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 mechanics of civil litigation, with special reference to pleading, discovery, and trial, including the respective roles of judge and jury. 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). Ms. Garrett, Judge Wood.

CONTRACTS. 305. The course will deal with the enforceability and interpretation of contractual arrangements, sanctions for their breach, and justifications or excuses for nonperformance. Special attention will be paid to the role of nonlegal sanctions in commercial relationships and to the relevance of contract doctrine to the drafting and negotiation of agreements. Aut (3), Win (3). Ms. Bernstein, Mr. E. Posner.

CRIMINAL LAW. 303. This course relates the general doctrines of criminal liability to the moral and social problems of crime. The definitions of crimes against the person and against property (as they are at present and as they might be) are considered in the light of the purposes of punishment and of the role of the criminal justice system, including police and correctional agencies, in influencing behavior and protecting the community. Win (3), Spr (3). Mr. Alschuler, 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). Mr. Claeys, Ms. Fennell, Ms. Ferziger, Mr. Katz, Mr. Luna, Mr. Manne.
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. Aut (3), Win (3). Mr. Epstein, Mr. Helmholz.

TORTS. 306. This course deals with the Anglo-American system (mainly judge-created) of liability for physical injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, such as negligence and strict liability, assumption of risk, and the duty requirement. The rules for determining damages in personal-injury cases will also be discussed. Alternative theories of tort liability, e.g., moral and economic, will be compared. Win (3), Spr (3). Mr. Levmore, Mr. Sykes.

ELECTIVE. In the Spring Quarter first-year students will elect one course from among the following: Economic Analysis of Law. 732; Elements of World Law. 727; Feminist Philosophy. 477; Law of Lawyering and the Legal Profession, 409; Legislation. 706; National Security Law. 707; Oil and Gas. 453; Public International Law. 729; and American Legal Theory. 578.
SECOND- AND THIRD-YEAR COURSES

ACADEMIC LAW. 500. (Seminar) This seminar is designed for students who are thinking seriously about becoming legal academics. Its aims are to guide students through the process of writing a paper suitable for a job talk and eventual publication in a law review, and to teach students how to deliver such a talk. This seminar will focus on empirical research, an increasingly important type of legal scholarship. Students will be required to write a paper that blends theoretical analysis (from the sub-discipline of the student's choice) and any of a number of different types of empirical inquiry including, data analysis, sociological survey research, or citation analysis. The responsibility for proposing a satisfactory topic lies with the student and is subject to the approval of the professors. This seminar is limited to 10 students. It will meet periodically throughout the year and involves a commitment to write a substantially more original paper than is required for most seminars. Students will be asked to attend selected faculty and recruiting workshops during the year so that they can learn from critical evaluation of other presentations. Ms. Bernstein. [Not offered in 1999-2000.]

ACCOUNTING. 494. The course deals with the analysis and communication of economic events through the accounting process. The first several classes deal with the basics—concepts and the cycle of accounting operations that lead to the financial statements. Next follows an analysis of the accounting for specific major components of financial statements: inventories, depreciation, long-term obligations, and corporate capital. Throughout, the class uses published financial statements to illustrate concepts and methods. The professor will not work many of the assigned problems in class. Instead, students can attend the regular review/problem sessions to ask questions about the problems. The professor will schedule weekly meetings, primarily for these review sessions, but also for make-up or extra class sessions. The textbook is Financial Accounting: An Introduction to Concepts, Methods, and Uses (9th ed.) by Stickney and Weil. Students can purchase the Solutions Manual for the text and a packet of past mid-term and final examinations for this course. The casebook is Hirst and McAnally, Cases in Financial Reporting. Grades are based on a mid-term exam (at most 25%) and final exam (75% or 100%). The mid-term exam score does not count if the student scores higher on the final exam. Aut (3). Mr. Weil.

ADMINISTRATIVE LAW. 461. This course examines the constitutional and statutory framework surrounding the operation and governance of administrative agencies. The first part of the course focuses on constitutional topics, including the nondelegation doctrine, presidential control over administrative agencies, and the delegation of adjudicative authority to non-Article III officers. In particular, it examines whether and to what extent the arrangements that mark the modern administrative state are consistent with the structural objectives that underlie our constitutional system of separated powers and checks and balances. The second part of the course considers the Administrative Procedure Act (APA). In particular, it examines both the safeguards and pathologies that have emerged after more than a half-century of experience with the APA's prescribed framework for rule-making, adjudication and judicial review. Win (3). Mr. Manning.
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. Spr (3). Mr. Sunstein.

ADMIRALTY. 710. This course will cover the development and scope of this part of the jurisdiction of the federal courts; the role of the Supreme Court in the “common law” development of the substantive law of the admiralty; and several of the main elements of substantive maritime law: maritime torts and contracts, salvage, general average, and limitation of liability. Win (3). Mr. Schmidt.

ADVANCED ANTITRUST. 523. (Seminar) This seminar will focus on mergers and acquisitions. In addition, it will briefly cover several other topics not discussed fully in the antitrust course (which is a prerequisite). The seminar will examine the evolution of the antitrust treatment of mergers with particular attention to current practices before the antitrust enforcement agencies. It will also examine joint ventures and current issues involving corporate control and the Hart-Scott-Rodino Act. Time permitting, other topics to be covered include (1) antitrust and high technology industries; (2) the relationship between antitrust and direct regulation of business; (3) special features of antitrust procedure and practice (contribution, class actions, Parens Patri, proposals for detrebling); (4) evolving principles of causation and damage (antitrust injury, net benefit, losses on capital not invested); and (5) the proposed antitrust exemptions, including the labor exemption. Spr (3). Mr. Rosenfield.

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. (3). [Not offered in 1999-2000.]

ADVANCED ISSUES IN CRIMINAL PROCEDURE. 608. (Seminar) This seminar addresses various legal issues related to the criminal process, and it frequently analyzes them through the lens of the complex federal criminal case. The issues include questions relating to electronic monitoring and investigative techniques, charging practice (whether through grand jury indictment or judicial complaint), discovery, joinder and severance, evidentiary matters, suppression motions, the right to a jury trial, forfeiture, sentencing, post-conviction litigation, and prosecutorial and judicial discretion. The setting of the complex criminal prosecution is chosen because the importance of the aforementioned issues is often magnified in that context. The course will attempt to explore the various legal and policy issues implicated by each subject area. In addition, the course will attempt to explore the jurisprudential underpinnings of certain areas of law (e.g., the law of forfeitures) and will explore whether the present case law presents a cohesive and coherent analytical framework. Spr (3). Mr. Filip, Mr. Stoll.

ADVANCED ISSUES IN TELECOMMUNICATION LAW. 648. (Seminar) This seminar will allow students to focus on advanced issues beyond those explored in the core telecommunications course. Students will have some flexibility in the topics covered and will also have the opportunity for independent research and writing in conjunction with the seminar. Students must have taken Telecommunications Law (704) or receive instructor's permission to enroll. Further details will be available in the Spring. Spr (3). Mr. Lichtman.

ADVANCED LABOR LAW. 647. (Seminar) This seminar will give students the opportunity to explore in greater depth topics covered in Labor and Employment Law, and to study additional employment law topics. Readings will focus on the National Labor Relations Act, the collective bargaining process, and the role of unions and collective bargaining in today's economy. Students will be required to write a paper and make an oral presentation on an employment law topic. The prerequisite is a basic course in labor law or permission of the instructor. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Holzhauer.

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. Federal Regulation of Securities (424) is a prerequisite. Win (3). Judge Easterbrook.
ADVANCED TOPICS IN FIRST AMENDMENT LAW. 649. (Seminar) The seminar will first explore the theoretical underpinnings of the first amendment and then examine selected, more specific first amendment issues. Joint leadership of a class, short thought-papers, and one ten- to fifteen-page essay will be required of students. Prerequisite: Constitutional Law II. Spr (3). Mr. Baker.

AGENCY AND PARTNERSHIP. 614. (Seminar) This course will examine the basic principles of agency law, particularly the doctrines associated with authority, vicarious responsibility, and fiduciary duty. During the course, we will discuss how agency principles and doctrines are applied in such areas as partnership, legal ethics, corporation law, contract law, civil procedure, criminal law, torts, and constitutional law. Some time will be devoted to partnership law. Aut (3). Mr. Harris.

AGENCY, PARTNERSHIPS, AND THE LAW OF FIDUCIARY DUTIES. 434. Fiduciary duties are common in law and exist in a variety of different contexts. This course examines the different contexts in which the term fiduciary is used and the different meanings of the term in those contexts. The course will focus on the law of agency and partnerships, trusts, franchiser-franchisee relationships, as well as other areas. (3). Mr. Fischel. [Not offered in 1999-2000.]

ALTERNATIVE DISPUTE RESOLUTION. 584. (Seminar) This seminar will prepare students to successfully advise clients regarding litigation options and issues relating to alternative dispute resolution approaches. The advantages and disadvantages of alternatives to litigation including mediation, arbitration, mini-trial, early neutral evaluation and summary jury trial will be examined. Students will have their communication skills evaluated and improved in interactive role-playing dispute situations. Both historical and current case studies, focusing on the different results litigation and alternative dispute resolution may achieve, will be used. In addition, Students will discuss the ethical obligations and conflicts the possible use of alternative dispute resolution methods creates for lawyers. Students will prepare one paper, which identifies an actual dispute, proposes several methods of resolution without litigation, and justifies their decisions. Aut (3). Judge Neville.

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. Spr (3). Mr. Hutchinson.

AMERICAN LEGAL THEORY. 578. (Seminar) This seminar 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 seminar 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. Satisfies part of the writing requirements if substantial written work is completed. A paper will be required. Spr (3). Mr. Alschuler.

ANGER AND HATRED IN THE WESTERN PHILOSOPHICAL TRADITION. 719. (=Div 425, =CL 344, =PolSci 421, =Phil 419) This course will examine the analyses of anger and hatred in a range of philosophers, including Aristotle, the Stoics, Spinoza, Adam Smith, and Nietzsche. We will then turn to some contemporary work in philosophy and psychology. Why should anyone have thought that philosophy can address the social evils caused by these emotions? What does one have to believe about their genesis and structure to believe that philosophy can make a positive contribution to their "cure"? Aut (3). Ms. Nussbaum.

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. Sykes. Win (3). Mr. Picker.

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, Ms. Rorschach.

BANKRUPTCY AND REORGANIZATION: THE FEDERAL BANKRUPTCY CODE. 736. This course studies the Federal Bankruptcy Code, including both the law of individual bankruptcy and the law of corporate reorganization. Topics include the rights of creditors in bankruptcy, the individual's right to discharge, the relationship between bankruptcy law and state law, the treatment of executory contracts, bankruptcy planning, the restructuring of corporations in Chapter 11, and the procedure for confirming plans of reorganization. This course combines two other courses that have been offered in the past, Bankruptcy and Reorganizations I (437), and Bankruptcy and Reorganizations II (468), and students who have taken either of these courses are not eligible to enroll in this course. Spr (3). Mr. E. Posner.
BIBLICAL LAW. 567. (Seminar) A study of law as it is presented in the Hebrew Bible. We will study the three legal collections of the Pentateuch and the narratives that present legal matters directly or indirectly. Students will analyze such topics as property law, slavery, women and the law, torts, criminal law, and judicial procedure. Students will also consider such questions as: the jurisprudential nature of the law "codes"; the philosophy of biblical law and the relation of the nomos to the narrative in which it is embedded; the relationship of biblical law to the common law of the ancient Near East; and the development of biblical law during the period of biblical Israel. The seminar will be held in two sessions. The main seminar, which will focus on these issues, requires no prior knowledge of Hebrew and the Bible. In the Hebrew module of the course students will study the texts in Hebrew. The Hebrew module is only open to those also attending the main seminar. Requirements include attendance to the seminar, one short theme paper and a final exam. Win (3). Ms. Frymer-Kensky.

BUSINESS ORGANIZATIONS. 701. The basic idea of this course is to teach one integrated two-quarter course in business organizations. The course will cover agency and partnerships, closely and publicly held corporations, and new hybrid organizational forms such as limited liability partnerships. By covering the different characteristics of each of these organizational forms in one course, it is hoped that students will emerge with a richer understanding of the choices faced by businesses when deciding how to operate. Students taking this course must register for both quarters. There will be no exam after the first quarter. Students may not take this course and the one-quarter Corporations (423) class, which focuses, as the name suggests, on the corporate form of firm organization. This course will cover corporate law in as much detail as the one-quarter Corporations course, but will do so in the broader context as outlined above. (6). Mr. Fischel. [Not offered in 1999-2000.]

BUSINESS PLANNING. 628. (Seminar) The aim of this seminar 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. Win (3). Mr. Rocap, Mr. Crow.

COMMERCIAL ARBITRATION: DOMESTIC AND INTERNATIONAL. 721. Arbitration is a widespread and fast-growing method for resolving commercial disputes. This class examines the legal regime that governs commercial arbitration in both the domestic realm and the international realm. The class begins with a brief overview of the legal regime governing purely domestic arbitrations, and then explores the different (but related) legal regime that governs international commercial arbitration. Students will look at domestic and foreign statutes, national and international cases, treaties, and several arbitral institutions. Win (3). Mr. Goldsmith.
COMMERCIAL TRANSACTIONS. 421. This course studies commercial transactions arising under the first seven articles of the Uniform Commercial Code, with a pronounced focus on payment systems and credit instruments. The classes will cover negotiable instruments, bank collections, letters of credit, credit cards, and ATM cards. The course may also include additional topics of interest such as documents of title, guaranty and surety relations, and franchising. Win (3). Mr. Harris.

COMPARATIVE CONSTITUTIONAL LAW. 592. (Seminar) The aim of this seminar is to develop an understanding of Western European constitutional traditions. Students will focus in significant part 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. Spr (3). Mr. Currie, Mr. Osiatynski, Mr. Troper.

COMPARATIVE LAW: EUROPEAN LEGAL SYSTEMS. 724. This course will begin with an introduction to the civil law system and proceed to an overview of European human rights law, the European Union, and other European institutions. Spr (3). Ms. Case.

COMPARATIVE LAW TOPICS. 616. (Seminar) This seminar explores comparisons among legal systems with an eye on illuminating contemporary questions of interest. Students will consider such diverse topics as the remedies available for breach of contract, conflicting claims to natural resources, the ownership of art works determined to have been stolen long ago, the use of illegally obtained evidence, collective punishment, voting rules, and perhaps law-and-economics and other methodological arguments generally. One aim is to develop skills relevant to other comparative materials (modern and ancient). Another objective is to acquire information and analytic tools appropriate to these interesting areas of the law. (3). Mr. Levmore. [Not offered in 1999-2000.]

COMPLEX APPELLATE LITIGATION. 510. (Seminar) Litigation in the federal courts of appeals and the U.S. Supreme Court requires skills not usually possessed by trial lawyers. Many cases in the federal courts of appeals are direct appeals from government agency actions without an intervening district court decision. Even when the government is not a party and private parties appeal the district court's decision, the outcome may depend significantly on the interpretation given to federal statutes and government regulations. Both types of cases may involve complex factual records that need to be distilled and presented effectively in the limited pages and oral argument time allowed by modern appellate courts. In addition, the outcome in complex appellate litigation often depends on difficult constitutional and administrative law issues or the court's perspective on hotly contested public policy questions. This seminar will focus on developing the skills necessary to handle complex appellate cases of the type described above. In lieu of a paper or examination, students will be required to prepare short appellate briefs and to present oral arguments in the context of hypothetical problems closely approximating those encountered in a sophisticated appellate practice with a government agency, private law firm, or public interest group. Spr (3). Mr. Warren.
CONFLICT OF LAWS. 415. An inquiry into the adjudication of cases connected with more than one state, principally through consideration of choice of law and respect for prior judgments. 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 Jackson and the Bank, the annexation of Texas, the Compromise of 1850, 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 1999-2000.]

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 1999-2000.]

CONSTITUTIONAL IDEAS IN THE FOUNDING ERA. 734. An examination of concepts of freedom and government at the time of the founding of the nation. Topics will include: theories of liberty, government, and regulation; types of constitutions; the drafting of constitutions; judicial review; freedom of the press; religious liberty. Most of the readings will be primary sources. Win (3). Mr. Hamburger.

CONSTITUTIONAL ISSUES UNDER LINCOLN. 642. (Seminar) The Civil War Era was the greatest constitutional crisis in our history. It makes an ideal setting for exploring basic issues in constitutional law and theory. The substantive issues include the fundamental nature of the federal system (raised by secession itself and by Reconstruction); the scope of national legislative power (exemplified in the controversy over paper money); the inherent power of the executive (e.g., Lincoln's suspension of habeas); and the status of individual rights such as free speech during national crises. These substantive issues provide a dramatic setting for considering theories of constitutional interpretation such as originalism. Lincoln's own thought on these issues exemplifies the potential role of nonjudicial actors in constitutional development, and raises intriguing questions about the relationships between principle, expediency, and
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. Vermeule. 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. Students who have completed Constitutional Law IV are ineligible to enroll in this course. Win (3). Mr. G. Stone.

CONSTITUTIONAL LAW II: FREEDOM OF SPEECH. 402. A study of the doctrine and theory of the constitutional law of freedom of speech, with particular attention given to the question of whether (and to what extent) modern technology, culture, and commerce might require changes to the free speech tradition. Some of the topics to be covered include the public forum doctrine; the distinction between government subsidies to speech and government speech itself; campaign finance; and commercial speech. Students who have completed Constitutional Law IV are ineligible to enroll in this course. Spr (3). Mr. Lichtman.

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, students will consider certain foundational questions, including the role of courts in a democracy, and the question of how the Constitution should be interpreted. Aut (3). Mr. Obama. Win (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. Students who have completed Constitutional Law II are ineligible to enroll in this course. Spr (3). Mr. Currie.
COPYRIGHT. 458. This course will explore the major areas of copyright law, with special emphasis on how modern technology might challenge traditional copyright principles. Topics will include copyright duration, subject matter, and ownership; the rights and limitations of copyright holders including the fair use doctrine; remedies for copyright infringement; and federal preemption of state law. Aut (3). Mr. Lichtman.

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. Weisbach.

CORPORATION LAW. 423. This introduction to corporate law examines the roles and duties of those who control business as well as the power of investors to influence and litigate against those in control. The course pays special attention to both small and large firms and to issues arising out of mergers and attempts to acquire firms. It uses both new and traditional tools to analyze a wide range of phenomena and transactions associated with the modern business enterprise. Aut (3). Mr. Levmore. Win (3). Mr. Isenbergh.

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. (3). Mr. Schulhofer. [Not offered in 1999-2000.]

CRIMINAL AND JUVENILE JUSTICE PROJECT. 672. The current focus of the Project is to provide quality legal representation to children accused of crime and delinquency. In that context, the Project seeks to expand the concept of legal representation to include the social, psychological, medical and educational needs of our clients, including but not limited to, developing alternatives to incarceration. The Project's other pedagogical goals involve: developing pre-trial, trial and other lawyering skills; encouraging students to pursue public service careers and to make public interest work a part of their private practice; teaching students to apply and critically examine legal theory, and improving the system of justice, and its relationship to the poor and to persons of color, through litigation, legislative advocacy and public education, including the development of policies and strategies for effective crime and violence prevention.

The Project meets regularly for group case conferences and to discuss ethical issues, recent legal developments and policy. Individual student-teacher conferences are frequent. Second-year students new to the Project are teamed with returning third-year students to foster collaboration and to ensure continuity in representation. The Clinic social worker and social work students are actively involved in many of the cases and activities. Students may be expected to interview clients and
witnesses, inspect crime scenes, conduct fact investigations, participate in relevant community, professional and bar association activities, and prepare motions, briefs, memoranda and other pleadings. Third-year students may also be expected to appear in court at status hearings, argue contested motions, present legal issues, negotiate with opposing counsel and, depending on the case and the client-student-faculty assessment, participate in the representation of the client at trial. All students are encouraged to work collaboratively, creatively, and across disciplines in both direct representation and policy initiatives.

Second-year students wishing to enroll in the Project are strongly encouraged to enroll in Evidence early in their second year. Other strongly recommended courses include Criminal Procedure, Juvenile Justice, and Professional Responsibility. Third-year students are required to complete, prior to their third year, either Pretrial Advocacy or Major Civil Litigation and either the Intensive Trial Practice Workshop or Trial Advocacy. Enrollment in the Project is limited and preference will be given to students who have taken the Intensive Trial Practice Workshop and Pretrial Advocacy. Aut, Win, Spr (var). Mr. Stone, Ms. Conyers.

CRIMINAL JUSTICE REFORM. 673. The Criminal Justice Reform course is taught by the attorneys of the MacArthur Justice Center. Working jointly with and under the supervision of the MacArthur Justice Center attorneys, students will participate in litigation and other advocacy relating to criminal justice issues.

The work of the Center varies as its docket of cases changes and evolves. In the past, the Center has litigated cases relating to prison reform, parole practices and the adequacy of funding for indigent public defense. The Center has also handled individual civil rights cases and several matters relating to the distribution of handguns. In appropriate cases, the Center has also engaged in direct representation of criminal defendants at the trial, appellate and post-conviction levels.

Students working at the Center will participate in complex litigation projects as junior counsel with the MacArthur attorneys. Students’ work will vary depending upon the students’ level of commitment and energy and the demands of the particular litigation. Typically, students research and draft pleadings and legal memoranda, including briefs to trial and appellate courts, assist with and/or conduct formal and informal discovery and assist in court presentation of evidence and argument.

This course aims to provide students an opportunity to apply the principles they have learned in the classroom in a concrete procedural context where they and experienced attorneys attempt to use the law to achieve a goal. It is hoped that students in the course will face and address issues of professional responsibility in a real life context; that they will reflect on the connection between their practice and their personal values and that they will begin to learn the process of becoming an effective colleague and growing toward independence as an attorney.

Prior to the beginning of the third year, students must complete either Pre-trial Advocacy or Major Civil Litigation and either the Intensive Trial Practice Workshop or Trial Advocacy. See the general rules for all clinical courses for further details concerning enrollment, including the rules governing the award of credit. Aut, Win, Spr (var). Mr. Bowman, Ms. Snyder.
CRIMINAL PROCEDURE I: THE INVESTIGATIVE PROCESS. 472. The focus of this course is on the constitutional law that governs searches, seizures, and confessions. The course considers in detail the evolution of the exclusionary rule and the development and administration of the probable cause and the warrant requirements. It also examines stop and frisk, administrative searches, searches incident to arrest, vehicle searches, consent searches, and the admissibility of confessions. Aut (3). Mr. Alschuler.

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

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. 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 1999-2000.]

CRIMINAL PROSECUTION. 650. (Seminar) This seminar will examine the various problems facing prosecutors in the criminal justice system, with particular emphasis on legal responsibilities, ethics, and accountability. Among the topics to be explored will be screening and charging decisions, selective enforcement claims, special prosecutors, grand juries and the subpoena power, plea bargaining, prosecutorial immunity, Brady violations, prejudicial publicity, voir dire and peremptory challenges, capital punishment, and prosecutorial vindictiveness. The course will illuminate these topics by exploring specific case examples, such as the DuPage prosecutorial misconduct trial and the Whitewater Independent Counsel. Spr (3). Mr. Luna.

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. Win (3). Mr. Shepro.

CURRENT ISSUES IN HUMAN RIGHTS (HUMAN RIGHTS III). 579. (=IntRel 579, Hist 295/395, Path 465) (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 dissent from the acceptance of support for human rights. Students 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. The course 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 final paper (20 pages). Spr (3). Ms. Bhabha.

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

CYBERLAW. 605. (Seminar) This seminar will address the law of cyberspace with an emphasis on criminal law (including the criminal law regarding computer crime). Topics covered will include free speech, with a focus on stalking, pornography and defamation; criminal law and procedure; jurisdiction, criminal copyright and privacy. The seminar will require either two short papers or one long paper. No examination will be offered. Spr (3). Ms. Abraham.

DEVELOPMENT OF LEGAL INSTITUTIONS. 476. An introductory course in the historical background of Anglo-American law, with particular emphasis on the development of English criminal and civil procedure from the era of Magna Carta to the centuries before the American Revolution. Topics include: (1) Fact finding: trial by battle, by ordeal and by jury; the development of jury trial, the self-informing jury, passivization, and jury control. (2) Law making: customary law; Chancery-writs and the forms of action, equity and the trust; Parliament and legislation; legal fictions; precedent and law reporting. (3) Civil justice: the growth of the common law and the jurisdiction of feudal, manorial and ecclesiastical courts; legal education, attorneys, bar and bench; pleading; appellate jurisdiction; equitable procedure and remedies, the fusion of law and equity. (4) Criminal procedure: private and public prosecution; Star Chamber; defense counsel, the privilege against self-incrimination and other defendant rights; criminal sanctions. (3). [Not offered in 1999-2000.]
DIVERSITY AND COMMUNITY STANDARDS. 610. (Seminar) This seminar will pursue, over a wide variety of subject areas, what might be called the molecular question of the relationship of microcosm to macrocosm—the question of whether and when the law requires that each discrete unit proportionally resembles the whole. Just as every molecule of water contains the same 2/1 proportion of hydrogen and oxygen as the sea, so courts have sometimes pushed each job site, school, community, etc., to contain its proportionate share of blacks, women, the poor, even opportunities for nude dancing. At other times the law has permitted or encouraged concentration rather than dispersion. The seminar will explore the implications for diversity and for various minorities of legal intervention either to prohibit or permit such concentration. It will also inquire into when, if ever, it makes sense for the scope of federal constitutional rights to vary depending on the community standards of the place in which they are exercised. The basic courses in constitutional law are useful preparation for this seminar. (3). Ms. Case. [Not offered in 1999-2000.]

ECONOMIC ANALYSIS OF LAW. 732. Over the last forty years, economics has become an important tool for those who want to understand the effect legal rules have on the way people behave. This course provides an introduction to the concepts of law and economics. The course also explores the extent to which the principles of economics can be used to explain the workings of the legal system itself. The topics covered in the course include the Coase theorem, the choice between property and liability rules, the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; and the economics of legal procedure. No prior acquaintance with economics or calculus is assumed; the relevant economic concepts are developed through an examination of particular legal applications. Spr (3). Mr. Landes.

THE ECONOMICS OF CONTRACT LAW. 652. (Seminar) This seminar examines economic theories of contract design and contract law. The seminar applies models from game theory and information economics to such topics as the choice between fixed and flexible price terms, renegotiation of open terms, default rules, contract formalities, contractual complexity, remedies for breach, and so on. Although a course on Law and Economics is not a prerequisite, an understanding of microeconomics at the undergraduate level, or a willingness to learn, is strongly encouraged. Spr (3). Mr. E. Posner, Mr. Triantis.

ELECTRONIC COMMERCE LAW. 618. (Seminar) Electronic commerce is growing at an exponential rate. More and more businesses are selling more and more kinds of products and services through the Internet every day. As more of our daily commercial lives are lived through use of computers, decisions must be made: will existing law treat e-commerce no differently than any other kind of commerce, or must new laws emerge to take into account some of the radical new transactions and complications? The seminar will focus on both the technology involved in electronic commerce and the law surrounding the emerging field. The seminar will begin with an overview of the history and infrastructure of the Internet, setting the groundwork and providing students with a working knowledge of the terminology and technology they will likely encounter working in this legal field. Additional background discussion will involve
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the concept of regulation of the Internet, global vs. national perspectives on the law of the Internet, and conceptions of sovereignty. Topics may include electronic contracts, digital signatures, cybernotaries, the application of traditional UCC doctrines such as the mailbox rule and the statute of frauds to e-commerce, the potential adoption of the new UCC 2B by ALI, the domain name system and its relation to trademark law, trademark dilution by use of trademarks on web sites, product disparagement on web sites, copyright infringement via electronic means, digital cash/smart cards, digital checks, consumer protection on the Internet, securities law in the electronic context, regulation of gambling on the Internet, and gray and black markets in goods through e-commerce. Time permitting, the relationship of international law to e-commerce, the effect of e-commerce concepts on commercial litigation, and export control laws involving cryptography may be explored. Topics not covered in the seminar will be suitable for papers. Seminar enrollment will be limited. Students may either take the seminar for writing credit, requiring a substantial paper, or may write several shorter papers and make presentations over the course of the quarter. Spr (3). Ms. Ferziger.

ELEMENTS OF WORLD LAW. 727. This course will outline what law is and how it works among nations and explore the workings of leading international organizations. This course has the ambition to do for international legal studies some of what the Elements of Law course does for domestic legal studies. It examines practical and normative issues in international security, human rights, diplomacy, international finance, and international commerce. Students will be invited to explore a juridical landscape that is peculiarly different from the one they have grown accustomed to. It is a landscape they will have to become familiar with as they come to practice in the global market place beyond the shores of the USA. The course will contrast the methods, the sources, and the institutions of the international legal system with the methods, the sources, and the institutions of the legal system of the United States. In the international legal arena what judges decide and say is of secondary importance only—and students will be exposed to many fewer judicial opinions than they have come to expect in Law School. Students will be introduced to rule-making without legislative agencies, and to decision-making without an international executive organ. The course will end with a take-home examination. Students who have completed or are enrolled in Public International Law (729) are ineligible to enroll in this course. Spr (3). Mr. Gottleib.

EMPLOYEE BENEFITS. 555. (Seminar) This seminar will emphasize the role of, and issues relating to, employee benefits and executive compensation, in various types of transactions, particularly plan investments and corporate acquisitions. This seminar will provide an overview of the main types of pension plans as well as other types of employee benefit plans and executive compensation structures; 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 the defined benefit plan administrated by the Pension Benefit Guaranty Corporation will also be examined. The materials will include finance and accounting literature as well as statutory and case material. There will be some treatment of international benefit issues. Spr (3). Mr. Scogland.
EMPLOYMENT AND LABOR LAW. 435. This course examines the legal framework governing the relationship between employers and workers. It explores common law principles; questions of occupational safety and health; employment discrimination of various sorts; and private sector unionization and collective bargaining. There will be discussion of the National Labor Relations Act, including employees' rights to organize, employees' selection of unions as 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. A recurrent question is the choice various "models" of employment relationships: freedom of contract; information and incentives; unionization; and direct regulation. Students who completed the 1998-99 course Labor Law are ineligible to enroll in this course. Win (3). Mr. Sunstein.

EMPLOYMENT DISCRIMINATION. 433. This course considers employment discrimination and the legal prohibitions on its practice, with particular emphasis on discrimination on the basis of race, gender, sexual orientation, and disability. The course will examine the basic frameworks for proving discrimination, looking at both overtly class-based employment policies and racially neutral rules that have a disproportionate impact on protected groups. The course will also focus on affirmative action; the intersection between race and gender; the question of when, if ever, gender differences authorize differential treatment; pregnancy in the workplace; sexual harassment; employment discrimination in the military; and reasonable accommodation under the Americans With Disabilities Act. Aut (3). Ms. Hasday.

EMPLOYMENT DISCRIMINATION PROJECT. 671. Randall D. Schmidt and his students operate the Clinic's Employment Discrimination Project. The Project focuses primarily on pre-trial litigation. In individual cases, the Project represents clients in cases before the Illinois Department of Human Rights ("Department") and the Illinois Human Rights Commission ("Commission") and seeks to obtain relief for clients from race, sex, national origin, and handicap discrimination in the workplace. Additionally, in its individual cases and law reform/impact cases, the Project seeks to improve the procedures and remedies available to victims of employment discrimination so that complainants have a fair opportunity to present their claims in a reasonably expeditious way. To accomplish this goal, the Project, in addition to litigation, is also active in the legislative arena and participates with other civil rights groups in efforts to amend and improve the Illinois Human Rights Act.

Second-year students in the Project can expect to handle several cases individually and "second chair" other cases along with third-year students. Second-year students will autonomously handle cases that the Department is investigating. In these cases, students interview clients and witnesses, assist in the preparation of written briefs and memorandum explaining why the client was the victim of discrimination, and represent clients at informal hearings before the Department.

Second- and third-year students will jointly handle cases in the Commission and at various pre-trial stages. They will be involved in discovery (drafting requests, responding to the employers' discovery, reviewing the information produced in discovery, etc.), and pretrial preparation (i.e., interviewing witnesses, drafting the pretrial memo-
random, etc.). Second-year students will be given the opportunity to attend status hearings and hearings on contested motions, along with the third-year student assigned to the case. Moreover, if the case goes to trial, the second-year student will be actively involved in all phases of trial preparation and will attend the trial.

Third-year students in the Project are assigned cases that are awaiting trial in the Commission. In these cases, third-year students attend status conferences, argue contested motions, engage in discovery, negotiate with the employer, and prepare the case for trial. If the case goes to trial, the third-year student will be expected to be the lead attorney on the case.

The Project also handles, or is otherwise involved in, several appeals each year. Both second- and third-year students work on these appeals researching and drafting appellate briefs. If possible, third-year students present the oral arguments in the appeals. Aut, Win, Spr, (var). Mr. Schmidt.

ENTREPRENEURSHIP. 630. (Seminar) The Entrepreneurship Seminar will consider the legal and organizational aspects of the creation of new businesses—both startups and the creation of new business units or divisions within established enterprises. Students will discuss the strategy and planning process, the financing issues, and other diverse topics such as risk-taking, creativity, recruitment and leadership. In addition to a varied package of reading material ranging from biographies and autobiographies of leading entrepreneurs to Harvard Business School cases and the like, the seminar also will feature in-class presentations by a number of successful entrepreneurs. Seminar participants will get to visit with some of the leaders of the financial revolution of the 1980s, including several people who participated in the LBO movement, the creation of new forms of financial instruments, and the tender offer “wars” that effected a “market” in corporate control. Students also will meet with some of the visionary entrepreneurs who created the technological revolution that has transformed the way people work and live. For example, Larry Ellison, Founder, Chairman and CEO of Oracle Corp., has agreed to come to the Law School and scheduling is pending on other entrepreneurs including Michael Milken, Eric Gleacher, and Thomas Pritzker among others. A paper will be required and one way to satisfy this requirement is to create a business plan. The Seminar has no formal prerequisites but enrollment will be strictly limited to a small and manageable group and to do so, space will be allocated first to third-year students and to those with business/law backgrounds. Aut (3). Mr. Rosenfield.

ENTREPRENEURSHIP AND THE LAW. 619. (Seminar) This companion course to the Institute for Justice Clinic on Entrepreneurship will examine the theory and practice of entrepreneurial transactions, with an emphasis on small business start-ups. Possible topics include constitutional issues related to entry-level enterprise; the regulatory and transactional aspects of business start-ups; converting legitimate underground enterprises to legally compliant businesses; and the day-to-day matters faced by small business owners, such as licensing and zoning requirements, premises liability, labor relations, and insurance. Students who participate in the Clinic will be expected to enroll in this companion course. Aut (1), Win (2). Ms. Lee, Mr. Joseph.
ENVIRONMENTAL LAW. 460. An introduction to the law of environmental protection, this course is designed to provide a broad overview of the major federal legislation dealing with the environment, including NEPA, the Endangered Species Act, the Clean Air Act, the Clean Water Act, and CERCLA. Besides providing a working knowledge of these complicated statutory schemes, the course focuses on three cross-cutting themes: the appropriate role of environmental economics, including controversies over its ethical status; issues of institutional competence and legitimacy, such as the allocation of authority between international, federal, and state governments; and the complex relationship between legal mandates and real-world implementation, illustrated by current efforts to “reinvent” environmental regulation. Win (3). Mr. Farber.

ESTATE PLANNING AND GIFT TAX. 631. 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 a client’s personal and tax objectives. Aut (3). Mr. Kanter.

ETHICS OF MANAGED CARE. 632. (Seminar) This seminar will investigate how the increasing domination of managed care organizations is changing and constraining traditional common law, statutory, and constitutional resolutions of conflicts within the doctor-patient relationship, as well as creating new conflicts of interests among the physician, the patient, and the community. Expertise in manipulating the economics of managed care will reside solely within the students in this seminar, but a recognition of financial constraints is essential. Using legal precedents as “floorboard clinical ethics,” students will discuss some or all of the following issues, depending on the specific interests of the participants: informed consent and the refusing patient, truth telling, confidentiality and the duty to warn, the treatment of anomalous newborns, clinical research, abortion, termination of life-sustaining treatment, physician-assisted suicide, and euthanasia. Readings will include cases, medical monographs, and bioethical commentaries. Attendance, participation, and a 20- (or more) page paper will be required. Enrollment is limited to twenty students. Aut (3). Ms. Goldblatt, Mr. Koetting.

EVIDENCE. 416. The content and reform of the law governing proof of disputed propositions of fact in criminal and civil trials, including relevance; character evidence; the hearsay “rule” and other rules of exclusion; and the confrontation, examination, and privileges of witnesses. Aut (3). Mr. Bunge. Win (3). Ms. Buss. Win (3), Mr. R. Posner.

EVOLUTION OF LEGAL DOCTRINES. 653. (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. Aut (3). Judge Easterbrook.

**FAMILY LAW. 450.** This course examines the law’s regulation of the creation and dissolution of family relationships, and the legal rights and responsibilities that family members have because of their family status. These issues will be examined in both modern and historical context, with particular emphasis on the marital relation. Topics to be covered include: polygamy and common law marriage, marriage and parenthood under slavery, interracial marriage and adoption, same-sex marriage and parenthood, legitimacy, surrogate motherhood, the economic consequences of divorce, the dissolution of nonmarital relationships, the termination of parental rights, federal benefits and disabilities tied to family status, the prohibition on interspousal contracts for domestic services, the marital rape exemption, domestic violence, child abuse, and child custody and support. Win (3). Ms. Hasday.

**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. Students will focus on the FY 1999 and 2000 congressional budget cycles, from the presentation of the President’s budget through congressional consideration and enactment of budget legislation, appropriations bills, and tax proposals. Discussions will include 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. Students will discuss the constitutional and policy issues concerning recent budget legislation, such as the Line Item Veto Act and the Unfunded Mandates Act. Students will explore some of the issues relating to the growth in entitlement spending, including proposals to privatize Social Security, generational accounting, and the effect of mandatory spending on the rest of the federal budget. Students will also explore the implications of cash-flow budget surpluses and pending reform proposals. Participants will be expected to complete short written pieces before each class, which will also serve as the basis for some of the discussions. Enrollment is limited to 25 students. (3). Ms. Garrett. [Not offered in 1999-2000.]

**FEDERAL CRIMINAL LAW. 465.** This course deals with selected issues in the federal substantive criminal law. Particular topics to be studied include federal criminal jurisdiction, mail and wire fraud, RICO, drug enforcement offenses, money laundering, and sentencing of federal offenders. Aut (3). Mr. Schulhofer.
**FEDERAL JURISDICTION. 411.** A study of the role of the federal courts in the federal system. Topics will include: federal question, diversity, and 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. Corporation Law (423) is a prerequisite, although may be taken concurrently. Spr (3). Mr. Triantis.

**FEMINIST JURISPRUDENCE. 705.** This course will consider ways in which law and legal theory may affect the realization of the equality of the sexes and the rights of women. The readings will include a broad range of scholarly writings. (3). Ms. Case. [Not offered in 1999-2000.]

**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; and (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.

**FINANCIAL INSTITUTIONS. 633.** (Seminar) This seminar is concerned with the federal regulation of financial institutions, including national and state-chartered commercial banks, thrift institutions, and holding companies. Topics to be addressed include: entry restrictions, growth and expansion of bank activities, regulation of the business of banking and expansion through the bank holding company structure, branch banking and interstate banking. The regulatory schemes for the insurance industry and the investment company industry will also be reviewed for purposes of comparison. Aut (3). Mr. Rossiter.

**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. Students 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, Mr. Rosenbloom.
GAME THEORY AND THE LAW. 506. (Seminar) This seminar examines the principles of game theory and their use to analyze legal problems. Applications will be drawn from torts, contracts, bankruptcy, antitrust, and civil procedure. (3). Mr. Picker, Mr. E. Posner. [Not offered in 1999-2000.]

GLOBALIZATION AND SOVEREIGNTY IN INTERNATIONAL INTELLECTUAL PROPERTY LAW. 637. (Seminar) The international system's increasing globalization has affected broad areas of both domestic and international jurisprudence. Nowhere has this effect been more pronounced than in the field of international intellectual property law. Globalization has altered individual nations' perspectives on issues of trade and protection, leading to a series of multinational treaties and organizations aimed at unifying what has, historically, been a multifaceted and sovereign-based system of protecting intellectual property. The creation, negotiation, and implementation of multinational treaties and organization aimed at correcting the perceived economic inefficiencies of the former system would seem to signal an emerging consensus on the nature and extent of intellectual property protection. This course asks students to challenge this perceived wisdom. Through a rigorous reading of basic legal texts, scholarly comment, and various international working papers, students in this seminar will examine the possible barriers to harmonization efforts. Each week students will be expected to submit and distribute a small position paper based on that week's reading. Attendance and vigorous participation in all class discussions are required for this course. There is no final and no major paper assignment. Although a familiarity with patents, trademark, and copyright law is helpful, the first few classes will offer an overview of basic concepts. Win (3). Mr. Sylvester.

GLOBALIZATION: EMPIRICAL/THEORETICAL ELEMENTS. 739. (=Soc 269/369, Pol Sci 379) This course examines how different processes of globalization transform key aspects of and are in turn shaped by (1) major institutions such as sovereignty and citizenship; and (2) major processes such as urbanization, immigration, and digitalization. Particular attention will be given to analyzing the challenges globalization presents both to the theorization and the empirical specification of its associated processes and institutions. Aut (3). Ms. Sassen.

HEALTH CARE FOR THE POOR. 738. This course explores issues related to health care delivery for the poor. It examines the background and history of health care for the poor in the U.S. and the current structures in place at federal, state, and local levels for providing health care for the poor, focusing upon Medicaid and welfare reform efforts. It further examines several special risk patient populations. Finally, it examines options for better delivery of health care for the poor. Most class sessions will be in lecture/seminar format (many with guest speakers who have experience serving the poor). Some class sessions will be discussions among class members of readings and site visits. Class presence and participation are extremely important given the discussion format. Students will be expected to do the assigned reading, participate in class discussions, and visit Cook County Hospital and at least one community health center. Two brief reaction papers (1-2 pages) are expected in response to site visits. Students will also write a final paper. Outstanding ("A") level papers will be selected for pre-
sentation and discussion in the final weeks of class. Topics relevant to health care for
the poor will be suggested. Students may choose to work collaboratively to produce a
longer paper if desired. There will be a brief final exam covering topics addressed in
the class sessions and readings. Spr (3). Ms. Burnet.

HIGHER EDUCATION AND THE LAW. 521. (Seminar) The university has long
maintained that its history and role as a creator of knowledge and refuge for society’s
critics require that the government and the courts extend a special respect to the acad­
emy’s need to govern itself. This seminar will discuss how the courts have dealt with
this argument in areas such as academic freedom; student admissions and discipline;
faculty tenure, dismissal, and unionization; and teaching and research restrictions. Dis­
cussions will focus on the competing interests of society and the university and the role
of the courts in balancing these interests. Win (3). Mr. Sussman.

HISTORICAL AND INTELLECTUAL ORIGINS 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-Fed­
eralists, as well as the early Supreme Court constitutional decisions on taking prop­
erty 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 sub­
stantial written work is completed. (3). Mr. Epstein. [Not Offered in 1999-2000.]

HISTORICAL THEMES IN SOCIAL WELFARE AND SOCIAL WORK. 730. (=SSA
489, Pub Pol 358) This course focuses on historical issues which dominate social pol­
icy related to income maintenance and social service. The goal of the course is to
show how public response to social problems has taken shape during selected
periods of Anglo-American history and what concepts of need and distributive jus­
tice appear to influence social policy. The periods chosen for study include: the
Elizabethan era; the nineteenth and early twentieth centuries in Britain and the
United States; the New Deal; and the era of the Great Society and the Era of TANF.
Topics for discussion in each period include: the contemporary public understand­
ing of causes of dependency; categorization and the principle of worthiness; the
relationship of work to income support; and characteristics of the helping agents
who implement social policy. Aut (3). Ms. Rosenheim.

HOLMES: JURIST AND ICON. 478. (=LL/Soc 235, Hist 458.) This course exam­
ines the life and writings of Oliver Wendell Holmes, Jr., with emphasis on his ambi­
tions as well as his theories, and with special attention to his role, largely posthu­
mous, as symbol, or even icon, for a disparate variety of philosophical trends in
Anglo-American law. (3). Mr. Hutchinson. [Not offered in 1999-2000.]

HUMAN RIGHTS I. 412. (=Hist 293/393, MAPH 400, Phil 316, PolSci 339, IntRel 316,
LL/Soc 251) This course examines the philosophical and historical basis of human rights,
the concept of human rights, the main types of human rights, the controversies sur­
rounding these, and the methods of justifying them. Special focus is placed 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, MAPH 401) This course is primarily concerned with the evolution of the modern human rights regime. It discusses human rights origins as a product of the formulation and expansion of imperial Western nations-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, students will discuss the elaboration of human rights as natural law in the seventeenth and eighteenth centuries, especially the case of the American and French Revolutions. Students will 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, refugees, and displacement). In the third part of the course, students will 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 and 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 two course organizers. Guest lecturers may be invited in for particular topics. The course organizers will be responsible for all 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 will write a 20-30 page paper. Students are encouraged (individually or in groups) to co-present the results of their papers in the workshops. Win (3). Mr. Geyer, Mr. Novak.

HUMAN RIGHTS AND GLOBAL JUSTICE. 740. (=Phil 318) What would a just world be like? Our thinking about justice has been predominately about what a just society would be like. Does it make sense to focus our attention on societies as the world becomes more integrated? How should we extend our ideas about social justice to the world as a whole? Some of the specific questions that will be addressed are these. To what extent should we respect different cultural views of rights, justice, and the good life? What do the rich countries owe to the poor ones? How can we address global problems, such as the greenhouse effect, in a fair way? Win (3). Mr. Green.

HUMAN RIGHTS/LAW IN LATIN AMERICA; RESPONSES TO MASSIVE HUMAN RIGHTS VIOLATIONS. 737. (=LATAM 265/265) This course examines recent developments in human rights — national and international, ethical theory, governmental policy — on ways of responding to and seeking to overcome a legacy of massive human rights violations: genocide, crimes against humanity, war crimes. These responses typically follow a period of dictatorship, civil war, and other situations of emergency that raise the gravest humanitarian issues. The course will present both a conceptual framework for grasping these problems and a series of
case studies to permit in-depth study. It gives special attention to the experiences of Argentina, Chile, El Salvador, and Guatemala, while the responses of South Africa and of former Communist regimes of Europe are brought in for comparative analysis. The materials and discussions include a range of policies and institutional responses: truth-telling through the varied new institutions referred to as truth commissions, prosecutions before national or international tribunals, systems of compensation, and related objectives such as national reconciliation in divided societies. The course will inquire into the extent to which these responses are exclusive or complementary or, indeed, in conflict and into the ethical and political dilemmas that they pose. The course includes recent initiatives such as the establishment of ad hoc and permanent international criminal courts, and the attempt to bring to justice in courts of different countries persons such as Pinochet, who are accused of crime against international law. 

Spr (3). Mr. Zalaquett.

**HUMAN RIGHTS, STATE SOVEREIGNTY, AND PERSECUTION: ISSUES IN INTERNATIONAL REFUGEE LAW. 577. (Seminar) (=IntRel 577) This seminar will introduce students to the relationship between state sovereignty and human rights implementation through selected topics in international refugee law. The philosophical and historical background to the current definition of a refugee will be considered, as will the key constitutive elements including the notion of “well-founded fear of persecution.” North American and European statutes and caselaw will be discussed covering a range of issues including asylum for victims of non-state persecutors (husbands, rapists, guerrilla forces, tribal initiators), “safe havens,” and other forms of temporary protection. The future of asylum and alternative systems for addressing the problems of forced migration will also be discussed. Aut (3). Ms. Bhabha.

**IMMIGRATION POLICY AND 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.

**INDIVIDUAL AND HUMAN RIGHTS. 725. This course will examine the universality and applicability of the concept of human rights in today’s world, in which liberal democracies co-exist with dictators and face abuse of rights, ethnic cleansing, and genocide. After taking this course a student should understand which rights and mechanisms for their protection are uniquely Western and which are truly universal and should be protected by international community. To meet these objectives students will look into the origins of individual rights before the Enlightenment and their re-emergence as human rights after World War II. The “Revolution of Rights” in the 1960s and the role of human rights during and after the Cold War—including the trial of General Augusto Pinochet and the NATO intervention in Kosovo—will be examined. Rights will also be discussed in context of other political and legal concepts, such as democracy, constitutionalism, market, and welfare. The role of rights in various ideologies and cultures will be compared. Finally, the limitations of the concept of rights in social relations and in individual life will be discussed. Spr (3). Mr. Osiatynski.
INSTITUTE FOR JUSTICE CLINIC ON ENTREPRENEURSHIP. 676. The Institute for Justice Clinic on Entrepreneurship, or IJ Clinic, provides entrepreneurs, especially start-up micro-businesses operated by low- to moderate-income individuals, with free legal services that include business formation; license and permit application; contract and lease creation; landlord, supplier, and lender negotiation; basic tax and regulatory compliance; and other legal activities involving business transactions. The IJ Clinic is the Law School’s practical training ground for law students who are interested in transactional work generally and entrepreneurship specifically. Students are involved in all phases of client representation and have the opportunity to interview and counsel clients; draft business documents and contracts; negotiate with contractors, investors, or lenders; prepare documents for filing; and occasionally represent clients before administrative bodies. Academic credit varies and will be awarded according to the Law School’s general criteria for clinical courses as described in these Announcements and by the approval of the clinical staff. Before participating in the IJ Clinic, students are required to take Entrepreneurship & The Law (619). Aut, Win, Spr (var). Ms. Lee, Mr. Joseph.

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 1999-2000.]

INTENSIVE TRIAL PRACTICE WORKSHOP. 675. This course teaches trial preparation, trial advocacy, and strategy through a variety of teaching techniques, including lectures and demonstrations, but primarily through simulated trial exercises. Topics include opening statements, witness preparation, direct and cross examination, expert witnesses, objections at trial, and closing argument. Practicing lawyers and judges are enlisted to provide students with lectures and critiques from varied perspectives. The course concludes with a simulated jury trial presided over by sitting state and federal court judges. Evidence is a prerequisite. Students taking the Intensive Trial Practice Workshop are not eligible to enroll in Trial Advocacy. Completion of this workshop partially satisfies requirements for admission to the trial bar of the United States District Court for the Northern District of Illinois. This workshop is offered for approximately six hours/day the two weeks prior to the beginning of the Autumn Quarter. Aut(2). Mr. Bowman, Ms. Conyers, Mr. Heyrman, Mr. Schmidt, Ms. Snyder, Mr. Stone.

INTERNATIONAL FINANCE. 489. Today the volume of international financial flows far exceeds the volume of international trade. This course deals with the international aspects of domestic banking and security markets and with offshore markets. The focus will be on U.S., European, and Japanese regulatory systems and the role of international financial institutions. Among the topics covered will be the eurodollar and eurobond markets; the international banking and securities clearing systems; foreign exchange, as well as futures and options markets; and 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. (3). Mr. Dam. [Not offered in 1999-2000.]
INTERNATIONAL LAW, HUMAN RIGHTS, AND WAR CRIMES. 624. 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 students 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. Enrollment is limited to 18 students and four short thought papers will be required, which will satisfy part of the writing requirement. (3). Mr. Goldsmith. [Not offered in 1999-2000.]

INTERNATIONAL PATENT LAW. 655. (Seminar) The seminar will consider the law of patents as a major factor in business law in most of the world. After a brief review of patent law in the United States, with emphasis on those aspects of U.S. law that are different from the rest of the world, the seminar will look at patent law in the rest of the world from the point of view of an American lawyer who is not a specialist in patent law. A consideration of the impact, present and projected, of some of the major international treaties affecting patent law will lead to consideration of how the law should develop in the future and what to do to assist in that development. Students must either have taken Patents and Trade Secrets (459) or be enrolled in that course concurrently with this seminar. Spr (3). Mr. Reynolds.

INTERNATIONAL TAXATION. 446. A survey of the income tax aspects of investments and business operations of foreigners in the United States, and 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. Spr (3). Ms. Roin.

INTERNATIONAL TRADE REGULATION. 626. (Seminar) This seminar 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. Students 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. Students 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. (3). Mr. Sykes. [Not offered in 1999-2000.]

INTRODUCTION TO JURISPRUDENCE. 720. This course is an introduction to jurisprudence, aiming to present an outline of the main schools of thought which form the general legal philosophies of the 20th century. The course will discuss the early Legal Positivist school, American Legal Realism, Marxist legal theory, Critical
theories of law, Feminist jurisprudence and, to some greater extent, contemporary Analytical jurisprudence. Reading material will include writings of the authors who have shaped these schools of thought, with occasional reference to secondary literature. The issues discussed will include such questions as what is the relation between law and morality; what judges do when they decide difficult questions; is law determinate enough to yield specific legal outcomes; is law a medium of political power, and who’s power it is; the role of gender in legal discourse; the nature of legal interpretation and the legitimacy of judicial law making. Aut (3). Mr. Marmor.

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. Students will 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 the option to write a paper instead, which will satisfy 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. Note: the autumn section is a four-hour credit course. Aut (4). Mr. Isenbergh. Win (3). Ms. Roin.

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. Students will begin by analyzing the rhetoric of poverty in Supreme Court decisions. Students will then examine interdisciplinary materials focused on political and social theories that drive poverty policy programs. The seminar will conclude with an in-depth look at specific policies and programs pertinent to the relationship between poverty and social control. Some issues likely to be discussed are: access to public housing and spatial concentration of poverty, gentrification, access to law enforcement by poor people, the normative conception of compliance with the law and its relationship to inner city crime, 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. Several short papers and class participation will be required. (3). Ms. Meares. [Not offered in 1999-2000.]

THE JUVENILE JUSTICE SYSTEM. 601. (Seminar) This seminar will consider how our legal system should respond to crimes committed by minors. In particular, students will consider the appropriateness of treating minors differently from adults in preventing, adjudicating, and imposing consequences for criminal behavior. Readings on adolescent development and urban sociology will help inform discussions. Students will be expected to write three or four short papers. Win (3). Ms. Buss, Ms. Meares.
LAND USE PLANNING. 613. (Seminar) This seminar will explore the development of zoning in the courts. Students will examine such topics as: zoning theory as a planning tool or a device for class segregation; the legality of exclusion; application of restrictions to existing laws; zoning administration and factors to be considered upon zoning applications; substantive due process; administrative discretion and review of local decisions; aesthetic standards and the limits of aesthetic restrictions; freedom of association; exactions and rough proportionality; transfers of development rights; public benefits imposed on private owners (preserving landmarks, wetlands, endangered species, open space and vistas, and growth controls); self imposed hardships; Fifth Amendment Takings Clause; how to measure takings damage. Aut (3). Mr. Friedman.

LAW AND ECONOMICS OF HEALTH CARE SYSTEMS. 718. (=Pub Pol 378) An examination of policy issues arising out of the intersection of law and economics in the health care industry. Illustrative topics covered are antitrust policy toward hospital mergers; public regulation of AIDS and other infectious diseases; behavioral issues (smoking, alcohol, obesity); the role of philanthropy; the regulation of medical research; the HMO movement. A paper is required. Spr (3). Mr. Philipson (School of Public Policy), Mr. R. Posner.

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. Satisfies part of the writing requirement if substantial written work is completed. Students have a choice of taking a final exam at the end of the quarter or writing a paper on a topic approved by the instructor. 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, students will focus on the relationship between the courts and other political institutions. The sorts of questions asked will 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. Win (3). Mr. Rosenberg.
**LAW, BEHAVIOR, AND REGULATION 654.** (Seminar) This seminar deals with new and emerging understandings of human behavior—and the lessons of those understandings for legal regulation. Topics include environmental regulation, broadcasting, occupational safety and health, damage remedies, and the law of equality. Theoretical materials will involve people’s bounded rationality, as they rely on “heuristics” that lead to errors, and are also susceptible to various biases. There will be discussion as well of people’s capacity for fairness, and their understanding of what fairness specifically involves. A recurrent question will be whether “behavioral law and economics” has advantages over traditional law and economics in thinking about regulation of private conduct. Spr (3). Mr. Sunstein.

**THE LAW OF LAWYERING AND THE LEGAL PROFESSION. 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.) In addition, students will explore the contours of the profession—its demographics and structure—in order to better prepare them for lives as lawyers in the 21st century. This course satisfies the professional responsibility requirement for upper-year students. Spr (3). Ms. Meares.

**LAW, SCIENCE, AND MEDICINE. 591.** (Seminar) This course examines the relationship between law, science, and medicine. It will begin with a discussion of the role of science in the courts and the legislatures before addressing specific legal developments. Students will focus on a variety of topics including such areas as: human and animal experimentation, genetics, and reproductive technologies. Students may either write a series of three essays over the course of the semester, or one longer paper. Writing credit with permission of instructor. Aut (3). Ms. Ossorio.

**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.

**LEGAL CLASSICS. 638.** (=PS 391) (Seminar) This seminar grapples with some of the lasting contributions made by students of courts throughout the twentieth century. Material covered ranges from the Realists to early empirical studies to the New Deal and 1950s controversy over the role of the Court. Because the Seminar aims to provide participants with a critical perspective on classic work, solid grounding in the literature, as obtained in Law 513 (Law and Politics: U.S. Courts as Political Institutions), is a prerequisite; permission of instructor is also a prerequisite. (3). Mr. Rosenberg. [Not offered in 1999-2000.]
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. Enrollment is limited to 20 students. Completion of the two short papers that the seminar entails satisfies part of the writing requirement. (3). Judge Easterbrook. [Not offered in 1999-2000.]

THE LEGAL PROFESSION. 410. This course considers the principles, rules, aspirations, traditions, and substantive law which govern how lawyers practice law. It seeks to give students a basic introduction to the nature of what lawyers do and what is expected of them as members of the American legal profession, with particular emphasis on the importance of legal ethics in the practice of law. Among other things, students will consider lawyer liability under substantive law, 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. Two sections are offered, with the same basic content but slightly different focus. A focus of the autumn section will be some fundamental questions about who we are and what we stand for as lawyers. A focus of the winter section will be the self-regulatory tradition of the organized bar examined in the context of the rules of professional conduct. Aut (2). Mr. Alberts. Win. (2) Mr. Luning.

LEGISLATION. 706. An introduction to the federal legislative process and to theories of statutory interpretation, with emphasis on the latter. Major subjects covered include the intellectual history of statutory interpretation in the United States; the respective roles of statutory text, canons of construction, legislative history, administrative regulations, and other interpretive sources; and quasi-statutory topics such as implied causes of action, retroactivity, and severability. Spr (3). Mr. Vermeule.

LEGISLATIVE PROCESS. 733. 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, students 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. Students will also explore topics such as the constitutional law and political theory of representation, campaign finance reform, ballot initiatives and referenda and term limit proposals. These issues will be discussed from legal, economic, and political perspectives, and theoretical conclusions will be applied to practical examples of actual legislation. Aut (3). Ms. Garrett.
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 autumn 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 five and ten 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. Spr (2), Aut (2), Win (1), Spr (1). Mr. Bowman, Ms. Conyers, Mr. Heyrman, Mr. Schmidt, Ms. Snyder, Mr. R. Stone.

LOCAL GOVERNMENT LAW. 717. This course examines the law regarding provision of public goods and services at the local level. It explores the way in which local government law addresses the issues of what services a local government should provide, which residents should receive those services, who should pay for the services provided, and who should provide the answers to the previous questions. It explores the relationship among federal, state, and local governments, with particular emphasis on judicial analysis of the constitutional and statutory basis of those relationships. Aut (3). Ms. Roin.

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

MEDIA LAW. 726. This course will survey legal issues involving the traditional mass media primarily newspapers, broadcasting, and cable. Both First Amendment and regulatory issues will be explored, with some emphasis on structural regulation. Spr (3). Mr. Baker.

MENTAL HEALTH ADVOCACY. 670. Mental health advocacy teaches litigation and other advocacy skills. Under the supervision of the clinical teacher, students engage in individual and systemic litigation and legislative and other advocacy on behalf of indigent, mentally ill clients of the Law School’s Edwin F. Mandel Legal Aid Clinic. With the permission of the clinical teacher, students may chose to focus on litigation, legislation or both.

Students engaged in litigation may interview clients and witnesses, research and draft pleadings and legal memoranda, including briefs to reviewing courts, conduct formal and informal discovery, negotiate with opposing counsel and others, conduct evidentiary hearings and trials, and present oral argument in trial and appellate courts. Students who have completed sixty percent of the credits needed for graduation may be licensed to appear, under the supervision of the clinical teacher, in state and federal trial and appellate courts pursuant to court rules and practices.

Students engaged in legislative advocacy may research and draft legislation and supporting materials, devise and implement strategies to obtain the enactment or defeat of legislation, negotiate with representatives of various interest groups, and testify in legislative hearings.

In addition to discrete advocacy skills, such as cross-examination, discovery planning, and legislative drafting, the course aims to provide students with an understanding of the relationships between individual advocacy tasks and the ultimate goals of clients, between litigation and legislative advocacy, and between advocacy on behalf of individual clients, and advocacy for systemic change.

Prior to the beginning of the third year, students who intend to engage in litigation are required to complete either Pretrial Advocacy or Major Civil Litigation and either the Intensive Trial Practice Workshop or Trial Advocacy. Prior or contemporaneous enrollment in either Legislation or Legislative Process is encouraged for students intending to engage in legislative advocacy. Prior or contemporaneous enrollment in Law and the Mental Health System is encouraged for all students.

Second-year students will ordinarily not be permitted to enroll during the Autumn Quarter. See the general rules for all clinical courses for further details con-
cerning enrollment, including the rules governing the award of credit. Mental Health Advocacy satisfies part of the writing requirement if substantial written work is completed. Aut, Win, Spr (var). Mr. Heyrman.

**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 courses. (3). Ms. Roth. [Not offered in 1999-2000.]

**NATIONAL SECURITY LAW. 707.** This course examines the concentration of foreign policy-making powers in the executive branch, and the domestic consequences of that concentration for the relationship of the executive branch with Congress and the federal courts, the federal government's relationship with the states, and the people's relationship with the government as a whole. The class is organized historically by crisis. Topics to be covered include: the Founding and immediate post-Founding understandings of national security powers under the Constitution; emergency powers and the fate of individual liberty during the Civil War, WWI, and WWII; disputes over the President's power to wage war without explicit congressional authorization during the Korean, Vietnam, and Gulf Wars; security/loyalty procedures during the Cold War; covert operations and intelligence gathering; the disclosure of classified and unclassified information; attempts to seek executive accountability through the court system; international terrorism and crime abroad; and sexual orientation as a disqualification for government service. Spr (3). Ms. Hasday.

**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. Win (3). Mr. Webber.

**NEO-ARISTOTELIAN POLITICAL THOUGHT. 703.** (Seminar) An examination of different modern approaches to political thought that take their point of departure from Aristotle. This will include: the early Marx and contemporary humanist Marxisms (e.g., the Praxis group); modern Thomisms of various sorts, both liberal (John Courtney Murray, Jacques Maritain) and less liberal (John Finnis, Robert George); British perfectionist socialist Aristotelianism (T. H. Green, Ernest Barker); and the "capabilities approach" (Amartya Sen, and some of the professor's own work). How do concepts of human flourishing and truly human functioning shape a distinctive political ideal? What does it mean to give priority to "the good" in this way? Is there a way of reconciling such an approach with liberal or political/liberal ideals? Open to Ph.D. students in Philosophy, Divinity, and Political Science; Law students
with an undergraduate major in philosophy or equivalent preparation; and others by
permission of instructor. (3). Ms. Nussbaum. [Not offered in 1999-2000.]

NETWORK INDUSTRIES. 735. 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 electro-
cal generation and transmission, natural gas, and telecommunications, with exposure to
problems of other network industries, such as transportation, broadcasting, and elec-
tronic 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.
Spr (3). Mr. Picker.

NEW VENTURE CHALLENGE. 640. (Seminar) This course is designed to allow stu-
dents who have advanced to the second round of the New Venture Challenge to
develop their ideas into full business plans. Student teams will work largely on their
own to develop their business plans. The class meetings consist primarily of plan pre-
sentations. Venture capitalists, private investors, and entrepreneurs will also help cri-
tique and improve the plans during the presentations. The class meetings also will
include presentations by (1) a lawyer on the legal considerations of a new venture;
and (2) an investor on investment considerations in a new venture. One Law School
student will be matched with each team based on mutual interest (unless the Law
School student(s) is already on a team that has advanced). Pre-assignment: Students
should come to the first class ready to present the executive summary of their plans.
Grades: Based 70% on the quality of the work that goes into the business plan and
30% on class participation. Prerequisites: Advancement to the second round of the
New Venture Challenge or consent of the instructor. Students should contact the
instructor before the course begins. The number of Law School students will be limit-
ted to the number of teams that advance. Spr (3). Mr. Kaplan.

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 organiza-
tion 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. (3). Mr. Fischel. [Not offered in 1999-2000.]

OBJECTIVITY IN LAW AND ETHICS. 635. (Seminar) Are ethical judgments capa-
bile of being true? Are legal propositions capable of being true? Does the possibility
of objectivity in law depend on the objectivity of morality? These are some of the
main questions which will be addressed in the seminar. Students will concentrate
on the concept of objectivity, focusing on the possibility of objectivity in evaluative
domains, such as law, morals, and aesthetics. The question of objectivity deals with
the meaning of moral and legal judgments, whether there are any such things as moral and legal facts, and what would truth in law or ethics consist in. Does truth in ethics depend on there being such things as ethical properties in the world? Does it depend on the prospects for resolving deep disagreements about ethics amongst peoples and cultures? And how does the evaluative realm fit into our overall conception of reality? The precise definition of the question of objectivity is itself controversial among philosophers. Some philosophers take the issue of objectivity to be mainly about the possibility of knowledge; others think of it as a question about truth and meaning. The question of objectivity is as old as philosophy itself. Recently, however, there has been a considerable revival of philosophical literature on objectivity in general, and the objectivity of values in particular, and thus most of the reading material for the seminar will consist of articles published in the last two decades or so. Students will read, among others, articles by Bernard Williams, Crispin Wright, Joseph Raz, Ronald Dworkin, Simon Blackburn, Peter Railton, and Thomas Nagel. Objectivity in law has also been discussed recently by Jules Coleman, Brian Leiter, and by this professor. Each session of the seminar will be devoted to a discussion of one article. No particular prerequisites are required for the seminar. Students without prior background in philosophy may enroll, though some familiarity with philosophical literature might be helpful. Aut (3). Mr. Marmor.

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. Spr (3). Mr. Helmholz.

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. (3). Ms. Buss. [Not offered in 1999-2000.]

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. Spr (3). Mr. Epstein.
PHILADELPHIA 1787 REVISITED. 728. This course will look at numerous aspects of Constitutional Law in the late 18th century in the United States. Topics include: causes of the American Revolution, The Declaration of Independence, The Articles of Confederation, State Constitutions before 1787, The Constitutional Convention of 1787, and Articles and Amendments of the Constitution. Active participation in class discussion is expected. Spr (3). Mr. Kadison.

PRETRIAL ADVOCACY. 674. (Seminar) This seminar focuses on fundamental pretrial litigation strategies and skills, including, inter alia, creation and evaluation of legal and factual theories, pleading and motion practice, interviewing clients and witnesses, discovery planning, depositions and pretrial preparation. The seminar employs a variety of learning methodologies, including lectures, small group discussions, simulated exercises, and videotaped performances by students. Evidence is a prerequisite. Students taking Pretrial Advocacy are not eligible to enroll in Major Civil Litigation. Spr (2). Mr. Bowman, Ms. Conyers, Mr. Heyrman, Mr. Schmidt, Ms. Snyder, Mr. Stone.

PRICE THEORY. 436. (=Econ 301) Theory of consumer choice, including household production, indirect utility, and hedonic indices; supply under competitive and monopolistic conditions; static and dynamic cost curves, including learning by doing and temporary changes; uncertainty applied to consumer and producer choices; and market equilibrium and its stability. Aut (3). Mr. G. Becker.

PRINCIPLES AND APPLICATIONS IN HEALTH CARE LAW. 656. (Seminar) This seminar, intended for upperclass students, will not only explore a variety of topics within health care law but pragmatic approaches to solving issues raised in those areas, such as, by way of example, medical ethics, liability, the business of practicing medicine in today's health care delivery system, and technology. Seminar requirements will include various readings, short papers, and attendance. The seminar will conclude with class members participation in a "Miller's Court." Spr (3). Mr. Zaremski, Ms. Rothschild.

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 1999-2000.]

PROBLEMS OF INTERNATIONAL LAW: ETHNIC AND REGIONAL CONFLICTS. 576. (Seminar) The seminar will address juridical aspects of the management of ethnic and regional conflicts. It will grapple with the circumstances that warrant intervention by the United States 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 15 students.) Satisfies part of the writing requirements if substantial written work is completed. Spr (3). Mr. Gottlieb.

PUBLIC CHOICE. 690. (Seminar) This seminar is about the relationship between modern perspectives on voting and interest groups, on the one hand, and legislation and judicial interventions on the other. The problems associated with collective decision-making illuminate interactions between legislatures and judges; democracy’s attempt to solve certain problems; and the roles played by a variety of legal doctrines and constitutional institutions (from takings law and standing and unconstitutional conditions, to line-item vetoes and term limits and balanced budget amendments). In short, students will arm themselves with the literature on interest groups and democratic decision-making in order to explore a wide variety of social problems and legal rules. Students will prepare a series of short “reaction” papers. Win (3). Mr. Levmore.

PUBLIC INTERNATIONAL LAW. 729. This is an introductory course in public international law. Students will examine several topics, including the institutions of international law (such as the United Nations and the International Court of Justice), the sources of international law (especially treaties and custom), the special process of legal reasoning that characterizes international law, the relationship between international law and politics, the relationship between international and domestic law, and substantive international law issues such as state responsibility for breaches, human rights, jurisdiction and immunities, and the use of force. The course will discuss the legal aspects of current international disputes, such as the legal issues implicated by the situation in Kosovo. Students who have completed or are enrolled in Elements of World Law (727) are ineligible to enroll in this course. Spr (3). Mr. Goldsmith.

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 1999-2000.]

RABBINIC LAW: ACQUISITIONS OF PERSONS. 638. (Seminar) Talmudic theories of acquisition and ownership extend to relations between persons. Those who may become what Patricia Williams has called “the object of property” include wives, Jewish and non-Jewish slaves, debt slaves, concubines, and maidservants. In this seminar students will trace the evolution of rabbinic theories of the legal subject through a study of the evolving reasoning about the nature of this ownership bond. Aut (3). Mr. Johnson.

RACE AND CRIMINAL JUSTICE. 691. (Seminar) This seminar will examine the intersection of race, class, and criminal justice in the United States exploring many of the following topics: racial profiling in law enforcement, community policing, police accountability, prosecutorial discretion and misconduct, availability and
quality of defense counsel, jury selection, juvenile justice, drug law policies, mandatory minimum sentencing, voting disenfranchisement, and the death penalty. Win (3). Mr. Schulhofer, Mr. R. Stone.

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 14 students. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Judge Ginsburg.

REGULATION OF SEXUALITY. 722. There are many ways in which the legal system regulates sexuality, sexual identity, and gender. This course will consider such regulation in a number of substantive areas, including marriage laws, custody rules, sodomy laws, and constitutional rights such as free speech, equal protection, and substantive due process. Readings include cases and articles from the legal literature together with work by scholars in other fields on current questions of identity and other theoretical issues. Win (3). Ms. Case.

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 1999-2000.]

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) restitutary remedies to prevent unjust enrichment; (3) injunctive remedies and their enforcement through ancillary remedies; and (4) the role of legislated remedies. Students will pay particular attention to equitable remedies that cut across and interact with substantive fields of law ranging from intellectual property to civil rights. Win (3). Mr. Vermeule.
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, and 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. Aut (3). Mr. Helmholz.

RIGHTS IN EUROPE. 625. (Seminar) (=IntRel 625) This seminar will consist of two parts. Part one will cover the structure and selected jurisprudence of the European Human Rights system, including the provisions of the European Convention on Human Rights and Fundamental Freedoms and the case law of the European Commission and Court of Human Rights. Part two will cover the emerging relationship between human rights and the European Union, and consider the EU’s treatment of citizenship, migration, and discrimination issues. Win (3). Ms. Bhabha.

THE ROLE OF LAWYERS. 723. (Seminar) This seminar will examine selected topics involving the legal profession, such as does America have too many lawyers?; the role of lawyers; the structure of law firms; lawyers as a self-interested lobbying group; and lawyers’ obligation to society. A paper will be required. Win (3). Mr. Fischel.

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. Enrollment is limited to twenty students. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Epstein. [Not offered in 1999-2000.]

SECURED TRANSACTIONS. 422. This course deals with the many legal issues that come into play when there collateralized loans for which the collateral is personal property. Students will focus on Article 9 of the Uniform Commercial Code, the Bankruptcy Code, and other related laws. This form of lending is central to our economy and the applicable legal doctrines are ones that every corporate and commercial lawyer should firmly grasp. The course is a useful, though not absolutely essential, preparation for Bankruptcy. Aut (3). Mr. Picker.
SELECTED TOPICS IN CHILD DEVELOPMENT AND THE LAW. 625. (=PSY 349, SSA 537) (Seminar) To a large extent, 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 twenty students and a paper will be required. (3) Ms. Buss. [Not offered in 1999-2000.]

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. Students 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.

SENECA. 621. (Seminar) A study of the Roman politician and Stoic philosopher, one of the most complex and influential thinkers of the Roman world. Placing him in the context of both the Claudian and Neronian courts and the history of Stoic philosophy, students will read in Latin On Anger (selections), selected Moral Epistles, and one tragedy, probably Hercules Furens. (3). Ms. Nussbaum. [Not offered in 1999-2000.]

SEPARATION OF CHURCH AND STATE. 645. (Seminar) An historical study of the concept of separation of church and state, especially in America from the mid-seventeenth to mid-twentieth centuries. On the basis of largely neglected primary sources, this seminar will explore fresh approaches to the history of separation of church and state. Topics will include Roger Williams, anti-clericalism, establishment and anti-establishment arguments, Jefferson and his allies, anti-Catholicism and nativism (including riots and church burnings), theological liberalism, and Southern Baptists and the Ku Klux Klan. Research paper required. Satisfies part of writing requirement if substantial written work is completed. Win (3). Mr. Hamburger.

SEX DISCRIMINATION. 731. This course will cover the spectrum of distinctions made in law on the basis of sex and of legal prohibitions on the making of sex distinctions. (3). Ms. Case. [Not offered in 1999-2000.]

SEX EQUALITY. 488. This course in practical jurisprudence inquires into the relationship between sex inequality in society and sex equality under law. The dominant paradigm of legal equality in terms of sameness and difference is examined and an alternative of dominance and subordination is considered. Concrete issues including comparable worth, sexual harassment, rape, abortion, prostitution, family, pornography, and gay and lesbian rights are examined in sex equality terms. Questions such as the legitimacy of the “intent” requirement in Constitutional cases and the fairness of the burden of proof under Title VII are also considered. Race and
The course canvasses, examines, criticizes, and aims to expand the law of sex discrimination toward meaningful civil equality for women. (3). Ms. MacKinnon. [Not offered in 1999-2000.]

**SEXUAL HARASSMENT. 585.** (Seminar) An in-depth examination of critical issues in this quickly developing area of sex discrimination law in employment and education. Topics include what makes harassment gender-based, unwelcomeness, standards for hostile environment, institutional accountability (employer and educational), racial harassment comparisons, and same-sex harassment. Emphasis on theoretical analysis, doctrinal development, practical applications, and social change. Prerequisite: Sex Equality (previously or contemporaneous). (3). Ms. MacKinnon. [Not offered in 1999-2000.]

**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 decision-makers. Among the topics that the seminar may consider are pornography, violence in the media, the reliability of eyewitness identification, jury selection, jury size, the comprehensibility of jury instructions, the administration of the death penalty, the death penalty’s possible deterrent effect, the success or failure of programs for rehabilitating criminals, the effects of segregated schools and of efforts to remedy segregation, the harms and benefits of single-sex schools, and the prediction of dangerousness. During the quarter before the seminar, every student will be expected to attend an organizational meeting, select a paper topic, and begin work on a paper. Every student will then be expected to conduct a one-hour discussion of his or her topic during the seminar. No prior training in statistical methodology or in the social sciences is expected. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Alschuler. [Not offered in 1999-2000.]

**SPORTS LAW. 639.** (Seminar) This seminar will focus on current topics in sports law, including ownership (e.g., single entity vs. franchise), labor issues, publicity rights, governance of the game, and the role of criminal and tort law for on-field actions. This seminar will also examine some of the statutes that govern sports in the U.S. such as the Ted Stevens Olympic and Amateur Sports Act. Aut (3). Mr. Collins.

**STATE AND LOCAL FINANCE. 622.** (Seminar) State and Local Finance will examine the implications of choosing between the various revenue sources available to states and localities. Students will be asked to consider questions of “interjurisdictional equity,” “intergenerational equity,” and “vertical equity” in the context of topics such as public school finance, the use of municipal bonds, tax competition, and tax cooperation. Win (3). Ms. Roin.

**STATUTORY INTERPRETATION IN THE POST-NEW DEAL STATE. 646.** (Seminar) This seminar is designed to survey and analyze critically the contemporary debate concerning the way courts and agencies should (and do) interpret statutes. Part I of the seminar consists of introductory readings from the first half of the century, designed to supply the intellectual backdrop for the modern debate. Part II focuses on modern controversies, including the legislative history debate,
dynamic versus static theories of interpretation, the utility of the canons of construction, and the question whether the concept of legislative supremacy or common law judging provides a better model for understanding statutory interpretation. The objective of this course is to consider the nature of interpretation and to measure competing theories of statutory interpretation against the goals of our constitutional structure. Win (3). Mr. Manning.

**STRUCTURING VENTURE CAPITAL AND ENTREPRENEURIAL TRANSACTIONS. 714.** This course 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 course 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). There are no specific prerequisites because the appendix to the course book plus assigned supplementary readings contain adequate precedents for an understanding of the material covered by the course. However, Taxation of Individual Income is strongly recommended and Taxation of Business Enterprise I is desirable. In addition, knowledge of corporate law, securities regulation, bankruptcy, and accounting are helpful. Spr (3). Mr. Levin, Mr. Rocap.

**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, liquidation, and transfer of business enterprises. The focus of the course will be on the corporate tax, with occasional attention to partnership tax issues. (Tax-free corporate reorganizations are covered in Taxation of Business Enterprises II, rather than in this course.) Win (3). Mr. Weisbach.

TAXATION OF BUSINESS ENTERPRISES II. 449. This course surveys the taxation of reorganizations and other adjustments involving continuing businesses: mergers, asset and stock acquisitions and other similar shifts of ownership and control, recapitalizations, and divisions. Points of focus are the recognition of gain and loss and the survival and allocation of tax attributes (basis, earnings, and loss carryovers) in these transactions. Spr (3). Mr. Isenbergh.

TAXATION OF DERIVATIVES. 643. (Seminar) Derivatives present a serious challenge to the tax system, creating uncertainty, avoidance opportunities and, often, over-taxation. This seminar will examine the taxation of derivatives and other financial instruments from both a technical and policy perspective, focusing on the challenges and responses of the tax system to new instruments. Introductory Taxation is a prerequisite. Students who have taken Taxation of Financial Instruments (709) are ineligible to enroll in this seminar. Win (3). Mr. Weisbach.

TAXATION OF FINANCIAL INSTRUMENTS. 709. This course will incorporate both technical and policy perspectives when exploring the rules for the taxation of transactions involving financial instruments. It is not just the world of finances that has been transformed by the explosion of financial product offerings; the tax system has been shaken to its core. This course will look at a selection of traditional and non-traditional products to see the challenges they present, how the IRS/Treasury has tried to meet them, and where the solutions fall short. Students will learn how to use a spreadsheet program as part of the course. (3). Ms. Roin. [Not offered in 1999-2000.]

TELECOMMUNICATION LAW. 704. This course will examine the basic legal framework for the regulation of radio, broadcast television, cable, telephone, and, where appropriate, the Internet. After learning the basics, students will focus on some specific problem areas, including the regulation of indecent speech; compelled access in its various forms; and the FCC's recent auctions of spectrum space. Win (3). Mr. Lichtman.

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 1999-2000.]

THEORIES OF INTERNATIONAL JURISDICTION. 589. (Seminar) Although it has become commonplace to recognize that the reach of national regulation often cannot stop at the physical borders of the modern State, it is far more difficult to define the acceptable scope of jurisdiction over activities outside the State that affect activities or persons within it. Theories relying on effects within the regulating State, while becoming more accepted in the international community at large, continue to give rise to significant diplomatic frictions, and the same is true of nationality-based theories. In this seminar, students will examine both the existing U.S. jurisprudence on the subject, with particular emphasis on economic regulation, as well as perspectives from other countries. A substantial paper will be required, the completion of which will satisfy part of the writing requirement. (3). Judge Wood. [Not offered in 1999-2000.]

TOPICS IN ADVANCED LAW AND ECONOMICS. 554. (Seminar) This seminar will address a miscellany of issues drawn from recent literature in law and economics, 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. Students should feel comfortable reading the technical literature (employing basic tools of econometrics, multivariate calculus, and game theory). (3). Mr. Sykes. [Not offered in 1999-2000.]

TOPICS IN CORPORATE GOVERNANCE. 587. (Seminar) This seminar will explore 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 attorney, and will subsequently draft complaints suing the board they sat on for breach of fiduciary duty. Subsequent units will focus on institutional investor reform campaigns at particular companies, the activities of associations of institutional investors, executive compensation, the role (if any) that should be played by employees and other stakeholders in corporate governance, and the question of whether corporations have a social responsibility to local communities. The seminar will conclude 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 two short (2-3 page) comments, as well as a more substantial 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. Enrollment is limited to 15 students (any additional students who wish to meet the upperclass writing requirement through this seminar may register separately for the seminar). This is not a long paper writing course unless permission is given by Ms. Bernstein. Corporation Law (423) is a prerequisite. Win (3). Ms. Bernstein.
TRADEMARKS AND UNFAIR COMPETITION. 457. This course deals with federal and state laws designed to protect trademarks and to protect against unfair competition, including misappropriation, and false and deceptive advertising. The course also examines FTC regulation of advertising and state laws protecting rights to publicity. Win (3). Mr. Hilliard.

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. Completion of this seminar partially satisfies requirement for admission to trial bar of the U.S. District Court, Northern District of Illinois. Students taking Trial Advocacy are not eligible to enroll in Litigation Methods or be concurrently enrolled in Major Civil Litigation. Preference will be given to students who have not previously enrolled in Major Civil Litigation. The seminar will extend over two quarters. Win (2), Spr (2). Mr. Howlett, Judge Wolfson, 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. Heilsinger.

THE UNITED STATES AND THE WORLD ECONOMY. 702. The course will address policies that the U.S. government has pursued and should pursue with regard to the international economy. Using a methodology stressing the normative and positive considerations that govern public decisions, the seminar will confront contemporary issues concerning international trade, investment, exchange rates, finance, technology, immigration, and development. The emphasis will be on the policies adopted, both what they are and what they should be, and especially why there is a difference. The course is designed to supplement, rather than substitute for, substantive law courses in the various subject matter areas covered. Spr (3). Mr. Dam.

THE U.S. 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.

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. (3). Mr. Obama. [Not offered in 1999-2000.]

WOMEN'S LEGAL HISTORY. 640. (Seminar) This seminar considers the historical relationship between women and the law in the United States. Most of the emphasis will be on the nineteenth century, the period in which an organized woman’s movement first challenged the legal subordination of women at common law. Topics to be covered include the status of free women at common law, marriage and motherhood under the law of slavery, the rise of the first feminist movement, the relationship between nineteenth-century feminism and civil rights efforts on behalf of African-Americans, rape and marital rape, seduction and prostitution, abortion, domestic violence, welfare, women in the marketplace, the legal status of women’s labor in the home, and the historical and legal relationship between gender and sexual orientation. Aut (3). Ms. Hasday.

WORKSHOP: CONSTITUTIONAL LAW. 636. (Seminar) This workshop will expose students to recent academic work in constitutional law and the theory of constitutional interpretation. Workshop sessions will be devoted to the presentation and discussion of papers by outside speakers, at six to eight sessions to be conducted regularly throughout the academic year. Students enrolled in the workshop will receive three credits for completion of a substantial writing requirement. Enrollment may be limited. Aut (1), Win (1), Spr (1). Mr. Strauss, Mr. Vermeule.

WORKSHOP: INTERNATIONAL LAW. 634. (Seminar) This workshop examines selected problems in international law, including public and private international law, international trade, and international relations. There will be nine workshop sessions throughout the year in which members of the faculty of other institutions will present academic works-in-progress. Students will be required to write short essays with critical comments and questions about each workshop paper. They will also be expected to participate fully in the workshop sessions. There is no prerequisite for this workshop. Aut (1), Win (1), Spr (1). Mr. Goldsmith, Mr. Sykes.

WORKSHOP: 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. Landes, Mr. Picker.
WORKSHOP: LAW AND PHILOSOPHY. 615. (=Phil 512) (Seminar) This workshop, which represents a fusion of the faculty law-philosophy group and the existing legal theory workshop, will meet throughout the year, on alternate Mondays, with a total of about twelve meetings, mostly in the autumn and winter. There will be a theme running throughout the year, which will be pursued through both philosophical and legal readings, with a range of visiting speakers and some sessions directed by local faculty. The theme in 1999-00 will be privacy. Students will pursue legal and philosophical readings on the topic, both historical and recent, and examine the significance of philosophical work on the topic for issues in constitutional law, criminal law, and other areas. Sessions will be led by the following people: Autumn: Randall Kennedy (Harvard), John Deigh (Northwestern), Richard Mohr (Illinois-Urbana), Charles Fried (Harvard), Catharine MacKinnon (Chicago and Michigan), Joshua Cohen (MIT). Winter: Richard Posner (Chicago), Candace Vogler (Chicago), Jonathan Lear (Chicago), Tom Grey (Stanford), Martha Nussbaum (Chicago). Spring: Andy Koppelman (Northwestern), Reva Siegel (Yale), Michael Warner (Rutgers), Ed Baker (Penn, visiting at Chicago), Anita Allen (Penn). This workshop will meet throughout the year, on alternate Mondays from 4:00 to 6:00 pm, with a total of about 14 meetings. The schedule is currently available from Martha Nussbaum’s secretary, Shirley Evans. Students will write short responses to each presentation, and a longer seminar paper. Enrollment is limited to law students and philosophy Ph.D. students, and numbers are limited. Law students who wish to enroll should contact David Strauss, and philosophy students should contact Martha Nussbaum, by October 1. Aut (1), Win (1), Spr (1). Ms. Nussbaum and 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:

of Development; U.S. Cold War Defense Policy; Health Economics and Public Policy; Environmental Policy I; Policy Analysis I: Advanced Policy Planning; Economics of Child and Family Policy; Psychological Perspectives on Child and Family Child Policy; Managing Globalization; U.S. Foreign Economic Policy; Analyzing International Policy; Non-Profit Sector: Theory and Practice; Political Economics of Institutions; Political Economy of Bureaucracy.

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.
Lisa E. Bernstein: contracts; alternative dispute resolution.
Locke E. Bowman: death penalty; civil rights law; habeas corpus.
Emily Buss: civil procedure; juvenile law; family law; evidence.
Mary Ann Case: regulation of family sex and gender; feminist jurisprudence; constitutional law; comparative civil law; European rights law.
David P. Currie: constitutional law; federal jurisdiction.
Kenneth W. Dam: international trade; comparative public law; intellectual property.
Frank H. Easterbrook: antitrust; securities; interpretation.
Richard A. Epstein: any common law subject; property-related constitutional issues; law and economics.
Elizabeth Garrett: legislative process; federal budget process; direct democracy; administrative law; statutory interpretation.
Jack Goldsmith: conflict of laws; international law; foreign affairs law; federal courts; cyberspace.
Gidon A. G. Gottlieb: public international law; legal theory; international human rights issues; issues involving foreign conflicts; lawyer's role as negotiator.
Jill E. Hasday: anti-discrimination; employment discrimination; family law; national security law; women's legal history; 19th-century legal history.
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.

William M. Landes: law and economics; intellectual property; torts.

Saul Levmore: public choice; torts; corporations; corporate tax; comparative law.

Douglas Lichtman: intellectual property, including copyright, trademark, and patent; information economics; telecommunications; cyberspace; property.

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.

Barack H. Obama: equal protection; due process; voting rights.

Randal C. Picker: secured transactions; bankruptcy; corporate reorganizations; game theory; environmental law.

Eric Posner: bankruptcy; commercial law; contract law; game theory; law and social norms.

Richard A. Posner: economic analysis of law; judicial behavior; jurisprudence.

Julie Roin: federal taxation; taxation of international transactions; state and local government.

Gerald N. Rosenberg: law and society; law and social change; interest groups, law and the courts; political jurisprudence; empirical approaches to the study of law, courts, and judicial behavior.

Randall D. Schmidt: civil rights; employment discrimination; 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.

George Triantis: contracts; commercial law; secured transactions; bankruptcy; non-profit organizations; law and finance.

Adrian Vermeule: legislation; constitutional interpretation; federal jurisdiction and procedure.

David A. Weisbach: taxation.

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