the relevance of the proposed course or seminar to the study of law or to a career in law and of the appropriateness of the proposed course or seminar in the light of the student's course of study in the Law School. Students should consult the Dean of Students for information concerning the procedure to be followed for obtaining permission.

In each course, seminar, or other credit work the student receives a final grade according to the following scale: A, 80 and above; B, 74-79; C, 68-73; D, 60-67; F, below 60. (Grades are recorded as numerical grades in the Office of the Registrar of the Law School and as letter grades in the Office of the Registrar of the University.) A grade of 60 or above is required for credit for the work involved.

To maintain satisfactory academic standing, a student must receive a weighted grade average of 68 or more for the work of each academic year (three-quarter sequence) and a cumulative average of 68 after the conclusion of the second year (sixth quarter) and the third year (ninth quarter). In addition, a student who receives two failing final grades in any one academic year, or three failing final grades during his or her period of residence at the Law School, will not have maintained satisfactory academic standing. Maintenance of satisfactory academic standing is a prerequisite to continuation in the School as well as to graduation.

Regular class attendance is required as a condition of receiving credit for work done. The privilege of membership in the School may be withdrawn for unsatisfactory class work or attendance.

After the first four weeks of any quarter a student is not permitted to withdraw from a course, seminar, or special work for which he or she has registered that quarter except with the permission of the Dean of Students.

The degree of Doctor of Law with Honors is awarded to candidates who have satisfied the requirements for the degree with distinction. The achievement of a weighted grade average of 78 or better is considered to be completion of the requirements with distinction.

FIRSt-YEAR COURSES

301. ELEMENTS OF THE LAW. The purpose of this course is to examine certain issues that occur in many different areas of the law and to consider 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; whether voluntary choices are a sufficient basis for visiting consequences on a person; whether to impose rules or to allow discretion; the problems of interpreting statutes and other authoritative texts; and the objective and subjective nature of moral judgments. Aut (4). Mr. Strauss.

302. CIVIL PROCEDURE. The first part of this course concerns the formulation and defense of legal claims in civil litigation, with special reference to the adversary system and the role of the lawyer in it. The second part of the course is a study of the scope and effect of judgments, with an emphasis on the problems imposed by a federal system on complete determination of disputes that cross state lines; principles of finality of judgments and their implementation through the Full Faith and Credit Clause; proceedings in rem and quasi in rem and interpleader and class actions as devices for extending judgments to the rights of persons beyond the personal jurisdiction of the court; the role of the federal courts under the diversity jurisdiction; the enforcement of judgments. Aut (4). Judge Easterbrook, Mr. Kramer, Mr. Stone. Spr (4). Mr. Bator, Mr. Sunstein, Ms. Wood.

303. CRIMINAL LAW. This course relates the general doctrines of criminal liability to the moral and social problems of crime. The definitions of crimes against the person and against property (as they are at present and as they might be) are considered in the light of the purposes of punishment and of the role of the criminal justice system, including police and correctional agencies, in influencing behavior and protecting the community. Aut (4). Mr. Morris, Mr. Schulhofer. Win (4). Mr. Alschuler, Mr. Schulhofer.
304. PROPERTY. This course provides an introduction to the legal relationships that arise out of or constitute ownership of property. Among the subjects to be covered are the initial acquisition of rights in real and personal property, the nature of ownership of natural resources, the various types of concurrent and successive interests in land, and restraints on alienation. The course will also deal with the law relating to easements and covenants, landlord and tenant, and conveyancing. Win (4), Spr (4). Mr. Helmholz, Mr. Miller.

305. CONTRACTS. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach, and justification or excuses for nonperformance. The nineteenth-century elaborations of such basic contract doctrines as that of consideration will be examined in the light of their decline and fall in our own century. The relationship between contract liability and tort liability, taken as twin halves of a general theory of civil obligation, will be stressed. Win (4), Spr (4). Ms. Becker, Mr. Currie.

306. TORTS. This course deals with the Anglo-American system (mainly judge-created) of liability for physical injury to person or property. Special stress is laid on the legal doctrines governing accidental injury, such as negligence and strict liability, assumption of risk, and the duty requirement. The rules for determining damages in personal-injury cases will also be discussed. Alternative theories of tort liability, e.g., moral and economic, will be compared. Aut (4), Win (4). Mr. Epstein, Mr. Sykes.

307. LEGAL RESEARCH AND WRITING. Each first-year student is assigned to a tutor for individual and small-group work in legal analysis, research, and exposition, including an exercise in brief-writing and oral argument. Aut, Win, Spr (5). Mr. McConnell and Mr. Allison, Mr. Bromberg, Mr. Logan, Ms. Melikan, Ms. Silkworth, Mr. Wendel.

ELECTIVE. In the Spring Quarter first-year students will elect one course from among the following: 476, Development of Legal Institutions; 478, Roman Law; 492, Economic Analysis of Law; 566, Contemporary Legal Theory.

SECOND- AND THIRD-YEAR COURSES

This section is subdivided sequentially into the following categories:

CONSTITUTIONAL LAW
COURTS, JURISDICTION AND PROCEDURE
COMMERCIAL, BUSINESS AND LABOR LAW
TAXATION
ADVANCED COURSES IN FAMILY LAW, PROPERTY RIGHTS, TORTS, AND INSURANCE
ADMINISTRATIVE LAW AND GOVERNMENT REGULATION
CRIMINAL LAW AND CRIMINAL PROCEDURE
LEGAL HISTORY AND JURISPRUDENCE
COMPARATIVE AND INTERNATIONAL LAW
COMPLEMENTARY COURSES

Constitutional Law

Courses

401. CONSTITUTIONAL LAW I. 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 (4). Mr. Currie, Mr. McConnell.

402. CONSTITUTIONAL LAW II: FIRST AMENDMENT. A study of the doctrine and theory of the constitutional law of freedom of speech. The subjects for discussion include advocacy of unlawful conduct, disclosure of confidential information, defamation, invasion of privacy, commercial speech, offensive speech, obscenity and pornography, symbolic expression, the relationship between speech and the expenditure of money, restrictions on the speech of government employees, government subsidization of speech, compelled speech, and protest in public places. Win (4). Mr. Strauss.

403. CONSTITUTIONAL LAW III: EQUAL PROTECTION AND SUBSTANTIVE DUE PROCESS. The course will focus on the development of the equal protection clause and on such concepts as substantive equal...
protection and substantive due process. Particular attention will be paid to the legacy of the Reconstruction Amendments. Aut (4). Mr. Sunstein.

404. RELIGION AND THE FIRST AMENDMENT. A study of the relationship between government and religion, as ordered by the Free Exercise and Establishment Clauses of the First Amendment. The course will include both historical materials and modern Supreme Court doctrine, and will cover such topics of current interest as incorporation, aid to parochial schools, religious activities in public schools, religious influences in politics, and religious accommodation. (4). Mr. McConnell. [Not offered in 1987–88.]

405. AMERICAN CONSTITUTIONAL HISTORY. Following an introductory examination of the separation of powers in state constitutions after 1776, the course will focus on the separation of powers concept in the Constitutional Convention. The main part of the course, however, will be devoted to the actual operations of the three branches of the national government from the adoption of the Constitution through the presidency of Thomas Jefferson. The emphasis will be on interactions of the legislative and executive branches. The class materials will mostly consist of legislation, congressional debates, materials concerning the workings of administrative departments and other noncase sources. Two areas of concentration concern the budgetary process and Congress’s role in the making of foreign policy. Reading assignments will be very substantial. Constitutional Law I is a prerequisite. (4). Mr. Casper. [Not offered in 1987–88.]

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

472. CRIMINAL PROCEDURE I. For course description refer to section on Criminal Law and Criminal Procedure.

Seminars

500. CONSTITUTIONAL THEORY AND INTERPRETATION. The subject of this seminar is constitutional theory and interpretation, with special reference to cases involving civil rights and civil liberties. Much of the seminar will focus on the legitimacy and usefulness of various possible sources of constitutional decisions: the “intent” of the framers; the language of the Constitution; conceptions of justice; precedent; tradition; and social consensus. Some time will also be spent on the competing theories of government underlying the Constitution and the ways in which those theories have been rejected or implemented in contemporary and (briefly) administrative law. The broader issues for consideration are: (1) the role of the Supreme Court in American government; (2) the character of American democracy, as it is reflected in legal doctrines; and (3) the nature of “legal reasoning” in constitutional law and perhaps more generally. Students who have not taken Constitutional Law I may enroll only with the permission of the instructor. (4). Mr. Sunstein. [Not offered in 1987–88.]

501. SEPARATION OF POWERS. This seminar will examine the separation of powers as a philosophical concept and as a practical principle of government. The first part of the seminar will focus on the idea’s development by eighteenth-century thinkers and statesmen; readings will include works by Hobbes, Locke, Rousseau, Montesquieu, and selections from the Federalist Papers. The second part will examine three current problem areas: vetoes (executive, judicial and legislative), appointments and removals, and privileges. Enrollment limited to twenty-five. (4). Mr. Miller. [Not offered in 1987–88.]

502. LEGISLATIVE PROCESS. Contemporary congressional legislation will be examined in light of the problems addressed, the political controversies involved, the development of legislative history, constitutional issues raised, and reasons for the success or failure of the legislative proposals. Students will be expected to prepare papers to be presented in class. Registration limited. (4). Mr. Kurland. [Not offered in 1987–88.]

503. SUPREME COURT. A study of selected cases currently before the Supreme Court of the United States. The members of the seminar, after considering the briefs filed with the Supreme Court by the parties to the cases, discuss each case and draft opinions, generally before the Court’s actual decision in the case. Each student will be responsible for several opinions. Enrollment will be limited. Win (4). Mr. Strauss.

504. CONSTITUTIONAL DECISION MAKING. Students enrolled in this seminar are divided into “courts,” each of which consists of five “Justices.” During each of the first five weeks of the quarter, the courts are assigned several hypothetical cases raising issues under the Equal Protection Clause of the Fourteenth Amendment. The cases must be decided with opinions (concurring and dissenting opinions are permitted). The decisions may be premised on the legislative history of the Clause, and on any
doctrines or precedents created by the "Justices" themselves. The "Justices" may not rely, however, upon any actual decisions of the United States Supreme Court. The seminar is designed to give students some insight into the problems a Justice confronts in collaborating with colleagues, interpreting an ambiguous constitutional provision, and then living with the doctrines and precedents he or she creates. (4). Mr. Stone. [Not offered in 1987–88.]

505. ECONOMIC LIBERTIES. A study of constitutional doctrines protecting rights of property and contract. The first part of the seminar will explore traditional and modern interpretations of the major constitutional provisions bearing on economic liberty: the "negative" commerce clause, the privileges and immunities clauses, the contracts clause, the takings clause, and the due process clauses. The latter part of the seminar will address specific current issues, including use of the free speech clause to invalidate government regulation of communications; challenges to rent control; the problem of regulatory "takings"; and the limits to confiscatory utility rate making. Spr (4). Mr. McConnell.

506. SUPREME COURT HISTORY. Students will prepare and present papers on various topics relating to Supreme Court decisions during the modern era. Topics will be assigned at the beginning of Autumn Quarter to permit oral presentations during Winter. Preference will be given to students who have taken Constitutional Law I. Win (4). Mr. Currie.

507. AMERICAN CONSTITUTIONAL HISTORY: FREEDOM OF SPEECH AND PRESS. The focus of the seminar will be on the origins of the American law of free speech and press through a study of the statute law and case law in the States from 1776 through 1835. Each member of the seminar will prepare a case study of one jurisdiction for the relevant period. The case study will be presented orally in the seminar and then in a written paper. Aut (4). Mr. McConnell.

508. CONSTITUTIONAL LAW: RECENT SUPREME COURT DECISIONS. The seminar will be devoted to a study of recent Supreme Court decisions in the area of constitutional law. Each student will be expected to prepare a paper to prove why the opinion assigned is "right" or "wrong." Students expecting to register for this seminar should consult the instructor at least three weeks prior to the end of the Autumn Quarter. Win (4). Mr. Kurland.

509. CONSTITUTIONALISM AND DEMOCRACY. This seminar, offered jointly in the Law School and the Department of Political Science, will deal broadly with the relationship between constitutionalism and democracy. Constitutionalism is often thought to be antidemocratic. Examining political and legal theory and decided cases, the seminar will explore to what extent this is so. The seminar will pay special attention to the character of constitutional democracy in America—how democratic is it? What is its essential nature? How might it be improved? Time will also be spent on the role of the Supreme Court in American government and on the possible sources of constitutional decisions (e.g., intent of the framers, political theory, tradition). The readings will involve for the most part legal and political theory, but there will be some attention to judicial decisions as well. Among the subjects likely to be covered are campaign finance regulation; affirmative action; checks and balances; welfare rights; citizen participation in constitutional decisions; the pornography controversy and sex discrimination in general; rights of "access" under the first amendment; and possible constitutional amendments. Aut (4). Mr. Sunstein and Mr. Holmes.

510. ADVANCED CONSTITUTIONAL LAW: DEFUNCT DOCTRINES. The death of legal doctrines often tells more about the process of legal reasoning than do the mid-life transformations that are the usual focus of study. This seminar examines the demise of doctrines, many famous in their day but now forgotten. One subject is the difference between direct and indirect state taxes, which once occupied a substantial chunk of the Supreme Court's docket, although today it is hard to figure out why anyone cared. Another is the "irrebuttable presumption doctrine," which led two lives. So did economic substantive due process. The "original package doctrine" had a lingering death. The object of the seminar is to determine why prospering doctrines fade away and why some are temporarily revived. Win (4). Judge Easterbrook.

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

Courts, Jurisdiction and Procedure

Courses

410. THE LEGAL PROFESSION. This course examines the legal profession in the United States as a regulated industry and as an organized interest group. Lectures will address the structure of the profession and the consequences that flow from having a highly organized, self-governing bar; the rules that govern the practice of law, including those addressed to unauthorized practice, lawyer advertising, minimum fee schedules, mandatory bar membership, attorney fees, and conflicts of
interest; the changing economic structure of law practice; and the role of lawyers in an adversary system. Aut (3). Mr. Miller.

411. FEDERAL JURISDICTION I. This is an introductory course concentrating on the original jurisdiction of the federal district courts. Topics will include: congressional control over the jurisdiction of the federal district courts; the elements of federal question jurisdiction; choice of law in the federal courts; and litigation against state governments and their officials. Restricted to students who have taken or are taking Constitutional Law I. (Students who go on to take Federal Jurisdiction II may take a comprehensive examination at the end of both courses rather than an examination in Federal Jurisdiction I.) Aut (4). Mr. Bator.

412. FEDERAL JURISDICTION II. An advanced course focusing on the appellate jurisdiction of the United States Supreme Court; federal habeas corpus; complex problems of relationships between federal and state courts (e.g., federal/state res judicata); and some advanced problems in constitutional litigation (e.g., defendants' standing). Enrollment in this course is limited to students who have taken Federal Jurisdiction I or who took Federal Jurisdiction from Mr. Strauss in 1986–87. Win (4). Mr. Bator.

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

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

415. CONFLICT OF LAW. An inquiry into the division of lawmaking and judging authority among the several states and between the states and the federal government, principally through consideration of choice of law, personal jurisdiction, and respect for prior judgments in cases connected with more than one state. Win (4). Mr. Kramer.

416. EVIDENCE. The content and reform of the law governing proof of disputed propositions of fact in criminal and civil trials, with incidental treatment of other adjudicative processes, including burdens of proof, presumptions and judicial notice; the function of judge and jury and the preservation of errors for review; the hearsay "rule" and other rules of exclusion; the competency, examination, and privileges of witnesses. Win (5). Mr. Shavitz, Spr (5). Mr. Kramer.

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

420. ADVANCED CIVIL PROCEDURE: COMPLEX LITIGATION. This course will focus on complex civil litigation, which can be defined as suits involving multiple parties, multiple claims, multiple courts, or multiple jurisdictions. It will investigate when the procedural mechanisms developed for the simple, bipolar case do and do not function in the complex setting. Since it is frequently the case that general procedural rules collapse under the weight of complex litigation, we shall look at the reasons for the collapse and at superior ways of resolving the complex dispute. Topics covered will include joinder of parties, duplicative or related litigation, class actions, discovery, the roles of the lawyer and the judge, and alternatives to litigation. Aut (4). Ms. Wood.

418. LITIGATION METHODS. A four-quarter course beginning in the spring quarter of the second year and concluding in the spring quarter of the third year. The course develops legal skills with special emphasis on litigation strategy, pre-trial and trial preparation, and trial and appellate advocacy. Topics will include interviewing, initial planning, investigation, counseling, case planning, negotiation, pleading, discovery, motion practice, voir dire, direct and cross examination, expert witnesses, opening statements, closing argument, pre-trial preparation, post-trial procedure, and appeals. Throughout the course a combination of teaching techniques will be employed, including lectures, large and small group discussions, videotaping, simulations, and actual clinical experiences. Special emphasis will be
placed on teaching strategic planning and preparation. Actual cases in progress will be used in small groups and large classes to teach the various elements of advocacy. Major impact cases actually in progress at the Clinic will be used to help students identify any differences in pre-trial or trial methods for major cases. Particular emphasis will be placed on how modern discovery techniques are used in complex cases. Students will prepare and present actual cases in court under the supervision of the instructors. Each student will be expected to complete the following requirements in actual cases: substantial participation in an evidentiary hearing, a contested legal argument, three other court appearances, strategic planning memos on several cases, preparation of a legal brief or memorandum for submission to court, participation in discovery for at least one case and participation in at least one major case. Preference in enrollment will be given to second-year participants in the Mandel Clinic. All students will be certified to appear in court under Illinois Supreme Court Rule 711 during their third year. Evidence is a prerequisite. Students taking Litigation Methods are not eligible to enroll in Trial Advocacy or Major Civil Litigation. Students may choose to take the course for only the first two quarters. Spr (2), Aut (2), Win (4), Spr (1). Mr. Baum, Mr. Palm, Ms. Ross, Mr. Schmidt.

419. LAWYER AS NEGOTIATOR. 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 negotiations. 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 (4). Mr. Gottlieb (enrollment limited).

472. CRIMINAL PROCEDURE I. For course description refer to section on Criminal Law and Criminal Procedure.

473. CRIMINAL PROCEDURE II. For course description refer to section on Criminal Law and Criminal Procedure.

Seminars

511. MAJOR CIVIL LITIGATION. A practical study of tactical and strategic considerations in the preparation and trial of major civil litigation. Employing a significant action in the Federal Court as an example, students will participate, both as plaintiff and defense counsel, in each of the principal litigation steps from contact by the client through initial investigation and development of the facts, drafting of pleadings, interviewing and preparing witnesses, discovery, motion practice, and trial. Experienced trial lawyers will assist by instruction and demonstration. Enrollment will be limited to twenty third-year students, and students must have taken Evidence. Win (4). Judge Holderman.

512. TRIAL ADVOCACY. 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. The seminar will extend over two quarters. Win (2), Spr (2). Judge Wolfson and Mr. Howlett.

513. FEDERAL RULES. This seminar will examine how well the Federal Rules of Civil Procedure and their state counterparts are serving the civil justice system: Is the "notice" in notice pleading adequate? Has pretrial discovery led to litigation by attrition? How effective is motion practice under the Rules in disposing of litigation short of trial? Can judges remain neutral arbiters in today's litigation environment? Should the Rules give explicit recognition to alternative methods of dispute resolution? Have the Rules simplified civil trials? Would a reform of the Rules help contain the litigation explosion? The perspective will be that of a practicing trial lawyer dealing with these questions under the Federal Rules, supplemented by a comparative look at how similar procedural issues are handled by English and civil law courts. Enrollment will be limited to third-year students. Aut (4). Mr. Jenkins.

514. SECTION 1983 CIVIL RIGHTS LITIGATION. The seminar will examine the use of the Civil Rights Act of 1871, the Ku Klux Klan Act, and other Reconstruction era enactments by private litigants to seek redress for violations of their civil rights. Initially the elements of the cause of action, defenses, immunities, and remedies will be analyzed. The seminar will then consider litigation strategies used by civil rights lawyers to increase the availability and effectiveness of civil rights remedies. Throughout the seminar selected briefs and documents from cases pending before the United States Supreme Court and the Seventh Circuit Court of Appeals will be examined to see how some of these strategies are currently being applied. Students will be encouraged to select a topic for the written paper suggested by the discussion of pending cases or to prepare a brief for use in an actual 1983 case in the Mandel Legal Aid Clinic. Students should have taken or be enrolled in courses in federal jurisdiction and constitutional law. The prerequisites can be waived by the instructor. Win (4). Mr. Palm.
517. **CIVIL DISCOVERY.** An examination of the scope and methods of discovery in civil cases under the Federal Rules and the Illinois Supreme Court Rules, recurrent dissatisfaction with abuses of the discovery process, and proposals for changes in the discovery rules. (4). Mr. Lucas. [Not offered in 1987–88.]

518. **INTERPLEADER.** History of the Federal Interpleader Statute (28 USC §§ 1335, 1397, 2361); comparison of interpleader under the statute and interpleader under Rule 22 of the FRCP; the diversity requirement of § 1335; service of process and venue in interpleader cases under the statute and under the Rule; the significance of the anti-injunction act in statute and Rule interpleader; efforts to employ interpleader as a solution to the problem of mass tort litigation (rejected in *Tashire*) and the problem of multiple taxation attributable to inability to join different states in a single proceeding (rejected in *Cory v. White*); attorneys' fees in interpleader actions; reexamination of federal interpleader in light of the changes in the constitutional law governing the reach of the process of state courts. Win (4). Mr. Lucas.

522. **CURRENT CONTROVERSIES IN CORPORATE AND SECURITIES LAW.** For seminar description refer to section on Commercial, Business and Labor Law.

515. **APPELLATE PROCEDURE.** Appellate jurisdiction, who may appeal, cross and separate appeals, the finality rule, interlocutory appeals, review by extraordinary writs, the Federal Rules of Appellate Procedure, problems of judicial management in the handling of appeals. (4). Mr. Lucas. [Not offered in 1987–88.]

516. **TOPICS IN THE CONFLICT OF LAWS: INTEREST ANALYSIS.** Brainerd Currie's "governmental interest analysis" has been assailed by a new generation of conflicts scholars. Many of the attacks made valid points that Currie did not take into account. What is left is the task of reconstruction. The seminar will attempt to do this by reexamining the premises of interest analysis. To do this, we will focus on a series of problems that define choice-of-law, including the proper place of uniformity, predictability and prevention of forum-shopping in conflicts analysis; the substance/procedure distinction; proper and improper methods of statutory construction; and constitutional limits on choice-of-law. The seminar will consist of assigned readings and discussion. Each participant will be required to write a paper. Aut (4). Mr. Kramer.

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

546. **CRIMINAL JUSTICE POLICY.** For seminar description refer to section on Criminal Law and Criminal Procedure.

**Commercial, Business, and Labor Law**

**Courses**

421. **COMMERCIAL LAW: COMMERCIAL PAPER AND THE SALE OF GOODS.** This course deals with commercial transactions arising under the first seven articles of the Uniform Commercial Code, emphasizing those topics not covered in the first-year contracts course. In addition to selected topics in the law of sales under Article 2 of the UCC, the course will study bank collections, negotiable instruments, documents of title, and other more exotic methods of payment. Aut (4). Mr. Craswell.

422. **COMMERCIAL LAW: SECURED TRANSACTIONS.** This course deals with security interests in personal property under Article 9 of the Uniform Commercial Code, and the effect of those laws on debtor-creditor relations. Some attention will be given to the interaction between Article 9 and other laws governing debt collection, such as the Bankruptcy Code. Law 421 (Commercial Paper and the Sale of Goods) is not a prerequisite for this course, but it is strongly recommended. Win (4). Mr. Craswell.

423. **CORPORATION LAW.** This course considers the nature of the modern business corporation. It begins with an inquiry into the nature of the firm, including problems of the scope of limitations on liability, the selection of a particular form of doing business, and the extent of integration of operations. It then considers the role of managers, devices by which their authority is defined and restricted, and their duties to shareholders (including duties with respect to insider trading); the market for corporate control, including tender offers, mergers, squeeze-outs, going private, proxy fights, and other devices by which some owners can replace either fellow owners or management; the market for corporate chartering, including the choice between state and federal laws and the competition among states; the social responsibility of corporations, including corporate altruism, corporate speech, the use of bribes to obtain business, the amenability of corporations to the criminal law, and the responsibility of corporations for the acts of preceding owners of their assets; derivative litigation and other attempts by owners to act directly for the corporation. Aut (4). Mr. Fischel, Mr. McChesney.

432. **ADVANCED CORPORATIONS.** The course examines the nature and function of the large-scale
corporation and the legal/institutional environment within which it operates. Topics include: the evolution of the modern corporation; agency theory and the separation of ownership and control; the economic and legal theories of the corporation; bankruptcies and reorganizations; transactions in the market for corporate control (tender offers, mergers, proxy contests, leveraged buyouts); anti-takeover devices (shark repellents, poison pills, greenmail, scorched earth, golden parachutes, crown jewels, lock-ups, pac man, etc.); and the role of regulation in the securities markets (federal, state and the courts). Win (4). Mr. Fischel.

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

425. CORPORATE FINANCE. An examination of corporate financial matters, including corporate capital structure and leverage, enterprise and securities valuation, the financial protection of security holders and creditors, dividend policy and regulations, and fairness and shareholder protection in mergers and acquisitions. The concept of efficient capital markets and its implications for investment strategy also will be considered. Corporation Law is a prerequisite. Spr (4). Mr. Carlton and Mr. Fischel.

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

426. CORPORATE READJUSTMENTS AND REORGANIZATIONS. This course considers the adjustment of the rights of shareholders in connection with mergers and also by charter amendment and voluntary exchange of securities, including the rights of dissenting shareholders through appraisal evaluation proceedings. It then deals with the problems encountered in adjusting debts, especially in the face of financial stress, and in rearranging the rights of shareholders in distress situations. Attention is directed to the standards of fairness imposed by law on modification of shareholders' rights and rearrangement of relationships between debtor and creditors and among creditors in these various situations. The standards for reorganization in a bankruptcy proceeding are contrasted with the rules of fairness applied where readjustment is voluntary or is compelled by something other than the debtor's financial difficulties. Attention is also directed to the factors in our society which encourage the use of debt or equity capital. Corporation Law is a prerequisite. Spr (4). Mr. Blum.

437. BANKRUPTCY. This course focuses on the policies underlying federal bankruptcy law. Subjects covered will include the jurisdiction of the bankruptcy courts, an individual's rights to discharge, the nature of the claims that are cognizable in bankruptcy, the rejection and assumption of executory contracts, the automatic stay, and the avoidance powers of the trustee. Because this course does not cover reorganizations under Chapter 11, students are urged to take this course in conjunction with Corporate Readjustments and Reorganizations. (4). [Not offered in 1987-88.]

427. BUSINESS PLANNING. The aim of this course is to apply the student's knowledge of taxation and corporation law to the solution of a series of transactional problems involving typical steps in corporate formation and rearrangement. The problems include the formation of a closely held corporation, the formation of a publicly owned corporation, stock redemption, the sale of a business, merger and other types of combination transactions, and recapitalization, division, and dissolution of corporations. Both small-group discussions and lectures will be employed. Students will be assigned to represent the interests of particular parties, negotiate transactions, and prepare the necessary documents. The student must have taken Corporation Law and Corporate Income Taxation. Spr (4). Mr. Hess and Mr. Krane.

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

428. ANTITRUST LAW. 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 on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, "conscious parallelism," trade association activities, resale price maintenance, cross-licensing of patents, and mergers to monopoly and other types of horizontal merger. The course also focuses on the practices by which firms exclude or are alleged to exclude actual or potential competitors from their markets. Among the practices considered are boycotts, tying arrangements and reciprocal buying, vertical integration, and price discrimination under the Robinson-Patman Act. Vertical and conglomerate mergers, and the modern cases dealing with the offense of monopolization are also discussed. Win (4). Ms. Wood.
429. ADVANCED ANTITRUST. This course covers topics not discussed (or not discussed in detail) in the one-quarter introductory antitrust course. It covers the Noerr-Pennington doctrine, aspects of antitrust procedure and practice (such as contribution, damages claims by indirect and direct purchasers, the antitrust injury doctrine and the like), the essential facilities doctrine, the law of price discrimination, and some of the antitrust exemptions. In addition, the course will examine the evolving (and much litigated) relationship between antitrust and the regulated industries. For example, we will discuss the recent AT&T divestiture and the numerous antitrust and related regulatory proceedings deriving from it. Antitrust is a prerequisite for the course. (4). Mr. Rosenfield. [Not offered in 1987-88.]

457. COPYRIGHT, TRADEMARKS, AND UNFAIR COMPETITION. For course description refer to section on Advanced Courses in Family Law, Property Rights, Torts, and Insurance.

462. REGULATED INDUSTRIES. For course description refer to section on Administrative Law and Government Regulation.

430. REGULATION OF BANKING. This course is concerned with the federal regulation of national banks by the comptroller of the currency, the Federal Reserve Board, and the Federal Deposit Insurance Corporation. Primary emphasis will be placed on the limitations and restrictions on the lending activities of commercial banks, with some comparative attention paid to the role of thrift institutions. (4). [Not offered in 1987-88.]

458. INSURANCE LAW. For course description refer to section on Advanced Courses in Family Law, Property Rights, Torts, and Insurance.

431. LABOR LAW. This course examines the legal framework for collective bargaining. After brief consideration of labor law history, the course focuses on the National Labor Relations Act, and considers labor organizing, selection of unions by employees as their collective bargaining representatives, regulation of the bargaining process, enforcement of collective bargaining agreements, and the duty of fair representation. This is a course on the federal law governing the relationships among unions, employees, and employers and is not a course on all of the state and federal law dealing with employment relations. Win (4). Mr. Holzhauer.

433. EMPLOYMENT DISCRIMINATION. This course studies the prohibition of discrimination in the labor market, with particular emphasis on Title VII of the Civil Rights Act of 1964. In addition to discrimination based on race, sex, and religion the course will consider discrimination based on sexual orientation and sexual harassment. Attention is given to substantive, procedural, and remedial issues, including unequal treatment, facially neutral rules that have disproportionate impacts on particular groups, and affirmative action. Title VII is a statute, and this course pays particular attention to the legislative history of that law and to the proper use of legislative history in the interpretation of statutes. Spr (4). Mr. Holzhauer.

434. SEX DISCRIMINATION. This course in practical jurisprudence inquires into the relationship between sex inequality in society and sex equality under law. Emphasizing race and class as well as gender, concrete issues of pay equity, rape, abortion, sexual harassment, prostitution, family, reproduction, pornography, gay rights, and athletics are examined. The purpose is to understand, criticize as necessary, and extend as appropriate the law of sex discrimination toward meaningful civil equality for women. Win (4). Ms. MacKinnon.

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

413. ADMIRALTY. For course description refer to section on Courts, Jurisdictions and Procedure.

486. INTERNATIONAL BUSINESS TRANSACTIONS. For course description refer to section on Comparative and International Law.
487. INTERNATIONAL TRADE REGULATION. For course description refer to section on Comparative and International Law.

484. THE LAW OF THE EUROPEAN COMMUNITY. For course description refer to section on Comparative and International Law.

Seminars

522. CURRENT CONTROVERSIES IN CORPORATE AND SECURITIES LAW. The seminar deals with the most controversial issues in corporate and securities laws that have come up during the approximately six-month period preceding and including the course. The strategic, legal, and economic aspects of these issues are analyzed from the points of view of lawyers giving advice and lawyers faced with litigation. Student papers (including draft court papers) on these subjects are analyzed by the instructor (usually in writing) and also discussed in class. Spr (4). Mr. Herzel.

523. ADVANCED ANTITRUST: SPORTS AND OTHER TOPICS. This seminar will cover topics not discussed in the Antitrust course. The main topic will be an analysis of the sports industry, which provides a useful framework for discussing many antitrust concepts. A key feature of sports is the need for cooperation among firms through self-regulation. We will study the antitrust issues created by such cooperation, including agreements involving rules of play, scheduling, labor market restrictions, limitations on the number and movement of teams, and regulations governing the broadcasting and cablecasting of sports events. Other topics to be covered include: (1) the essential facilities doctrine; (2) the tension between antitrust, legal "monopolies" (patents), and other legally created rights (trademarks and copyrights); (3) evolving principles of causation and damage (antitrust injury, net benefit, losses on capital not invested); and (4) joint ventures and special topics in mergers. Antitrust is a prerequisite. Note: The course should not be taken by students who have taken Advanced Antitrust or the Sports Law seminar in a previous year, as there would be too much duplication of material. Spr (4). Mr. Landes and Mr. Rosenfield.

524. WORKERS' COMPENSATION. This seminar explores the development of the law of industrial accidents from the first half of the nineteenth century until the modern time, using both English and American materials. Three major topics receive emphasis: (1) the rise of the tort law and its eventual displacement by a system of workers' compensation, (2) the internal operation of the workers' compensation system, with special attention to its coverage formulas, and (3) the response of the workers' compensation system to the cumulative trauma cases, with special attention to the coordination of tort and compensation remedies. (4). Mr. Epstein. [Not offered in 1987-88.]

526. LABOR NEGOTIATION AND ARBITRATION. The seminar will provide students with intense practical experience in labor negotiation and arbitration. Students will conduct mock arbitrations, prepare arbitration briefs and decisions, and will negotiate and draft a complete collective bargaining agreement. The grade for the seminar will be based on the written work and on the outcome of the final labor negotiation exercise. Labor Law is a prerequisite. Spr (4). Mr. Holzhauer.

555. INTERNATIONAL SALES AND INVESTMENT. For seminar description refer to section on Comparative and International Law.

556. CURRENT ISSUES IN INTERNATIONAL TRADE LAW. For seminar description refer to section on Comparative and International Law.

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

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

Taxation

Courses

441. TAXATION OF INDIVIDUAL INCOME. A tax on the income of persons, with rates graduated upward, is the most significant element in the tax system adopted by the federal government. This first course in federal taxation examines the structure of the current version of the income tax. It emphasizes the problems of determining what is to be treated as gross income for purposes of the tax, what offsets are to be allowed in arriving at the amount of net income on which the tax is imposed, who will be required to include various items in income or be allowed to claim various deductions, and when these factors are to be reflected in computing income. Particular attention is devoted to the treatment of gains and losses from changes in the value of property. Five central questions are continuously under examination: (1) To what extent do tax rules mean something other than they appear to mean? (2) What policies underlie the mass of technical detail that characterizes the law? (3) How much change
in conduct is needed to alter the tax consequences involved in pursuing various goals? (4) What criteria can be found for choosing among alternative tax policies under a progressive income tax? (5) Can one discover any directions in which tax policies and tax law are developing? Aut (5). Mr. Blum, Mr. Shaviro.

442. CORPORATE INCOME TAXATION. An introduction to the taxation of corporations and their shareholders. The course covers the rate structure applicable to corporations, the movement of assets into corporations, the capital structure of corporations, dividend distributions, stock redemptions, sales of stock, liquidations of corporations, and collapsible corporations. Win (3) Mr. Isenbergh.

444. PARTNERSHIP TAXATION. An examination of the system for taxing the income generated by ventures operated as partnerships. The issue of defining a partnership for tax purposes is explored. Attention is directed to the extent partners are permitted to allocate tax burdens among themselves. The tax treatment of limited partners is analyzed. Emphasis is placed on the tax advantages and disadvantages of operating as a partnership. The tax aspects of doing business as a partnership are contrasted with using a corporation which elects not to be taxed under the corporate income tax. Win (4). Mr. Blum.

445. ESTATE PLANNING. The principal objective of this course is an examination of the federal estate and gift tax law and federal income taxation of decedents' estates and trusts. The course includes a study of various arrangements for the devolution of wealth, applying principles of the law of wills, trusts, future interests, and tax. The course seeks to develop an understanding of the process of estate planning—or choosing between alternative means of accomplishing client objectives regarding property disposition. Proposals for reform of the federal estate and gift tax law will be examined and compared to the existing law. Spr (4). Mr. Kanter.

446. INTERNATIONAL TAXATION. A survey of the income tax aspects (1) of investments and business operations of foreigners in the United States, and (2) of overseas investments and business operations of Americans. The principal focus will be on the U.S. tax system, but some attention will be devoted to the adjustments that are made between tax regimes of different countries through tax credits and tax treaties. Spr (4). Mr. Isenbergh.

447. STATE AND LOCAL TAXATION. A study of government finance in a federal state with an emphasis on apportionment of tax resources among government units and including an examination of federal and state constitutional provisions, efforts at interstate cooperation, and proposed federal legislative solutions, together with a brief canvass of problems in the administration of typical state-local tax systems. (4). Mr. Lucas. [Not offered in 1987-88.]

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

427. BUSINESS PLANNING. For course description refer to section on Commercial, Business, and Labor Law.

Seminars

529. SELECTIVE LIMITATIONS ON TAX BENEFITS. The federal income tax system mismeasures economic income for a number of reasons, some intentional on the part of Congress and others not. Mismeasurement was a major reason for, and focus of, the Tax Reform Act of 1986. One of the principal responses Congress chose in 1986 was that of limiting tax benefits selectively, i.e., in a manner that would affect some taxpayers and not others. Examples of selective limitations, from the 1986 Act and prior law, include the minimum tax, passive loss rules, investment interest limitation, at-risk rules, and the general nonrefundability and nontransferability of losses and excess credits. This seminar will examine how particular selective limitations work, and explore their broader implications for tax policy and tax planning. Spr (4). Mr. Shaviro.

530. ADVANCED INTERNATIONAL TAXATION. A study of various income tax problems affecting overseas investment and business operations of American taxpayers: foreign personal holding companies, controlled foreign corporations, deferral, adjustments and reorganization involving foreign corporations. Some prior knowledge of corporate taxation and basic international taxation is essential. (4). Mr. Isenbergh. [Not offered in 1987-88.]

Advanced Courses in Family Law, Property Rights, Torts, and Insurance

Courses

450. FAMILY LAW. This course examines the legal regulation of the family, with special emphasis on issues arising at and after divorce, including child custody, property distribution, support obligations, and separation agreements. There will be no consideration of family tax planning. Spr (4). Ms. Alter.
451. FAMILY LAW IN TRANSITION IN THE UNITED STATES AND WESTERN EUROPE. This course explores the complex interaction of behavior, ideology, and legal norms in selected areas of family law (including marital property and inheritance law). The principal inquiry concerns the relationship of change in family law to alterations in the economic and social roles of family members and shifts in the nature and forms of wealth. A major aim of the course is to encourage students to think creatively about current issues in the family law reform efforts. The course materials are drawn primarily from American, English, French, Scandinavian, and West German sources. Multilithed coursebook. (4) [Not offered in 1987-88.]

452. DECEDENTS' ESTATES AND TRUSTS. The various means of gratuitous transfer of wealth—by will, by intestate transfer, and by operation of statute on intestacy. Part I: The policy bases of inheritance and of the Wills Act formalities. Part II: The common will substitutes—gift, joint account, joint tenancy, life insurance, revocable trust. Part III: Intestate succession and family protection. Part IV: Testamentary capacity and the formalities of drafting and revoking wills. Part V: Distinctive constructional doctrines of the law of wills. Part VI: The creation and termination of trusts and the duties of trustees, executors, and other fiduciaries. Part VII: Charitable trusts and foundations. Throughout the course the relevant portions of the Uniform Probate Code will be studied. Win (4). Mr. Langbein.

445. ESTATE PLANNING. For course description refer to section on Taxation.

453. OIL AND GAS. The law relating to the exploration, production, and development of oil and gas. The principal topics covered are (1) ownership interests in natural resources, (2) leasing and field development, (3) the classification and transfer of production interests, and (4) regulation of field operation—pooling, unitization, and environmental controls. Post-production marketing controls—the subject of regulated industries—will not be covered. (4). Mr. Helmholz. [Not offered in 1986-87.]

454. NATURAL RESOURCES. A survey of the law relating to the development and the protection of America's natural resources, principally on the public lands. Rights in water, hard minerals and the laws relating to grazing lands, timber and the protection of wildlife and wilderness will be explored. A continuing theme will be the legal conflicts created by the desire both to consume and to conserve our natural resources. (4). Mr. Helmholz. [Not offered in 1987-88]

455. LAND USE CONTROLS. This course examines the public and private control of land use and development. It covers such topics as zoning, subdivision regulation, building codes, nuisance law, and covenants. Special attention will be given to such contemporary problems as exclusionary zoning, the use of land controls for fiscal objectives, and the general constitutionalization of this field. (4). Mr. Holzhauer. [Not offered in 1987-88]

456. LAND DEVELOPMENT. Primary attention will be given to the legal tools for raising capital for real estate ventures. Emphasis will be given to the methods for liquidating a venture which has gone sour, and to the business and tax problems of real estate syndication. Prerequisite: Taxation of Individual Income or permission of instructor. (4). Mr. Epstein. [Not offered in 1987-88.]

457. COPYRIGHT, TRADEMARKS, AND UNFAIR COMPETITION. This course deals with federal and state laws designed to protect against unfair competition and with the federal law of copyright, patents, and trademarks. It revolves around property interests in trade names, literary, musical, and other artistic works, inventions, and trade secrets. Aut (4). Mr. Landes.

414. REMEDIES. For course description refer to section on Courts, Jurisdiction and Procedure.

458. INSURANCE LAW. The law of the insurance enterprise: its institutional and regulatory framework, the relationship of insurance to the evolution of legal doctrine in torts and other areas, the uses of insurance, its relationship to other financial transactions and institutions, the law of the insurance contract. Spr (4). Mr. Kimball.

460. ENVIRONMENTAL LAW. An introduction to the role of legal instructions in resolving environmental resource conflicts and dealing with the health and ecological risks generated by industrialization. The resolution of environmental problems through private litigation, federal regulation, economic incentive systems, and judicial review of administrative decisions will be examined. The course will include an extended simulation of a toxic waste litigation in which students will represent the parties in settlement negotiations. (4). [Not offered in 1987-88.]
Seminars

531. JUVENILE JUSTICE. This seminar will examine the principles and institutions of juvenile justice in the United States. Topics will include jurisdiction of juvenile courts in delinquency, child neglect, and minors in need of supervision (e.g., truancy cases, runaways, etc.). Major emphasis will be placed on the institutions of juvenile justice: the courts, intake facilities, probation, detention, clinical services, community service agencies, and correctional institutions. Enrollment will be limited to fifteen students from the Law School and fifteen students from the School of Social Service Administration. (4). Mrs. Rosenheim. [Not offered in 1987–88.]

532. CONTEMPORARY ISSUES IN FAMILY LAW. Each student enrolled in this seminar will prepare a paper on a family law issue and present it to the seminar. An organizational meeting will be held in the fall, and topics will be selected at that time. Presentations will be made during the winter quarter, and each student will distribute a first draft to the seminar prior to his or her presentation. Final drafts will be due in the spring. Participants will receive a broad exposure to family law issues, with an emphasis on issues being debated today, including mediation of various family disputes and the proper role of the legal system in responding to domestic violence. As an introduction to basic family law issues, some readings will be assigned. Enrollment will be limited to eighteen students. (4). Ms. Becker. [Not offered in 1987–88.]

533. LEGAL PROBLEMS OF HEALTH CARE. With health care consuming over 10 percent of the GNP, there is no shortage of problems to discuss. Those chosen will emphasize the insurance or insurance-like aspects of the subject. Some possible choices are: financing of health care, through individual or group commercial insurance, Blue Cross and Blue Shield, Medicare and Medicaid, health maintenance organizations and preferred provider organizations; coverage problems, such as mandated coverage, first dollar vs. catastrophe, deductibles and coinsurance; regulation, including control of pharmaceuticals and experimental procedures, of hospitals, of policy terms and premium rates, human experimentation, definition of death; medical malpractice, including commercial insurance and market failures, captive insurers, legislative intervention. Aut (4). Mr. Kimball.

534. MINING LAW. Selected problems in the law of mineral development, excluding oil and gas. The principal focus will be on the public lands. An introductory section of the seminar will be devoted to the statutory framework governing mining development. Enrollment will be limited to twelve students. (4). Mr. Helmholz. [Not offered in 1987–88.]

535. RIGHTS IN SUNKEN TREASURE. An exploration of the law governing rights in sunken vessels and their contents, including a consideration of the contribution of the common law of finds, of wreck, and of treasure trove, the law of marine salvage, and the law governing archeological excavation and artifacts. (4). Mr. Lucas. [Not offered in 1987–88.]

540. ADVANCED ISSUES IN FEMINIST THEORY AND LAW. For seminar description refer to section on Administrative Law and Government Regulation.

524. WORKERS' COMPENSATION. For seminar description refer to section on Commercial, Business, and Labor Law.

Administrative Law and Government Regulation

Courses

461. ADMINISTRATIVE LAW. Administrative law is the law that governs the executive departments and the administrative agencies in carrying out the myriad programs of the modern regulatory welfare state. The constitutional position of these agencies, the procedures that they are required to follow in making decisions, and the availability and scope of judicial review of those decisions will be examined. The central inquiry is whether control of administrative discretion through adversary procedural formalities and judicial review can be reconciled with effective and politically responsible government. Win (4). Mr. Sunstein. Spr (4). Mr. Bator.

462. REGULATED INDUSTRIES. This course addresses state and federal regulation of price, quantity, and entry, with an emphasis on the regulation of natural monopolies, cost-of-service ratemaking, rate design, and the problem of partial competition within a regulated environment. While the scope of the course precludes a detailed investigation of any particular industry or system of regulation, particular attention is paid to electrical generation, natural gas, and telecommunications, with exposure to problems of regulating transportation, agriculture, medical care, broadcasting, and other industries. Administrative Law is helpful as background but is not a prerequisite. Spr (4). Mr. McConnell.
463. WELFARE LAW. This course focuses on several major government programs designed to meet the cash income needs of individuals and families, including both the more important ones that employ an eligibility test explicitly measuring need (AFDC, the new Supplemental Security Income program, and general assistance) and Social Security. Recent proposals for welfare reform will be analyzed. Several legal themes will recur and furnish bases for comparing programs: (1) the nature of an individual's rights to the benefits being distributed; (2) the opportunities for legal representation in claim disputes; (3) the administrative and judicial mechanisms for enforcing federal standards against the states and state standards against local agencies; and (4) the degree to which eligibility and benefit amount depend on state doctrines of family or property law. Aut (4). Ms. Becker.

464. THE LEGISLATIVE PROCESS. This course will study legislation as a complementary system of lawmaking to the common law. The course will consider the history of legislation, the rules and procedures of legislatures (particularly the U.S. Congress), economic and political science theories of the role of interest groups and the public interest in legislation, the judicial interpretation of statutes (with special reference to the "canons of construction"), the division of functions between courts and legislatures, and, more mundanely, the methods for studying legislative histories. (4). Judge Posner. [Not offered in 1987-88.]

406. STATE AND LOCAL GOVERNMENT. For course description refer to section on Constitutional Law.

424. FEDERAL REGULATION OF SECURITIES. For course description refer to section on Commercial, Business, and Labor Law.

430. REGULATION OF BANKING. For course description refer to section on Commercial, Business, and Labor Law.

458. INSURANCE LAW. For course description refer to section on Advanced Courses in Family Law, Property Rights, Torts, and Insurance.

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

429. ADVANCED ANTITRUST. For course description refer to section on Commercial, Business, and Labor Law.

431. LABOR LAW. For course description refer to section on Commercial, Business, and Labor Law.

433. EMPLOYMENT DISCRIMINATION. For course description refer to section on Commercial, Business, and Labor Law.

434. SEX DISCRIMINATION. For course description refer to section on Commercial, Business, and Labor Law.

486. INTERNATIONAL BUSINESS TRANSACTIONS. For course description refer to section on Comparative and International Law.

487. INTERNATIONAL TRADE REGULATION. For course description refer to section on Comparative and International Law.

484. THE LAW OF THE EUROPEAN COMMUNITY. For course description refer to section on Comparative and International Law.

Seminars

501. SEPARATION OF POWERS. For seminar description refer to section on Constitutional Law.

502. LEGISLATIVE PROCESS. For seminar description refer to section on Constitutional Law.

536. LAW CONCERNING AMERICAN INDIANS. Status of Indian tribes and bands under treaty and statute; status of individual Indians; self-government of tribes and bands; criminal law, business regulation, and taxation of activities engaged in by Indians and others on and off reservations; Indian land tenure and problems concerning the alienation of land; and the civil rights of Indians under the Constitution and statutes. (4). Mr. Lucas. [Not offered in 1987-88.]

537. SEX DISCRIMINATION. This seminar examines, from a number of perspectives, possible meanings of the terms "sex discrimination" and "sexual equality." In the context of particular issues, the legal system's ability to perceive sex discrimination and to achieve equality through traditional approaches will be considered. (4). Ms. Becker. [Not offered in 1987-88.]

540. ADVANCED ISSUES IN FEMINIST THEORY AND LAW. Participants in this seminar will read and discuss a number of important feminist works and consider the relationship between the readings and specific legal issues. A short essay paper will be required. Prerequisite: Law 537, Sex Discrimination seminar, Law 434, Sex Discrimination course, or the permission of the instructor. Spr (4). Ms. Becker.
538. IMMIGRATION LAW. This seminar will explore selected problems in the law of immigration and nationality. Students will prepare and present papers on a variety of topics, including the use of immigrant labor, treatment of refugees, international asylum law, the legal status of sanctuary, the history of American immigration, the acquisition and loss of citizenship, and implications of recent immigration law reform. (4). Mr. Holzhauer. [Not offered in 1987-88.]

Criminal Law and Criminal Procedure

Courses

472. CRIMINAL PROCEDURE I. The focus of this course is on the constitutional law that governs searches, seizures, and confessions. Considered in some detail, and with attention to historical background, are the evolution of the exclusionary rule, the development and administration of the probable cause and the warrant requirements, and such particular topics as: stop and frisk, administrative searches, searches incident to arrest, vehicle searches, standing, consent, and the suppression of fruits of an illegal search. The right to counsel and confessions are examined more briefly. Special attention is given to areas where the Fourth and Fifth amendments interact: wiretapping and bugging, secret agents, and entrapment. Aut, Spr (4). Mr. Alschuler, Mr. Schulhofer.

473. CRIMINAL PROCEDURE II. Unlike Criminal Procedure I, which focuses on the investigation of criminal cases, this course focuses on what happens 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, joinder and severance, plea bargaining, prejudicial pretrial publicity, the right to jury trial, freedom from double jeopardy, the right to appeal, and post-conviction remedies including federal habeas corpus. The final portion of the course is devoted to a brief comparative examination of criminal procedure in the Federal Republic of Germany. Students need not have taken Criminal Procedure I to enroll in this course. Spr (4). Mr. Alschuler.

416. EVIDENCE. For course description refer to section on Courts, Jurisdiction and Procedure.

474. FEDERAL CRIMINAL LAW. This course examines the rapidly developing federal substantive criminal law. Particular topics to be studied include the scope of the federal criminal law; the resources available for its enforcement; its relationship to state crimes, including grants of immunity; RICO, criminal and civil; mail fraud; drug offense enforcement; obstruction of justice, and sentencing for federal offenses, with particular reference to the work of the United States Sentencing Commission. The prescribed casebook is "Federal Criminal Law and its Enforcement" by Norman Abrams (West, 1986) with supplementary materials on sentencing to be issued. Win (4). Mr. Morris.

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

483. COMPARATIVE LEGAL INSTITUTIONS: GERMANY. For course description refer to section on Comparative and International Law.

Seminars

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

542. THE COMMITMENT OF THE MENTALLY ILL AND RETARDED. This seminar will examine the jurisprudence and practice of compulsory and voluntary commitment of the mentally ill and retarded, adult and juvenile, to State institutions, together with their rights to treatment and to refuse particular treatments and the processes available, judicial and administrative, to give substance to those rights. The commitment, treatment and release of those found unfit to stand trial and those found not guilty by reason of insanity will also be considered; but the focus will not be on the criminal law rules and procedures that define and produce those groups but rather, like civilly committed patients, on the conditions of their detention and the rules and practices governing their release. Visits will be arranged to commitment courts and to Department of Mental Health and Developmental Disabilities institutions. A paper will be required. (4). Mr. Morris. [Not offered in 1987-88.]
543. LEGAL PROBLEMS OF THE MENTALLY ILL. An examination of the law and practice concerning the
civil commitment of the mentally ill and retarded; the civil rights and liberties of patients in mental
hospitals, including the right to treatment and the right to refuse treatment; the law and practice
concerning the mentally disabled criminal; competence to stand trial; and certain legal aspects of the
psychiatrist-patient relationship. A State Commission is now being appointed to consider legislative
reform of Illinois law relating to the mentally ill and retarded; the seminar will work on proposals
before that Commission and may even be able to influence the direction of their recommendations.
A seminar paper will be required. Spr (4). Mr. Morris.

544. PREDICTION IN CRIMINAL LAW AND MENTAL HEALTH LAW. This seminar will address the empirical
and jurisprudential problems in the prediction of “dangerousness” and of “safety” in the criminal
law and the law relating to mental health. The roles of such predictions, express and implicit, in these
areas of the law will be discussed, their constitutional and ethical implications analyzed, and the proper
constraints on their application explored. Materials for class discussion will be available. A paper will
be required. (4). Mr. Morris. [Not offered in 1987–88.]

545. PLEA BARGAINING AND ITS ALTERNATIVES. This seminar will examine the American plea bar­
gaining system and explore possibilities for its reform or abolition. After attention to the requirements
for a valid plea and related safeguards under current law, the seminar will focus on empirical studies
examining the effects of plea bargaining and on evaluations of beneficial and harmful consequences.
The seminar will then give sustained attention to proposals for such reforms as a preplea conference,
victim participation, procedural simplification, an adversary bench trial, and outright abolition along
the lines of the German or Alaskan models. Students may elect to write either a research paper or
an examination. (4). Mr. Schulhofer. [Not offered in 1987–88.]

546. CRIMINAL JUSTICE POLICY. This seminar will explore topics of current importance in selected
areas of criminal justice policy. The topics to be emphasized include problems of gender in the
criminal law (rape law and its administration; spouse abuse), the new federal sentencing system, and
reform of police practices (searches, interrogation and remedies). Aut (4). Mr. Schulhofer.

546. SOCIAL SCIENCE RESEARCH AND LAW. For seminar description refer to section on Complementary
Courses.

Legal History and Jurisprudence

Courses

476. DEVELOPMENT OF LEGAL INSTITUTIONS. An introductory course in the historical background of
Anglo-American law, with particular emphasis on the development of criminal and civil procedure
in the centuries before the American Revolution. Topics: (1) Jury system: origins; European alter­
natives; passivization; the rise of the law of jury control. (2) Civil justice: the forms of action and the
pleading system; attorneys, bar and bench; the regular and itinerant courts; the yearbooks, law
reporting, and the legal treatise; Chancery, the trust, and equitable procedure and remedies; the
deterioration of Chancery procedure and the fusion of law and equity. (3) Criminal justice: medieval
criminal procedure; presentment and indictment; the recasting of criminal procedure in the sixteenth
and seventeenth centuries; the officialization of prosecution and policing; Star Chamber and High
Commission; defense counsel and the privilege against self-incrimination; the adversary system,
compulsory process, and the law of evidence; criminal sanctions. Spr (4). Mr. Langbein.

477. ENGLISH CONSTITUTIONAL HISTORY. This course will deal with topics in English law and gov­
ernment over the period 1066–1688. Emphasis will fall particularly on continuities and discontinuities
between medieval and early modern history. Topics will include: English feudalism, especially in
relation to the resources and techniques of government; conception and functions of the royal office;
the King’s Council; history of Parliament; public finance; the Church as a branch of government and
in relation to secular government. Readings will consist of sources and secondary literature. Discussion
will be centered on the interpretation of major documents. (4). [Not offered in 1987–88.]

478. ROMAN LAW. An examination of the Roman law of contracts, torts (delict), property, and
procedure. Emphasis will be given to issues that shed light on the development of continental legal
systems as well as the relationship between common-law and Roman law treatment of certain problems
of current interest. The course is not designed to provide a comprehensive knowledge of all the
detailed workings of Roman law. No knowledge of Latin will be required for the course. Spr (4).
Mr. Stein.

479. JURISPRUDENCE. An investigation of the role and function of law outside the judicial process.
An effort will be made to analyze how law functions in ongoing complex relations in the world of
business, finance, and industrial relations. The significance of formal and informal juridical arrangements will be examined together with concepts of "soft law." Readings will be assigned from the writings of legal philosophers as well as from empirical materials. The course is intended to offer a different perspective to students educated to think of law as an adversarial process. (4). [Not offered in 1987-88.]

480. LAW AND LITERATURE. This course explores the interrelations between legal and literary texts, with emphasis on the jurisprudential insights obtainable from literature on literary themes. Among the literary texts to be read in the course this year will be Antigone, The Merchant of Venice, Measure for Measure, The Trial, and Billy Budd. In addition, the principles of literary criticism will be examined for their possible relevance to interpreting statutes and the Constitution; judicial opinions of literary quality, by Holmes and Cardozo, will be read; and the funeral orations in Julius Caesar will be studied as models of forensic advocacy. Texts plus mimeographed materials. A paper may be substituted for the examination, at the student's option. Win (4). Judge Posner.

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

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

Seminars

547. THE CANON LAW IN ENGLISH HISTORY. After a brief exploration of the sources of the law of the medieval Church, this seminar will examine the way in which that law was put into practice in England's ecclesiastical courts. It will also attempt to assess the place of the canon law in the general development of English law. Knowledge of the Latin language is not a sine qua non for admission. Spr (4). Mr. Helmholz.

548. EUROPEAN LEGAL HISTORY. A reading seminar designed to provide students of Anglo-American legal history with a basis for comparative study. Part I: The sources of European law in the Middle Ages—canon law, vulgar Roman law, Germanic law, feudal law, urban law. Part II: The revival of Roman law in Italy and the differentiation of the national legal systems in the North. Part III: The "reception of Roman law" in the Renaissance. Part IV: The assimilation of Roman law and the origins of the codification movement. (Prerequisites: Law 476, Development of Legal Institutions, or Law 478, Roman Law. Students with adequate command of German, French, Italian, or Dutch may substitute a paper for the examination.) (4). Mr. Langbein. [Not offered in 1987-88.]

549. RESEARCH IN ENGLISH LEGAL HISTORY. The seminar provides an opportunity for intensive research and writing in the legal history of the early modern period. Enrollment is very small, research is supervised, and papers normally go through several drafts. The object is to produce work of publishable quality, primarily on topics connected with the history of criminal and civil procedure in the seventeenth and eighteenth centuries. Among the questions suitable for investigation: changes in the jury system, such as the decline of the grand jury; juror selection; the feigned issue; the development and scope of various rules of evidence, such as the disqualification of parties for interest; the origins of compulsory process for witnesses; the Statute of Frauds of 1677; the development of the right to defense counsel and other safeguards in the criminal process; the growth of appellate review for insufficiency of the evidence; the expansion of the lawyer's role from pleading to trial advocacy. Prerequisite: Law 476, Development of Legal Institutions, or the permission of the instructor. Writing is likely to extend over the Autumn and Winter Quarters. Aut (4). Mr. Langbein.

550. BLACKSTONE'S COMMENTARIES. The object of the course is simply to read through the Commentaries and discuss them. In view of the work's bulk, discussion will focus on the parts of greatest philosophical or historical interest, but the course is meant to be book-centered, so it does not take
not take off from any a priori position as to where the greatest general interest actually lies. Students will be expected to write a roughly "article size" paper (twenty-five pages or so), the nature of which may be essayistic, as opposed to a research paper; the writing should come out of the reading. The paper is the only formal requirement. Spr (4). Mr. Jones.

551. Anglo-American Legal History. Starting from Julius Goebel's thesis that the American colonists adopted the laws and procedures of English local and ecclesiastical courts rather than those of the chief common law courts at Westminster, this seminar will examine court records from both sides of the Atlantic to test the validity of the thesis. The broader purpose of the seminar will be to understand something of the way our law has developed. Topics for investigation will be the basic areas of the law: contract, torts, criminal law, property, and procedure. Secondary as well as record sources will be used. (4). Mr. Helnholz. [Not offered in 1987-88.]

505. American Constitutional History. For seminar description refer to section on Constitutional Law.

555. Research in American Legal History. This seminar provides an opportunity for supervised research and writing in American legal history. Topics are settled on by agreement with one of the instructors, and may include doctrinal development, the history of civil and criminal procedure, or institutional issues. The student will prepare a topic analysis based on preliminary research, then proceed to further research and a first draft. Most papers go through several drafts, and the process usually extends across most of the academic year. The object is to produce work of publishable quality, and steps are taken to place successful work in suitable journals. It is strongly advised that students complete one or more of the basic courses in legal history before enrolling for this seminar. (4). [Not offered in 1987-88.]

565. History of American Legal Thought. The focus of this seminar will be the American "legal realist" movement, which flourished in the early part of the twentieth century. The seminar will examine nineteenth-century formalism, against which the realists reacted. It will then study the writings of both major and minor figures among the legal realists. Finally, the effects of the movement on contemporary legal thinking and legal education will be explored. Spr (4). Mr. Hutchinson.

566. Contemporary Legal Theory. This seminar examines twentieth-century Anglo-American jurisprudence. It considers such theories as legal positivism, legal realism, "normative" law and economics, consequentialism, critical legal studies, feminism, and natural justice, both secular and religious. A paper is required. Spr (4). Mr. Alschuler.

567. The Epistemology of Law. An inquiry into whether, and if so how, the correctness or incorrectness of judicial decisions can be determined. The first four weeks of the seminar will be devoted to introductory readings in traditional epistemology (with emphasis on the arguments for and against skepticism), in the pragmatism of Charles Peirce, in logical positivism, and in the interpretive philosophy of Hans-Georg Gadamer, followed by applications to landmark judicial decisions, such as Brown v. Board of Education and Roe v. Wade. The remainder of the seminar will be devoted to class discussions, led by students, on the topic of their seminar papers. Mimeographed materials. Aut (4). Judge Posner.

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

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

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

509. Constitutionalism and Democracy. For seminar description refer to section on Constitutional Law.

Comparative and International Law

Courses

483. Comparative Legal Institutions: Germany. A course designed to acquaint students with the nonadversarial legal institutions of the Continent as exemplified in the West German system. Part I: The law professionals, with emphasis on legal education, judicial selection, the prosecutorial career, and the structure of the bar. Part II: Criminal procedure, with particular attention to the scheme forbidding the exercise of prosecutorial discretion. Part III: Civil procedure. Part IV: Codification and the significance of case law in a code system. The course materials are in English. Students with adequate command of German may substitute a research paper for the examination. Enrollment limited to 40 students, preference to third-year students and to second-year students with foreign language backgrounds, who anticipate doing subsequent law school work in comparative law. (4). Mr. Langbein. [Not offered in 1987-88.]
484. The Law of the European Community. The course will examine the history of the European communities, the nature of community lawmaking, and the relationship between community law and the law of the member countries, as well as questions concerning harmonization of laws. In addition to studying the legal, political, and economic development of this new type of international (supranational? federal?) organization, the course will attempt to analyze its effect on the "outside" world. (4). [Not offered in 1987–88.]

485. International Law. The basic introductory course in international legal studies. Students will be acquainted with the nature and functions of law in a system devoid of effective adjudication and enforcement techniques. The basic course in international law is designed to familiarize students with the character and nature of law applicable in relations between states and in international organizations. The sources of international law will be emphasized together with the law of international agreements and treaties. Emphasis will also be placed on the position of individuals in the international legal order, the legal control of international conflicts, and the character and function of United Nations organs. Aut (4). Mr. Gottlieb.

486. International Business Transactions. This course will cover both trade and investment regimes as they affect business transactions in international commerce. On the trade side, it will include an examination of the GATT; tariff and nontariff barriers to imports; escape clauses; dumping; and nondiscrimination obligations. The investment part of the course will cover laws dealing with investments of aliens in the United States and laws of other countries and regional groups (particularly developing countries) concerning investments within their jurisdictions. No prerequisites. (4). Ms. Wood. [Not offered in 1987–88.]

487. International Trade Regulation. This course will focus on the legal framework for U.S. and international regulation of foreign trade. It will include an examination of the division of regulatory responsibilities among and within the branches of U.S. government and international institutions; an overview of the GATT and related instruments; an introduction to U.S. laws providing relief from "unfairly" traded imports, including the antidumping and countervailing duty laws; an introduction to other laws that provide for the restriction of imports, such as the "escape clause"; and an examination of export regulation and licensing in the high technology field. Spr (4). Mr. Sykes.

446. International Taxation. For course description refer to section on Taxation.

Seminars

548. European Legal History. For seminar description refer to section on Legal History and Jurisprudence.

530. Advanced International Taxation. For seminar description refer to section on Taxation.

554. Comparative Law: Nonadversarial Procedure. This seminar explores what happens in a legal system when the responsibility for the conduct of fact gathering and issue shaping is lodged primarily with the court (as in Europe) rather than with the litigants (as in the Anglo-American world). In this seminar, we take the German system to exemplify the nonadversarial tradition, and we contrast it with current American practice in both civil and criminal procedure. Course materials are in English, and no knowledge of the German language will be required unless the student wishes to substitute a research paper for what will otherwise be a short mid-term paper and an examination. Win (4). Mr. Langbein.

555. International Sales and Investment. The national and international laws applicable to transnational commercial transactions will be examined in this seminar. We shall look at the different forms of doing business across national boundaries, including simple export sales (and methods of financing them), distributorship and licensing agreements, international joint ventures, and direct foreign investment. The legal regimes studied will include the U.N. Convention on International Sale of Goods, bilateral investment treaties, a comparative look at the regulation of international transfers of technology, regulation of foreign investment in developing countries, and commercial transactions with non-market economy countries. Paper required; no prerequisites. Spr (4). Mr. Wood.

556. Current Issues in International Trade Law. This seminar will focus on areas of current controversy in international trade regulation, with an emphasis on the agenda for the Uruguay Round of GATT negotiations and the legislative agenda in Washington. Possible topics include: reform of the Subsidies Code; reform of the antidumping laws; the escape clause and the prospect of a Safeguards Code; barriers to trade in services; barriers to direct foreign investment; international protection for intellectual property rights; agricultural trade and subsidies; preferences for developing countries; and trade with non-market economies. Students will be expected to prepare a substantial paper and to present their analysis in class. Win (4). Mr. Sykes.
557. INTERNATIONAL ANTITRUST. This seminar will examine in detail two different aspects of the operation of antitrust laws at the international level. First, it will consider the extraterritorial reach of the United States antitrust laws. Second, it will examine foreign laws, with an emphasis on the law of the European Economic Community. Finally, the course will offer a brief overview of concerted international efforts to regulate anticompetitive business practices. Antitrust Law is a prerequisite. (4). [Not offered in 1986–87.]

559. INTERNATIONAL LAW AND THE USE OF FORCE. This seminar will focus on the relationship between law and politics when force is used in the international arena. Attention will be paid to the invasion of Grenada, the Nicaragua case before the International Court of Justice and the struggle against terrorism. (4). Mr. Gottlieb. [Not offered in 1987–88.]

Complementary Courses

Courses

492. ECONOMIC ANALYSIS OF LAW. A survey of the application of basic economic principles to problems in the law. The topics covered in the course include the following: the choice between property rights and liability rules; the Coase theorem; the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; the economics of altruism and its relevance to rescue doctrines; the economics of crime and punishment; and the economics of legal procedure. No prior acquaintance with economics is assumed; the relevant economic concepts are developed through an examination of particular legal applications. Spr (4). Mr. Landes.

494. ACCOUNTING. The course is primarily concerned with a study of the major topics making up the body of "generally accepted accounting principles" and the manner in which they enter into legal problems. Introductory material on the record-keeping process and form of financial statements is followed by an analysis of major problem areas: revenue recognition, inventory accounting, depreciation, accounting for debt instruments and for corporate capital. The course is concluded with a section on analysis and interpretation of financial statements. Published corporate financial reports, Opinions of the Accounting Principles Board of the American Institute of CPA's, and Accounting Series Releases of the SEC are used as the basic accounting materials for analysis. Aut (4). Mr. Davidson.

495. STATISTICS AND THE LAW. An introductory course on the theory and methods of statistical analysis and its applications in law. Both descriptive and inferential statistical methods will be treated, with emphasis on applications such as the weighing of uncertain evidence, the evaluation of social innovations, and the role and ethical limitations of controlled experiments in medicine. Topics will include estimation, hypothesis testing, and regression analysis and its interpretation. There will be a laboratory on applications to experimental and observational data in which interactive computation resources (remote consoles) will be provided. A year of college level mathematics would be helpful but is not essential. No prior experience with computational methods is expected. (4). Mr. Meier. [Not offered in 1987–88.]

Seminars

543. LEGAL PROBLEMS OF THE MENTALLY ILL. For seminar description refer to section on Criminal Law and Criminal Procedure.

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

561. WORKSHOP IN ECONOMIC AND LEGAL ORGANIZATION. This workshop is devoted to the examination of selected problems in the structure and behavior of industries, with special emphasis on the role of government regulation, and to the application of economic reasoning to legal questions in such fields of law as contracts, torts, and antitrust. Workshop sessions will be devoted to the presentation and discussion of papers primarily by members of the faculty of the University of Chicago and of other institutions. The workshop will meet every week throughout the academic year. Students enrolled in the workshop will receive six credits for satisfactory completion of a substantial paper. Aut (2), Win (2). Spr (2). Mr. Landes, Mr. Peltzman, and Mr. Stigler.

CURRICULUM 37
562. PRICE THEORY. A systematic treatment of the core ideas of economic theory. The seminar shows how behavior can be explained and predicted starting with the assumption of rationality—that individuals have objectives and act to achieve them. In particular, it shows how prices on a market coordinate the diverse objectives of the participants to produce a single outcome. Topics covered include how prices are determined, how resources are allocated among alternative uses and across time, competitive and monopolistic markets, economic efficiency, income distribution, and market failure. Economic theory will be used to analyze a wide range of issues, including the effect of laws and regulations, the workings of the political marketplace, and alternative ways of dealing with problems such as pollution, monopoly, and crime. The objective of the seminar is to equip the student with a set of conceptual tools—a way of thinking—that can be applied to many different issues. Successful completion of this seminar will equip the student to take any other course or seminar offered as part of the Law and Economics Program. The seminar also provides useful background for courses not formally a part of the program—such as antitrust law, taxation, pollution, and labor law—to which economics is relevant. Win (4). Mr. Friedman.

566. SOCIAL SCIENCE RESEARCH AND LAW. This seminar will examine the impact of social science research on the resolution of legal issues. Early sessions will focus on how courts gather and assess social science evidence and on the role of empirical research in producing and evaluating social change. Later sessions will address specific topics such as school integration, the financing of education and other public services, programs for reforming criminals, the restriction of pornography, jury selection, housing policy, and rights of the handicapped. The seminar will review the social science literature related to each topic and the effect of this research on the actions and attitudes of legal decision makers. It will discuss the extent to which research should guide the imposition of liability or the formulation of remedies in the policy area under consideration. No background in statistics or social science is necessary. (4). Mr. Alschuler. (Not offered in 1987-88.)

Students are also reminded of the opportunity to take up to eight course hours of work for Law School credit in other departments and schools of the University. The conditions of the exercise of this option are explained in the section on Requirements and Grading. Courses that students may take include but are not limited to the following.


Independent Study

499. INDIVIDUAL RESEARCH. In addition to the opportunities for writing research papers afforded in many of the seminars listed, second- and third-year students may earn course credit by independent research under the supervision of a member of the faculty. Such projects (commonly known as "499 papers") are arranged by consultation between the student and the particular member of the faculty in whose field the proposed topic falls. Special rules regarding credit, permission, and requirements for submission of written work are set forth in the regulations of the Law School. Students wishing to register for 499 credit should consult the Dean of Students.

Written work is not a formal requirement for the J.D. degree, but students are encouraged to include some such work in their programs and most students do so, either through participation in
a seminar or through 499 credit. Students are encouraged to submit outstanding papers for publication in the Law Review or in other legal periodicals.

Before being granted permission to register for 499 work the student must submit a précis of his or her proposed study to the supervising faculty member. In considering possible fields or topics for such projects, students may wish to consider seminars described above but listed as not offered in the current year and to consult the instructors concerned as to the possibility of independent work in those fields.

### SCHEDULE OF COURSES BY QUARTERS 1987-88

#### FIRST-YEAR COURSES

**Autumn**

<table>
<thead>
<tr>
<th>COURSES</th>
<th>HOURS</th>
</tr>
</thead>
<tbody>
<tr>
<td>301. Elements of the Law</td>
<td>4</td>
</tr>
<tr>
<td>302. Civil Procedure I</td>
<td>4</td>
</tr>
<tr>
<td>303. Criminal Law I</td>
<td>4</td>
</tr>
</tbody>
</table>

**Winter**

<table>
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<tr>
<th>COURSES</th>
<th>HOURS</th>
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<tbody>
<tr>
<td>303. Criminal Law II</td>
<td>4</td>
</tr>
<tr>
<td>304. Property I</td>
<td>4</td>
</tr>
<tr>
<td>305. Contracts I</td>
<td>4</td>
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**Spring**

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<th>COURSES</th>
<th>HOURS</th>
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<tr>
<td>302. Civil Procedure II</td>
<td>4</td>
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<tr>
<td>304. Property II</td>
<td>4</td>
</tr>
<tr>
<td>305. Contracts II</td>
<td>4</td>
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</table>

#### SECOND- AND THIRD-YEAR COURSES AND SEMINARS

**Autumn**

<table>
<thead>
<tr>
<th>COURSES</th>
<th>HOURS</th>
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<tbody>
<tr>
<td>401. Constitutional Law I</td>
<td>4</td>
</tr>
<tr>
<td>403. Constitutional Law III</td>
<td>4</td>
</tr>
<tr>
<td>406. State and Local Government</td>
<td>4</td>
</tr>
<tr>
<td>410. The Legal Profession</td>
<td>3</td>
</tr>
<tr>
<td>411. Federal Jurisdiction I</td>
<td>4</td>
</tr>
<tr>
<td>418. Litigation Methods*</td>
<td>2</td>
</tr>
<tr>
<td>419. Lawyer as Negotiator</td>
<td>4</td>
</tr>
<tr>
<td>420. Advanced Civil Procedure:</td>
<td>4</td>
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<tr>
<td>Complex Litigation</td>
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</tr>
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<td>421. Commercial Law: Commercial</td>
<td>4</td>
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<td>Paper and the Sale of Goods</td>
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<tbody>
<tr>
<td>507. American Constitutional</td>
<td>4</td>
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<tr>
<td>History</td>
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<td>509. Constitutionalism and</td>
<td>4</td>
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<tr>
<td>Democracy</td>
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</tr>
<tr>
<td>513. Federal Rules</td>
<td>4</td>
</tr>
<tr>
<td>516. Topics in the Conflict of</td>
<td>4</td>
</tr>
<tr>
<td>Laws: Interest Analysis</td>
<td></td>
</tr>
<tr>
<td>533. Legal Problems of Health</td>
<td>4</td>
</tr>
<tr>
<td>Care</td>
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<th>COURSES</th>
<th>HOURS</th>
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<tbody>
<tr>
<td>423. Corporation Law</td>
<td>4</td>
</tr>
<tr>
<td>441. Taxation of Individual Income</td>
<td>5</td>
</tr>
<tr>
<td>453. Oil and Gas</td>
<td>4</td>
</tr>
<tr>
<td>457. Copyright, Trademarks, and</td>
<td>4</td>
</tr>
<tr>
<td>Unfair Competition</td>
<td></td>
</tr>
<tr>
<td>463. Welfare Law</td>
<td>4</td>
</tr>
<tr>
<td>472. Criminal Procedure I</td>
<td>4</td>
</tr>
<tr>
<td>481. The Natural Law Tradition</td>
<td>4</td>
</tr>
<tr>
<td>485. International Law</td>
<td>4</td>
</tr>
<tr>
<td>494. Accounting</td>
<td>4</td>
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<tr>
<th>SEMINARS</th>
<th>HOURS</th>
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<tbody>
<tr>
<td>546. Criminal Justice Policy</td>
<td>4</td>
</tr>
<tr>
<td>549. Research in English Legal History</td>
<td>4</td>
</tr>
<tr>
<td>560. Workshop in Law and Economics*</td>
<td>2</td>
</tr>
<tr>
<td>561. Workshop in Economic and Legal Organization*</td>
<td>2</td>
</tr>
<tr>
<td>567. The Epistemology of Law</td>
<td>4</td>
</tr>
</tbody>
</table>

**CURRICULUM 39**