title, and other more exotic methods of payment. The course may also include additional topics of interest to commercial transactions, such as fraudulent transfers, performance bonds, surety relations, franchising and related topics. Win (3). Mr. Picker.

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. Satisfies part of the writing requirement if substantial written work is completed. 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 both rights provisions and basic structures of government. While there are no prerequisites, some exposure to Constitutional Law I would be helpful. Satisfies part of the writing requirement if substantial written work is completed. Win (3) Mr. Currie.

COMPETITION LAW OF THE EUROPEAN COMMUNITY. 490. This course will examine one of the most developed parts of the law of the European Community, its competition law. We will begin with an introduction to the institutions of the Community, paying particular attention to the role of the European Court of Justice and the relatively new Court of First Instance. As is true in the United States, the European judiciary has played a central role in the development of Community competition law. We will then turn to an in-depth examination of European competition law itself: its importance to the broader goals of market integration in the constituting Treaties of the European Union; its substantive coverage (cartels, abuse of dominant position, mergers and acquisitions, application to state-owned or sponsored enterprises, state aids); and its administration by the European Commission. Where useful, analogies will be drawn to U.S. antitrust law. No prerequisites. Win (3). Judge Wood. [Not offered in 1997-98.]

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. Aut (3). Mr. Goldsmith.

THE CONSTITUTION IN CONGRESS. 501. (Seminar) Students will present papers on constitutional controversies that have arisen in Congress, such as the Louisiana Purchase, 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 1997-98.]
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. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. G. Stone. [Not offered in 1997-98.]

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 (3). Mr. Epstein. Win (3). Mr. Currie.

CONSTITUTIONAL LAW II: FREEDOM OF SPEECH. 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. Win (3). Mr. G. Stone.

CONSTITUTIONAL LAW III: EQUAL PROTECTION AND SUBSTANTIVE DUE PROCESS. 403. This course will consider the history, theory, and contemporary law of the post-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 law governing discrimination on the basis of race, gender, and other characteristics; the recognition of individual rights not explicitly enumerated in the Constitution; and the constitutional distinction between state and private action. Throughout, we will consider certain foundational ques-
tions, including the role of courts in a democracy, and the question how the Constitution should be interpreted. Aut (3). Mr. Obama. Spr (3). Mr. Strauss.

CONSTITUTIONAL LAW IV: SPEECH AND RELIGION. 405. This course will cover various aspects of the first amendment, with particular emphasis on freedom of expression and the problems of church and state. It is recommended that students first take Constitutional Law I. This course is a one-quarter alternative to Constitutional Law II and Religion and the First Amendment and will cover much of the same material. Spr (3). Mr. Currie.

CONTEMPORARY ISSUES IN HUMAN RIGHTS. 579. (Seminar) This seminar is designed for both law students and medical students. The first part will focus on the dramatic changes in the creation and enforcement of international human rights law that have taken place since World War II. Notwithstanding serious challenges from a variety of sources, no government in the world publicly dissents from the acceptance of support for human rights. We will examine the existing international human rights regime and explore the impact of the UN charter, the Universal Declaration, and various multilateral and regional human rights treaties and regimes on the behavior of nations today. Using cases from U.S. and international courts, the course will then focus on medical and ethical issues in human rights. Topics will include political repression (including psychiatric repression and the history of the Gulag); medical research, informed consent, and human rights; the role of physicians in practicing and documenting torture; persecution and asylum; and questions of eugenics. We will emphasize how the ethical traditions of both law and medicine can be used to promote human rights. Guest lecturers and a film series will supplement the curriculum. Students will be expected to make short presentations and to submit a short mid-term paper (5-6 pages) and a 20 page final paper. Spr (3) Ms. Bhabha and Dr. Kirschner.

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. Spr (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 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. (3). Mr. Ramseyer. [Not offered in 1997-98.]

CORPORATIONS. 423. This course surveys topics in corporate law. Included are units on limited liability, the fiduciary duties of directors, executive compensation, shareholder proxy proposals, shareholder derivative suits, and the emerging role of institutional investors in corporate governance. Special attention is paid to change of control transactions, especially takeovers, defensive tactics and state anti-takeover statutes. The course materials are a mix of cases and excerpts from the work of leading corporate law theorists. The course will be a mix of traditional case analysis and wide ranging class discussion. Students should come to class prepared to debate the issues. No previous background of any kind in economics or finance is assumed. Aut (3). Ms. Bernstein.

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. Win (3). Mr. Fischel.

CRIME CONTROL: LAW AND 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, 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 de-

**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. Spr (3). Mr. Schulhofer.

**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. (3). Mr. R. Stone. [Not offered in 1997-98.]

**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. (3). Mr. Alschuler. [Not offered in 1997-98.]

**CURRENT CONTROVERSIES 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. Each student submits one paper and gives an oral presentation and analysis of another student’s paper. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). 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 liti-
gation, legislation and market solutions to problems of institutional racism in Ameri-
can society. Satisfies part of the writing requirement if substantial written work is
completed. Aut (3). Mr. Obama.

DEVELOPMENT OF LEGAL INSTITUTIONS. 476. An introductory course in the
historical background of Anglo-American law, with particular emphasis on the de-
velopment 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 fic-
tions; 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-incrimina-
tion and other defendant rights; criminal sanctions. Aut (3). Mr. Helmholz.

DISPUTE RESOLUTION. 584. (Seminar) This seminar will examine alterna-
tives to litigation. The seminar will be divided into two parts. In the first part,
we will discuss relevant cases and readings, and will also use role-playing exer-
cises. In the second part, students will present draft papers. Possible topics for
the first part include arbitration, both conventional and final-offer; mediation;
settlement escrows; fair division and envy-free approaches to disputes; and ex
ante approaches to avoiding disputes. Student papers may address any topic
relevant to ADR. Satisfies part of the writing requirement if substantial written
work is completed. Win (3). Mr. Picker.

ECONOMIC REGULATION IN JAPAN. 508. (Seminar). Students will explore se-
lected topics in Japanese economic regulation—including, inter alia, judicial review,
administrative guidance, and the political constraints on the bureaucracy. Because
readings will be in both Japanese and English, students should have some reading
knowledge of Japanese. Those with questions about the language requirement
should contact the instructor. Win (3). Mr. Ramseyer.

EMPIRICAL LAW AND ECONOMICS. 565. (Seminar). This seminar is intended
to develop the skills necessary for critical evaluation of econometric research in law
and economics and econometric evidence in litigation. We will begin with intro-
ductive sessions on econometric tools and concepts, and proceed in later sessions
to read and assess empirical analysis on various topics. Topics may include em-
ployment discrimination, the costs of smoking, death penalty issues, and the deter-
rence effect of the civil liability system. Students will write several short papers on
the readings over the course of the quarter. Spr (3). Mr. Lott and Mr. Sykes.

EMPLOYEE BENEFITS. 555. (Seminar) The private pension system now has assets
approaching two trillion dollars, and pension accounts have become a fundamen-
tal 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 prohibitions against 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, and color. The course will include consideration of unequal treatment, facially neutral rules that have a disproportionate impact on particular groups, facially discriminatory policies allowed by courts, sexual harassment and discrimination based on sexual orientation, and affirmative action. Attention will also be given to substantive procedural and remedial issues. Win (3). Mr. Schmidt.

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. (3). Mr. Kanter. [Not offered in 1997-98.]

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. Win (3), Spr (3). Ms. Buss, Mr. Kahan.

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. (3). Judge Easterbrook. [Not offered in 1997-98.]

FEDERAL BUDGET POLICY. 528. (Seminar). This seminar will examine one crucial aspect of the federal legislative process, the formulation and implementation of federal budget policy. Since the adoption of the Congressional Budget and Impoundment Control Act of 1974 (later amended by the Gramm-Rudman-Hollings deficit reduction act and the Budget Enforcement Act of 1990), federal budget policy has played a major role in the drafting and consideration of appropriations bills, tax legislation, entitlement reform and other legislative initiatives. We will focus on the FY 1998 congressional budget process, from the presentation of the president's budget through congressional consideration and enactment of budget legislation, appropriations bills, and tax proposals. Our discussions will include several issues relevant to the budget process, including the selection of budget baselines, the effect of committee organization and interest groups on the budget process, the pay-as-you-go provision, revenue estimating and the length of the budget window, and the proposed balanced budget amendment to the Constitution. We will discuss the constitutional and policy issues concerning relevant legislation passed or considered in the 104th Congress, such as the Line Item Veto Act and the Unfunded Mandates Act. Finally, we will explore some of the issues relating to the growth in entitlement spending, including the use (and abuse) of trust funds, generational accounting, and the effect of mandatory spending on the rest of the federal budget. Participants will be expected to complete three short written pieces throughout the quarter, which will also serve as the basis for some of our discussions. (3). Ms. Garrett. [Not offered in 1997-98.]

FEDERAL CRIMINAL LAW. 583. (Seminar) This seminar 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, money laundering and sentencing of federal offenders. Win (3). Mr. Bunge.

FEDERAL ESTATE AND GIFT TAX. 444. The principal objective of this course is an examination of the federal estate, gift, and generation-skipping law. Among the objects is to develop an understanding of the process of estate planning and choosing among alternative means of accomplishing personal and tax objectives. Aut (3). Mr. Isenbergh.

FEDERAL JURISDICTION. 411. A study of the role of the federal courts in the federal system. Topics will include: federal question, diversity, and removal 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 of the federal courts. Win (3). Mr. Strauss.
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, private actions, and damages. The economics of finance and capital markets is employed to assist the analysis. Corporate Law is a prerequisite, although may be taken concurrently. Aut (3). Mr. Choi.

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. (3). Ms. M. Becker. [Not offered in 1997-98.]

FEMINIST PHILOSOPHY. 477. (=Phil 417) This course will study philosophical contributions to feminist theory in a variety of areas of moral and political thought. (1) Historical antecedents: Plato, Aristotle, Roman Stoicism, Rousseau, Kant, Mill. (2) Justice, gender, and the family: criticisms of the private/public distinction, bargaining positions in the family. (3) Feminist internationalism: cultural values and women’s human rights. (4) Radical feminism on objectification, pornography, and sexual harassment. (5) Care feminism on the value of maternal love and sacrifice. Throughout the course, the emphasis will be on the close analysis of arguments. Spr (3) Ms. Nussbaum.

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. Aut (3). Mr. Ramseyer.

FOUCAULT AND THE LAW. 509. (=Phil 513). (Seminar) We will study the implications of Foucault’s genealogical method for legal thought about punishment, insanity, authorship, and sexuality. Does genealogy have normative implications, and, if so, what are they? Satisfies part of the writing requirement if substantial written work is completed. Win (3). Ms. Nussbaum, Judge R. Posner.

THE FOUNDATIONS OF AMERICAN LAW: LEGAL HISTORY OF THE COLONIAL ERA. 475. This course will explore the history of American law from the founding of the colonies through the onset 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 1997-98.]
FUNDAMENTALS OF COMMERCIAL REAL ESTATE TRANSACTIONS. 440. This course will examine the process of structuring, negotiating, and documenting commercial real estate transactions, focusing primarily upon the acquisition and sale of income properties. We will specifically address the contract of purchase and sale, due diligence, negotiating problems, choice of entity and tax considerations, condition of title and title insurance, survey, warranties, closing considerations, and basic financing structures. Win (3). Mr. Gilmartin and Mr. Rosenbloom.

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. (3). Mr. Baird. [Not offered in 1997-98.]

HEALTH CARE BUSINESS LAW. 505. (Seminar) This seminar will provide legal background for students interested in representing healthcare providers such as hospitals and physician practice groups. This is not centrally a course in bioethics or national health policy. Topics addressed will include: licensing and accreditation, antitrust in health law, tax exemption, anti-referral and anti-kickback regulations, Medicare and Medicaid reimbursement, physician-group integration, and formation of integrated healthcare delivery systems. Readings will include treatise excerpts; cases, statutes and regulatory materials; and trade-journal coverage of healthcare business current events. Enrollment is limited to 20 students. Satisfies part of the writing requirement if substantial written work is completed. Aut (3) Mr. Latham.

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 1997-98.]

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 1997-98.]

HUMAN RIGHTS I. 412. The philosophical and historical basis of human rights, the concept of human rights, the main types of human rights, the controversies surrounding these and the methods of justifying them. Special focus on the moral and legal importance of human rights and their relation to other moral and legal values. Aut (3) Mr. Gewirth.
HUMAN RIGHTS II. 413. (=Hist 394). This course is primarily concerned with the evolution of the modern human rights regime. It discusses human rights origins as a product of the formation and expansion of imperial Western nation-states. It juxtaposes the Western origins with competing, non-western systems of thought and practices of rights. It assesses in this context the universality of modern human rights norms. The course proceeds to discuss human rights in its two prevalent modalities. First, it discusses rights as individual protection of personhood and the modern, western notion of individualism entailed therein. Second, it discusses rights as they affect groups or states and limit their actions via international law, e.g. formal limitations on war.

The course follows a chronological narrative. In the first section, we discuss the elaboration of human rights as natural law in the seventeenth and eighteenth centuries, especially the case of the American and French Revolutions. We discuss the place of human rights in the context of imperial expansion and the dissemination of Western constitutional ideas and norms on a global scale. Section two discusses the human rights situation as it pertains to inter-war Europe. Within this specific context, it explores the general consequences for human rights of such issues as minorities, refugees, and displacement. In a third part of the course, we follow the revival of human rights rhetoric, practices, and institutions from Nuremberg to the United Nations to contemporary forms of human rights activism. The course concludes with a general reflection on the two key themes: personhood and its protection ad the conduct of states and human rights in a globalizing environment.

The course will consist of a lecture and a discussion each week. The lecture will be delivered by faculty according to the syllabus formulated by the 2 course organizers. Guest lecturers may be invited in for particular topics. The course organizers will be responsible for all the lectures and for conducting the discussion seminars.

Except agreed otherwise, undergraduates will write three short review papers, using assigned books, plus a take-home final. Graduate students (and undergraduates with permission of the instructor) will write a 20-30 page paper. We encourage students (individually or in groups) to co-present the results of their papers in the workshops. Aut (3) Mr. Geyer and Mr. Novak.

HUMAN RIGHTS, STATE SOVEREIGNTY, AND PERSECUTION: ISSUES IN COMPARATIVE REFUGEE LAW. 577. (Seminar) This seminar will introduce students to the relationship between state sovereignty and human rights implementation through a focus on selected topics in international refugee law. The seminar will compare various common conceptions of refugees with the 1951 Geneva Convention definition; it will consider the philosophical and historical background to the current legal definition and analyze its key constitutive elements such as “well-founded fear of persecution.” Materials and discussion will focus on North American and European refugee caselaw to cover a range of issues including the responsibility of states for persecutory acts of non-state agents (e.g. violent husbands, rapists, tribal initiators, guerrilla forces), the use of “safe havens” and other forms of temporary protection, and the continued viability of individualized, exilic refugee status. Aut (3). Ms. Bhabha.
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. Spr (3). Ms. Gzesh.

IN AND OUT OF EUROPE: CITIZENSHIP, MIGRATION, AND RACE AND SEX DISCRIMINATION IN THE LAW OF THE EUROPEAN UNION. 533. (Seminar) This seminar will start with a general introduction to the legal system of the European Union [EU], including its constitutional and institutional framework. Materials and discussion will then focus on a number of substantive legal topics including the transformation of Europe from a common market to a union of citizens; the relationship between national sovereignty and European integration; the dual structure of migration in the EU—free movement for citizens versus “fortress Europe” for third country nationals; and select issues of discrimination against individuals and minority groups. (3). Ms. Bhabha. [Not offered in 1997-98.]

INSURANCE LAW AND POLICY. 438. This course will examine legal issues relating to first-party and third-party insurance, as well as limited aspects of domestic insurance regulation. Topics will include the special principles of construction applicable to insurance policies, particular problems arising under life and health policies, bad faith issues, the duty to defend and to settle under liability policies, the recent insurance “crisis” in some lines of coverage, and problems relating to insurance for environmental harms. (3). Mr. Sykes. [Not offered in 1997-98.]

INTEGRATION OF EUROPEAN FINANCIAL MARKETS. 494. Prior to 1993, the European Financial Market was a patchwork of non-integrated national financial markets and only rudimentarily harmonized regulations. Since then, integration of the EC member states’ financial markets has seriously improved. The course will cover the legal and institutional framework of the EC, the law-making and litigation in the Community, the pattern and the instruments of the integration of EC financial markets, and the most important areas of financial market regulation. The latter includes a survey of the regulation of capital movements, of banking and financial services, of the issuance of securities and the stock exchanges, and of investment companies and investment services. The picture of the integration of European financial markets would be incomplete without reference to the EC’s harmonization of corporate law which is, in part, replacing securities regulation. Finally, the course will focus on the legal basis and the perspectives of European monetary integration. The course will be taught partially by giving systematic outlines and partially by discussing cases (either as presented before and decided by the European Court of Justice or hypothetical). Course materials will be provided. Aut (3) Mr. Assmann.

INTERNATIONAL FINANCE. 489. Today the volume of international financial flows far exceeds the volume of international trade. This course deals with the in-
ternational 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 eurobond markets, the international banking and securities clearing 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 which is designed to outline what law is and how it works among nations and also to explore the workings of leading international institutions. It should provide the grounding for specialized studies in the vast domain of international legal studies and an introduction to an area of law, which unlike foreign law, forms a part of the laws of the United States, even as it differs radically from other fields of domestic law. Using new materials, 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. (3). Mr. Cohen. [Not offered in 1997-98.]

INTERNATIONAL LITIGATION AND ARBITRATION. 540. (Seminar) This seminar examines both private and semi-public international disputes arising out of transnational transactions. The first half of the quarter will focus on the procedural questions arising out of complex transnational litigation between private parties in U.S. courts. Specific topics will include personal jurisdiction over foreign defendants, forum selection, forum non conveniens and parallel litigation, taking evidence abroad, and enforcement of arbitral agreements and awards. The second half
of the quarter will examine the special doctrines governing a more direct collision with the foreign sovereign itself. Specific topics include foreign sovereign immunity, jurisdiction to prescribe, the Act of State doctrine, and enforcement of foreign judgments. Students will have the choice of a paper or take-home examination. Aut (3). Judge Wood.

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 paid to adjustments between tax regimes of different countries through tax credits and tax treaties. Win (3). Mr. Isenbergh.

INTERNATIONAL TRADE REGULATION. 484. This course will examine the regulation of international trade 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. Aut (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. 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. Aut (3). Mr. Isenbergh.

INTRODUCTORY INCOME TAX. 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 (3), Ms. Garrett. Spr (3). Mr. Choi.

ISSUES IN DETERRENCE. 515. (Seminar). This seminar will undertake a comprehensive examination of the theory of deterrence in criminal law. Topics will include the empirical grounding of major deterrence-based prescriptions; the relative deterrent effects of different forms of punishment (e.g., capital punishment, imprisonment, fines, and shaming penalties); the contribution to deterrence made by the
indirect or collateral consequences of conviction (e.g., damage to reputation); the use of preference formation and expressive condemnation as instruments of deterrence; and the significance of class and race to deterrence theorizing. (3). Mr. Kahan. [Not offered in 1997-98.]

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 Supreme Court decisions. We will then examine interdisciplinary materials focused on the political and social theory that drives poverty policy programs. We will conclude the seminar with in-depth look at two substantive areas: housing and the criminal justice system. Some issues that we will discuss are: housing discrimination, screening regulations in public housing, the regulation of space and its relationship to race and class segregation, the Fourth Amendment and poverty, the relationship between access to law enforcement by poor people and the Second Amendment, and an analysis of church and state collaboration to reduce crime in poor communities. A continuing theme of this course will be the relationship between race and poverty in urban areas. 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 1997-98.]

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. (3). Mr. Ramseyer. [Not offered in 1997-98.]

THE JUVENILE JUSTICE SYSTEM. 601. (Seminar) This seminar will consider how our legal system should respond to crimes committed by minors. In particular, we will consider the appropriateness of treating minors differently from adults in preventing, adjudicating, and imposing consequences for criminal behavior. Readings on adolescent development will help inform our discussion. Students will be expected to write three or four short papers. Spr (3). Ms. Buss.

LABOR LAW. 431. This course examines the legal framework for private sector unionization and collective bargaining. After brief consideration of labor law history, the course focuses on the National Labor Relations Act, and considers em-
Employees' rights to organize, employees' selection of unions as their collective bargaining representatives, collective bargaining and regulation of the bargaining process, use of economic weapons such as strikes and boycotts, and the enforcement of collective bargaining agreements. The course will also touch upon a union's duty of fair representation to its members. This is a course on the federal law governing the relationships among unions, employees, and private employers and is not a course on employment relations or employment regulation generally. Aut (3) Mr. Zansitis.

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 1997-98.]

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). Judge R. Posner.

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 1997-98.]

LAW AND HUMAN BEHAVIOR. 538. (Seminar) This seminar will discuss reason work on decision and choice, much of it critical of standard economics, and explore its implications for positive and normative work in law. Possible areas include environmental protection, occupational safety, broadcasting, race and sex discrimination, and contract. Spr (3). Mr. Sunstein.

LAW AND LITERATURE. 480. (=Phil 419) An examination of the role of literary narratives, and the perceptions and emotions they evoke, in legal reasoning. The first third of the course will study a long-standing philosophical debate about the role of literary works in good public reasoning, examining the relationship between
textual form and ethical content in works by Aeschylus, Sophocles, Plato, Aristotle, and Seneca. The second third of the course applies these insights in analyzing several modern works of literature that might be thought to have a bearing on legal reasoning: works by Charles Dickens, Henry James, Joyce Carol Oates, Richard Wright; some related theoretical writings. The last third of the course examines the implications of these analyses for legal issues, including: the role of compassion and mercy in the criminal law, the role of narrative understanding in constitutional law, the adequacy or inadequacy of economic reasoning as a mode of legal reasoning. 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). Ms. Nussbaum. [Not offered in 1997-98.]

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. (= Pol Sci 370). (Seminar) 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. Aut (3). Mr. Rosenberg.

THE LAW OF LAWYERING. 409. Lawyers often suppose that the entire law of professional responsibility is contained in the profession's codes. However, "other" law (criminal law, tort law, procedural law, securities law, etc.) plays an equally and sometimes more important role in regulating a lawyer's conduct. This three-credit course will focus on an examination of the ways in which ethics codes and "other" law work together to shape a lawyer's course of action in different contexts (business transactions, civil litigation, government representation, criminal defense). We also will examine the role of market, educational, and social institutions in the regulation of the legal profession. This course satisfies the professional responsibility requirement for upper-year students. Aut (3). Ms. Meares.
LAW, SCIENCE AND MEDICINE. 591. (Seminar) This course examines the relationship between law, science and medicine. It will focus on four areas: research with human subjects, genetics, reproductive technologies, and organ transplantation. It will begin with a discussion of the role of science in the courts and the legislatures before addressing specific legal developments. Win (3). Ms. Berg.

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. Aut (3). Mr. Gottlieb.

THE LEGAL HISTORY OF EARLY AMERICA. 573. (Seminar) This seminar will explore selected topics in the history of American law from the founding of the colonies through the onset 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.’ Papers or examination permitted. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Ross.

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.

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 importance of legal ethics in the practice of law. The course introduces students to the traditional conception of the lawyer’s roles and responsibilities, examined in the context of the substantive law and ethics regulations governing lawyers. Among other things, we will consider the nature of the lawyer-client relationship, competency, confidentiality, conflicts of interest, and tensions that are created by the lawyer’s duties as an officer of the court and as an advocate in an adversary system. We will conclude by reexamining some fundamental questions about who we are and what we stand for as lawyers. Spr (2). Mr. Alberts.

THE LEGISLATIVE PROCESS. 442. This course will study legislation as a system distinct from the common law. We will examine the legislative process as it inter-
acts with the executive branch, and as it is reviewed and tempered by the judicial process. We will look at political theory, the legitimacy of the process and representative government, the structure of Congress, including its oversight function. We will look at the mechanics of the legislative process, and pay particular attention to the role of interest groups, the judicial interpretation of statutes, and the use of legislative histories. Spr (3). Judge Mikva.

LIBERAL THEORIES OF JUSTICE: RAWLS AND HIS CRITICS. 430. (=Phil314)
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. (3). Ms. Nussbaum. [Not offered in 1997-98.]

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; includes an Intensive Trial Practice Workshop required for third year Clinic students and offered two weeks prior to the fall quarter. Students may choose to take the course for only the first two quarters including the Workshop. The Litigation Methods course develops legal skills with special emphasis on litigation strategy, pretrial and trial preparation, and trial and appellate advocacy. 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. Topics may include negotiation, pleading, discovery, motion practice, voir dire, direct and cross examination, expert witnesses, opening statements, closing arguments, pretrial preparation, post-trial procedure, and appeals. Students will prepare and present actual cases in court under the supervision of the instructors. Students may be provided the following opportunities in actual cases: client and witness interviews, substantial participation in an evidentiary hearing, contested legal arguments, court appearances, strategic planning memos on several cases, preparation of a legal brief or memorandum for submission to court, and participation in discovery. Students are expected to devote between 5 and 10 hours per week to their work on behalf of clients during each of the four quarters. 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. Litigation Methods satisfies part of the writing requirement if substantial written work is completed. Aut (2), Spr (2), Win (1), Spr (1). Ms. Conyers, Mr. Heyrman, Mr. Knight, 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 liti-
gation 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.

THE LEGAL ACADEMY. 500. (Seminar). This seminar will acquaint students with the norms by which legal academics appraise the work of other legal academics. The seminar will be conducted in workshop format. Requirements include drafting a substantial article (which must be distinct from any written journal work), making two workshop presentations (one of which will be based on the student’s own article and another on an already published article written by someone else), and attending and asking questions at the workshops of other students in the course. One or more workshops may be conducted by faculty members. Seminar sessions will be held approximately every other week throughout the academic year. Enrollment may be limited. Satisfies part of the writing requirement. Aut (1), Win (1), Spr (1). Mr. Kahan & Mr. Lott.

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. M. Roth. [Not offered in 1997-98.]

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 1997-98.]

NEGOTIATION THEORY AND PRACTICE. 467. The course provides an overview of the theory and practice of negotiation. Along with a review of the classic literature in the field, the course will emphasize the development of skills in analyzing negotiation situations, inventing mutual gains, and reaching agreements.
Students will be required to negotiate agreements in a variety of substantive areas. Particular attention will be directed to domestic and international multi-issue, multi-party negotiations and the role of culture in negotiation. In addition to weekly negotiation exercises. Students will be required to complete a research paper. Spr (3). Mr. Webber.

**NEW WORK IN JUDICIAL BEHAVIOR, PROCESS, AND POLITICS. 544.** (Seminar) This seminar explores important new works in the social science literature on courts. Its objective is to help participants become fully informed about the most recent and important social science work on courts. Because it aims to provide participants with a critical perspective on new work, solid grounding in the literature, as obtained in Law 513 (Law & Politics: U.S. Courts as Political Institutions), is a prerequisite. The reading varies from year to year, depending on what has been written. (3). Mr. Rosenberg. [Not offered in 1997-98.]

**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. Aut (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. (3). Mr. Helmholz. [Not offered in 1997-98.]

**PARENT, CHILD, AND THE STATE. 471.** This course will examine the legal rights of parents and children, and the state’s authority to define and regulate the parent-child relationship. The course will devote considerable attention to the reliance of courts on the due process clause to identify which familial relationships are protected and under what circumstances state intervention in those relationships is justified. Among the topics discussed will be children’s and parent’s rights of expression and religious exercise, termination of parental rights and adoption, paternity rights, the state’s response to child abuse and neglect, the role of race in defining the family, and the legal issues raised by the development of new reproductive technologies. Spr (3). Ms. Buss.

**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, =Pol Sci 340). (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 will be considered. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Ms. Brodkin.


PROBLEMS IN SUPREME COURT HISTORY. 572. (Seminar) Law school studies of the work of the Supreme Court of the United States focus too much on doctrinal analysis and constitutional theory. This seminar focuses instead on the Court from a behavioral perspective and utilizes archival collections available at the Manuscript Division of the Library of Congress and various university repositories. Students are expected to formulate a feasible research project with the aid of the instructor, arrange to examine the relevant archives, and to produce a substantial research document. Satisfies part of the writing requirement if substantial work is completed. (3). Mr. Hutchinson. [Not offered in 1997-98.]

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.

PUBLIC INTEREST PRACTICE. 588. (Seminar) This seminar will be designed to prepare students for the ethical and other legal issues they will most likely encounter in doing pro bono or public interest practice. Students will be asked to prepare a pro bono/public interest effectiveness plan for themselves to describe their efforts in these areas during the first five years after graduation. Students then will work in groups of three to explore the legal issues raised by each one’s plan. The papers and presentations in class, and class discussions will be based on the issues identified by the groups. Experienced attorneys in the Clinic and Chicago will be invited to give the seminar their reactions, too. Preference given to third year students. Part of the writing requirement if substantial written work is completed. Spr (3). Mr. Palm.
PUBLIC LAND AND RESOURCES LAW. 445. An introduction to the law governing public lands in the United States, including the preservation and the exploitation of the natural resources on those lands. The course will deal with the administrative structures and the legal doctrines that have been developed to control use of the public lands, and it will take up selected subjects to illustrate how the system works. Among possible subjects for inclusion are: the national parks, timber policy, grazing rights, mining law, the protection of wildlife, and wilderness preservation. (3). Mr. Helmholz. [Not offered in 1997-98.]

RATIONALLY 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. (3). Mr. Sunstein. [Not offered in 1997-98.]

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.

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 rate-making, 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 and transmission, natural gas, and telecommunications, with exposure to problems of other network industries, such as transportation, broadcasting and electronic payments. This course will emphasize the substantive law of regulated industries, and will pay scant attention to the procedural questions addressed in Administrative Law, which should be taken at some point, but which is not a prerequisite for this course. Aut (3). Mr. Picker.

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. (3). Ms. M. Becker and Mr. Knight. [Not offered in 1997-98.]
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 1997-98.]

REMEDIES. 414. This course examines the scope of legal and equitable remedies to determine how effective they are in practice. The goal of this course is to emphasize matter not systematically covered elsewhere. The main topics are: (1) the object of an award of damages (including punitive damages), what it does and should achieve; (2) restitutionary remedies to prevent unjust enrichment; (3) injunctive remedies and their enforcement through ancillary remedies; (4) the role of legislated remedies. We will pay particular attention to equitable remedies that cut across and interact with substantive fields of law ranging from intellectual property to civil rights. (3). Ms. Meares. [Not offered in 1997-98.]

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 1997-98.]

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.

ROMAN LAW. 593. (Seminar) 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). Mr. Epstein. [Not offered in 1997-98.]

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. The seminar will closely examine the full text of three series of United States Supreme Court opinions including all the concurring and dissenting opinions to identify strategies to obtain majorities in future cases. The seminar will emphasize how plaintiffs can set up a case from the earliest interview and pleadings in the trial court for ultimate United States Supreme Court review. 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. Aut (3). Mr. Palm.

SECURITIES REGULATION IN A GLOBAL MARKET. 575. This seminar will explore issues related to the regulation of securities markets in the international context. We will start with a general discussion of how the U.S. securities regimes handles foreign issuers seeking to raise capital in the United States and domestic issuers seeking to raise capital abroad. In particular, the wisdom of extending U.S. securities laws extraterritorially will be discussed. The seminar will then cover a number of selected topics including the impact of the Internet on international capital markets and the resulting regulatory challenges. Students will be expected to complete and present substantial written work during the course of the seminar. Spr (3). Mr. Choi and Mr. Guzmán.

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. Win (3). Mr. Guzmán.

SELECTED TOPICS IN CHILD DEVELOPMENT AND THE LAW. 548. (=Psy 349, SSA 537) (Seminar) To a large extant, the law governing children’s rights has
developed without regard to children’s cognitive, emotional, and social development. This seminar will consider what role the work of developmental psychologists should play in shaping the rights afforded to children, including their right to legal representation. Enrollment is limited to ten students and a paper will be required. (3) Ms. Buss. [Not offered in 1997-98.]

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.

SEXUAL AUTONOMY AND LAW. 524. (=Phil 512) (Seminar) What relationship is there between philosophical accounts of autonomy and the law, where sexual relations are concerned? The seminar will combine philosophical with legal readings, addressing the topics of rape, prostitution, domestic violence, and others. Satisfies part of the writing requirement if substantial written work is completed. (3). Ms. Nussbaum, Mr. Schulhofer. [Not offered in 1997-1998.]

SEX EQUALITY. 488. This course in practical jurisprudence inquiries into the relationship between sex inequality in society and sex equality under the law. The dominant paradigm of legal equality things in terms of sameness and difference is examined and an alternative is offered. Concrete issues including comparable worth, sexual harassment, rape, abortion, prostitution, family, pornography, and gay and lesbian rights are examined. Race and class are considered throughout. The course canvasses, examines, criticizes, and expands the law of sex discrimination toward meaningful civil equality for women. Spr (3). Ms. MacKinnon.

SEXUAL HARASSMENT. 585. (Seminar) An in-depth examination of critical issues in this area of sex discrimination law—including unwelcomeness, accountability, speech, racism, and same-sex harassment—with emphasis on theoretical analysis, doctrinal development, practical applications, and efficacy for social change. Spr (3). Ms. MacKinnon.

SLAVERY AND FEDERALISM. 598. (Seminar) This seminar will examine the institution of American slavery through the lens of American federalism. Topics will include: the founding debates and constitutional compromises concerning slavery, the slave trade and the law of nations, the choice of law issues implicated by slavery, and the Dred Scott decision. Students will be asked to write thought papers in response to readings. To take this seminar, students must have taken, or be taking, Constitutional Law I. Aut (3). Mr. Goldsmith.
SOCIAL SCIENCE RESEARCH AND LAW. 595. (Seminar) This seminar examines social science research on law-related issues and the influence of this research 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. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Alschuler. [Not offered in 1997-1998.]

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, utilizing venture capital or private equity financing, including (1) a new business start up, (2) a growth equity investment in an existing business enterprise, (3) a leveraged buyout of a private or a public company (including a going-private transaction), (4) use of a flow-through tax entity such as an S corporation, a partnership, or an LLC, for a variety of venture capital or private equity financed transactions, (5) a restructuring of an existing enterprise to provide better incentives to key executives, (6) devising an equity-based executive compensation program, (7) a restructuring or workout (in or out of bankruptcy) for the troubled over-leveraged enterprise, (8) 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), (9) utilizing an NOL in a venture capital or LBO deal, and (10) 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 (including use of common and preferred stocks, convertible debentures and convertible preferred, warrants, and options). 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).

While knowledge of tax law, corporate law, securities regulation, bankruptcy, and accounting are helpful, there are no specific prerequisites because the appendix to the course book plus assigned supplementary readings contains adequate precedents for an understanding of the material covered by the course. Spr (3). Mr. Levin and Mr. Rocap.

SEMINAR ON THE UNITED STATES SUPREME COURT. 503. (Seminar) This seminar will involve the study of eight 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 actual parties to the cases, will present oral arguments and discuss the cases, and will draft judicial opinions. Each student will be responsible for writing at least two opinions concerning the cases that they did not argue. Enrollment will be limited, and attendance will be required. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Rubinstein.

**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. Choi.

**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.

**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 1997-98.]

THEORIES OF INTERNATIONAL JURISDICTION. 589. Although it has be­
come commonplace to recognize that the reach of national regulation often can­
not 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 regu­
lating State, while becoming more accepted in the international community at
large, continue to give rise to significant diplomatic frictions, and the same is
ture of nationality-based theories. In this seminar, we will examine both the ex­
isting 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 re­
quirement. (3). Judge Wood. [Not offered in 1997-98.]

TOPICS IN ADVANCED LAW AND ECONOMICS. 554. (Seminar). This seminar
will address a miscellany of issues drawn from recent literature in law and econom­
ics, including topics involving insurance law, contracts, the economics of litigation,
and international trade. It is intended primarily for students who have taken Price
Theory (Economics 301/Law 436) or the equivalent. You should feel comfortable
reading the technical literature (employing basic tools of econometrics, multivari­
ate calculus, and game theory). (3). Mr. Sykes. [Not offered in 1997-98.]

TOPICS IN CORPORATE GOVERNANCE. 587. (Seminar) This seminar will ex­
plore selected topics in corporate governance that have been the subject of recent
institutional investor activism. The seminar begins with an overview of the rise of
institutional investor activism and a review of basic agency theory. It then explores
various proposals to change the duties, composition, and operation of the board of
directors, looking at both academic proposals and the corporate governance plans
adopted by large public companies. Following this discussion students will have
the opportunity to participate in a board meeting run by a leading Delaware attor­
ney, and will subsequently draft complaints suing the board they sat on for breach
of fiduciary duty. Subsequent units will focus on institutional investor reform cam­
paigns at particular companies, the activities of associations of institutional inven­
tors, executive compensation, the role (if any) that should be played by employees
and other stakeholders in corporate governance, and the question of whether cor­
porations have a social responsibility to local communities. The seminar will con­
clude by considering two proposals for new directions in corporate governance
that have lead to intense debate in both academia and the practicing bar. Students
will be required to prepare 2 short (2-3 page) comments, as well as a more substan­
tial paper of 10-15 pages which they will present to the seminar. Grades will be
based half on written work and half on class participation. Limit 15 students (any
additional students who wish to meet the upper class writing requirement through this seminar may register separately for the seminar). Basic corporations is a pre-requisite. Aut (3) Ms. Bernstein.

TRADEMARKS. 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. Aut (3). Mr. Landes.

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. 452. This course examines various means of family wealth transmission: inter vivos transfers, trusts, wills, and the operation of intestacy statutes. This course will consider both the Illinois Probate Code and the Uniform Probate Code as a means of focusing on both pragmatic and policy issues. Win (3). Mr. Heisinger.

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. (3). Mr. Kahan. [Not offered in 1997-98.]

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. Aut (3). Mr. Dam.

U.S. CONGRESS AND THE COURTS. 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. (3). Ms. Garrett. [Not offered in 1997-98.]

**VOTING RIGHTS AND THE DEMOCRATIC PROCESS. 420.** This course will examine the history of voting rights law in the United States, as well as the broader issues surrounding various systems of representative democracy: How should the courts balance the demands of majority rule with the desire to protect minority voices? Does the Voting Rights Act, as amended, promote minority voices, or simply segregate them from the larger political discourse? Are there alternative models, such as cumulative voting, that would better serve majority and minority alike? Do systems of more “direct democracy”—such as ballot initiatives and referenda—empower voters or undermine a more thoughtful deliberative process. And does voting even matter in a complex, modern society where campaigns are dominated by money and issues are framed by lobbyists? In lieu of an exam, students will write a paper that may satisfy part of the writing requirement. Win (3). Mr. Obama.

**WORKSHOP IN CRITICAL LEGAL THEORY. 526.** (Seminar) In this workshop, scholars will present and discuss their work in critical race, feminist, and lesbian-gay legal theory, considering how changing views of race, gender, and sexuality 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 specific legal issue or a broader, theoretical issue. Satisfies part of the writing requirement if substantial written work is completed. (3) Ms. M. Becker. [Not offered in 1997-98.]

**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.

Emily Buss: civil procedure, juvenile law, family law, evidence.

Stephen J. Choi: corporate law, securities regulation.

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.

Jack Goldsmith: conflict of laws, international law, foreign affairs law, federal courts, and cyberspace.

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.

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.

Richard Ross: American legal history; property.

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.