1988, must satisfy the written work requirements described earlier in the section on Research and Writing.

Students may, in their second and third years, take work in other departments and schools of the University for credit in the Law School. Such work may be counted for no more than 6 course hours toward the J.D. degree. Each student must receive advance permission to register in such courses from the Committee on Academic Rules and Petitions, which will base its judgment on its view of 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 The privilege of membership in the School may be withdrawn for unsatisfactory class work or attendance.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.

Beginning with the Class of 1991, the Law School will award the degree of Doctor of Law with Honors to candidates who have a weighted grade average of 78 or better, with High Honors to those with a weighted grade average of 80 or better, and with Highest Honors to those with a weighted grade average of 82 or better.

**FIRST-YEAR COURSES**

301. ELEMENTS OF THE LAW. This course examines certain issues that occur in many different areas of the law and considers the relationship between these issues and comparable questions in other fields of thought, such as moral and political philosophy, economics, and political theory. The subjects for discussion include: the nature of, and justification for, reasoning from precedent; the meaning of such notions as consent, coercion, and voluntary choice; the decision whether to impose rules or to allow discretion; the problems of interpreting statutes and other authoritative texts; and the objective and subjective nature of moral judgments. Aut (3). Mr. Strauss, Mr. Sunstein.
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. The second part studies the power of particular courts to decide cases (subject matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments, 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; and the enforcement of judgments. Aut (3). Ms. Resnik, Mr. Stone. Spr (3). Mr. Bator, 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 (3). Mr. Morris, Mr. Schulhofer. Win (3). Mr. Alschuler, Mr. Schulhofer.

304. PROPERTY. An introduction to the legal relationships that arise out of or constitute ownership of property. Among the subjects to be covered are the initial acquisition of rights in real and personal property, the nature of ownership of natural resources, the various types of concurrent and successive interests in land, and restraints on alienation. The course will also deal with the law relating to easements and covenants, landlord and tenant, and conveyancing. Aut (3). Mr. Currie, Mr. Helmholz.

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 (3). Ms. Becker, Ms. West. Spr (3). Ms. Becker, Mr. Baird.

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. Win (3), Spr (3). 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 (4). Mr. Frederick, Mr. Griffin, Mr. Grosz, Mr. Osborne, Ms. Welke, Ms. Werth.

ELECTIVE. In the Spring Quarter first-year students will elect one course from among the following: 464. The Legislative Process; 476, Development of Legal Institutions; 479, Jurisprudence; 483, America Law and the Rhetoric of Race; 484, Feminist Legal Theory; 485, International Law; 492, Economic Analysis of Law; 542, Regulation: What Works and What Doesn't; 545, Selected Problems in Health Law; 566, Contemporary Legal Theory.

SECOND AND THIRD-YEAR COURSES

This section is subdivided sequentially into the following categories:

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18 CURRICULUM
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 (3). Mr. Casper, 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 (3). 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. Spr (3). 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 aid to parochial schools, religious activities in public schools, religious influences in politics, regulation of activities of religious organizations, and religious accommodation. Win (3). Mr. McConnell.

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. Win (3). Mr. Casper.

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. (3). Mr. Lucas. [Not offered in 1988-89.]

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

502. CONSTITUTIONAL DECISION MAKING. Students enrolled in this seminar are divided into "courts," each of which consists of five "justices." During each of the first five weeks of the quarter, the courts are assigned several hypothetical cases raising issues under the Equal Protection Clause of the Fourteenth Amendment. The case must be decided with opinion (concurring and dissenting opinions are permitted). The decisions may be premised on the legislative history of the Clause, and on any doctrines or precedents created by the "justices" themselves. The "justices" may not rely, however, upon any actual decisions of the United States Supreme Court. The seminar is designed to give students some insight into the problems a Justice confronts in collaborating with colleagues, interpreting an ambiguous constitutional provision, and then living with the doctrines or precedents he or she creates. (3). Mr. Stone. [Not offered in 1988-89.]

503. THE SUPREME COURT. A study of selected cases currently on the docket of the Supreme Court of the United States. The members of the seminar, after considering the briefs filed with the Supreme
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 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 ratemaking. (3). Mr. McConnell. [Not offered in 1988-89.]

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. (3). Mr. Currie. [Not offered in 1988-89.]

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. (3). Mr. Kurland. [Not offered in 1988-89.]

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 the seminar should consult the instructor at least three weeks prior to the end of the Autumn Quarter. (3). Mr. Kurland. [Not offered in 1988-89.]

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. (3). Mr. Sunstein and Mr. Holmes. [Not offered in 1988-89.]

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. (3). Judge Easterbrook. [Not offered in 1988-89.]

515. VOTING RIGHTS AND THE LAW OF ELECTIONS. A study of the constitutional, statutory, and other legal principles governing elections and voting rights. The class will read and discuss the preconstitutional background, the one-person, one-vote cases, the applicability of the Equal Protection Clause to voting rights, voter qualifications, racial gerrymandering, political gerrymandering, campaign finance restrictions, the legal status of political parties, ballot access restrictions, prohibitions on vote selling, and alternative electoral systems, including proportional representation. The first part of the seminar will be devoted to discussion of materials provided by the instructor; the second part will be devoted to student papers. Aut (3). Mr. McConnell.

517. AMERICAN CONSTITUTIONAL HISTORY: REPUBLICAN GOVERNMENT. The seminar will concentrate on the development of the forms of representation for the different branches of the national government. Research papers will be assigned for presentation in class. Readings in Kurland & Lerner, The Founders’ Constitution: Major Themes (Univ. of Chicago Press, paperback). Aut (3). Mr. Kurland.
519. AMERICAN CONSTITUTIONAL HISTORY: DIVISION OF POWERS: FEDERALISM AND CHECKS AND BALANCES. The seminar will be concerned with the division of powers between the national and State governments and among the branches and departments of the national government as fashioned by the Convention of 1787. Research papers will be assigned for presentation in class. Readings in Kurland & Lerner, *The Founders' Constitution: Major Themes* (Univ. of Chicago Press, paperback). Win (3). Mr. Kurland.

520. AMERICAN CONSTITUTIONAL HISTORY: INDIVIDUAL RIGHTS. The seminar will be concerned with the mechanisms for recognizing and enforcing individual rights contemplated by the 1787 Constitution and the first ten Amendments. Research papers will be assigned for presentation in class. Readings in Kurland & Lerner, *The Founders' Constitution* (Univ. of Chicago Press, vols. 1 & 5). Spr (3). Mr. Kurland.

521. THE MAKING OF THE CONSTITUTION. A close reading of the records of the Federal Convention in the context of Enlightenment political theory. Special emphasis will be placed on the shaping influence of Hume and Montesquieu on the approach to constitution-making shared by the framers. Other topics to be discussed include the history of the ideas of separation of powers, executive prerogative, the rule of law, federalism, the privatization of religion, rights of access to state institutions, and freedom of speech and of the press—all seen from an eighteenth-century point of view. Spr (3). Mr. Holmes.

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

557. THE CONSTITUTION OF WEST GERMANY. For seminar description refer to section on Comparative and International Law.

Courts, Jurisdiction and Procedure

**Courses**

410. THE LEGAL PROFESSION. Mr. Miller's section: This course examines the legal profession in the United States as a regulated industry and as an organized interest group. Lectures 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.

Mr. Curtis's section: This course examines the roles of criminal, civil, public interest and government lawyers in negotiating and in litigating. The focus will be on two dominant themes—the adversary system and its requirements, and the relationships between lawyers and other constituencies in the justice system—clients, opponents, third parties, courts, governmental agencies, and the public. Aut (2). Mr. Curtis, Mr. Miller.

411. FEDERAL JURISDICTION I. 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 federal and 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 (3). 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. Win (3). Mr. Bator.

413. ADMIRALTtY. 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 (3). Mr. Lucas.

414. REMEDIES. The course is primarily designed to examine the scope of equitable remedies, such as injunction and specific performance; to determine what principles govern their exercise, and to assess how effective they are in practice. The relationship between legal and equitable remedies will
also be considered; and considerable emphasis will be placed on restitutio nary remedies, designed to prevent unjust enrichment. Emphasis will also be placed on those ancillary remedies which seek to enforce the judgment, such as enforcing coercive orders through the exercise of the contempt power. Punitive remedies will also be discussed. Spr (3). Mr. Jones.

415. CONFLICT OF LAWS. An inquiry into the division of lawmaking and judging authority among the several states, principally through consideration of choice of law and respect for prior judgments in cases connected with more than one state. Spr (3). 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 (4). Mr. Kramer. Spr (4). Mr. Shavir o.

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. 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 (1), Win (1), Spr (1). Mr. Baum, Mr. Cohen, Mr. Heyr man, Mr. Levin, Mr. Palm, 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 negotiation. They will experiment actively with a variety of negotiating techniques. Special emphasis will be given to ethical issues. Students will be engaged in exercises with simulation materials. Win (3). Mr. Gottlieb (enrollment limited).

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. (3). Ms. Wood. [Not offered in 1988-89.]

429. ADVANCED CIVIL PROCEDURE: APPELLATE PROCEDURE. This course will explore the subject of appealability of orders, the final judgment rule and its exceptions, standing to appeal, preserving issues for review, the necessity for separate and cross appeals, and procedure on appeal under the FRAP and illustrative state provisions. Spr (3). Mr. Lucas.

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

503. SUPREME COURT. For seminar description refer to section on Constitutional Law.
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 (3). 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 (1). Judge Wolfson and Mr. Howlett.

513. FEDERAL RULES. This seminar examines 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 is 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 is limited to third-year students. (3). Mr. Jentes. [Not offered in 1988–89.]

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 should have taken or be enrolled in courses in federal jurisdiction and constitutional law. The prerequisites can be waived by the instructor. Win (3). Mr. Palm.

516. CONSTITUTIONAL ISSUES OF THE CIVIL WAR PERIOD. We will examine some of the constitutional issues that faced the country during this important and fascinating period. Topics may include the lawfulness of succession; issues surrounding slavery, including the “higher law” debate, the Compromise of 1850, and the Dred Scott decision; the power of the President to suspend habeas corpus; the lawfulness of the Emancipation Proclamation; the enactment of the Fourteenth Amendment, and the impeachment of Andrew Johnson. The goal is (1) to gain some insight into the history and constitutional thinking of an earlier era, and (2) to examine legal issues in a context that includes their political and social dimensions. Assigned readings will include original materials, secondary literature, and cases. A paper will be required. Spr (3). Mr. Kramer.

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); attorney’s 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. (3). Mr. Lucas. [Not offered in 1988–89.]

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

524. THE PROBLEM OF JUDGMENT: ASPIRATIONS FOR JUDGES AND JURORS. This seminar will focus on the problems encountered by judges and juries in reaching fair judgments, the sources of legitimacy for those decisions, and the constraints upon and aspirations for judges and jurors. Materials include both traditional legal materials (opinions in cases) as well as trial transcripts (the closing argument in the Karen Silkwood litigation), social science literature on cognitive decision-making, and short stories. We will consider the degree of certainty required for judgment at different states of the litigation process, including upon pretrial motion, at trial, and at sentencing. We will also discuss qualifications and disqualifications of those who serve as judges and jurors, and we will consider the
role of an audience, such as members of the press or of the public, in adjudicatory procedures. Students will be able to choose between writing papers or taking a final exam. Students may work in groups of two or three to write papers and those who write papers must submit first drafts of those papers by the seventh week of the quarter. Aut (3) Ms. Resnik.

525. ADVANCED CIVIL PROCEDURE: COMPLEX LITIGATION. The focus will be on today's increasingly complex civil litigation, involving multiple parties, claims, and jurisdictions. Topics covered will include class actions, joinder and intervention devices, managing discovery, refining issues and trial techniques for complex cases. The perspective will be that of a practicing trial lawyer dealing with these issues under the Federal Rules, supplemented by a critical and comparative look at how these procedures might be improved to the benefit of our civil justice system. Students who took course 420, Advanced Civil Procedure in 1987-88 are not eligible to enroll in this seminar. Win (3) Mr. Jentes.

527. THE THEORY OF PROCEDURE. This seminar will explore selected topics relating to the theory of a system of civil procedure, including the competing goals that the system might serve (i.e., dispute resolution, correct application of law, accurate ascertainment of facts); the different forms that a procedural system might take, using both history and comparative law to assist the inquiry; the interrelationship between substance and procedure; and the ways in which the system does or could resolve the tension between complete justice for the individual seeking relief and other goals, such as efficiency, final resolution of disputes, and uniform standards of conduct for defendants. No prerequisites; paper required. Aut (3). Ms. Wood.

528. THE JUDICIAL PROCESS. This seminar explores how judges decide cases. After introducing the principal perspectives, from the traditional (such as Cardozo's Nature of the Judicial Process) to the realist, economic, and critical, the seminar takes up a series of problems, such as the role of stare decis, the extent to which rationales and broad holdings govern later cases, and the power of a court to decide issues other than those identified by the parties. The seminar will use appellate briefs and arguments in pending cases to put the procedural issues in perspective. Aut (3). Judge Easterbrook.

Commercial, Business, and Labor Law

Courses

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

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 (3). Mr. Baird.

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 (3). Mr. Baird.

423. CORPORATION LAW. This course considers the nature of the modern business corporation. It begins with an inquiry into the nature of the firm, including problems of the scope of limitations on liability, the selection of a particular form of doing business, and the extent of integration of operations. It then considers the role of managers, devices by which their authority is defined and restricted, and their duties to shareholders (including duties with respect to insider trading); the market for corporate control, including tender offers, mergers, squeeze-outs, going private, proxy fights, and other devices by which some owners can replace either fellow owners or management; the market for corporate chartering, including the choice between state and federal 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 (3). Mr. Isenbergh. Win (3). Mr. Miller.

424. FEDERAL REGULATION OF SECURITIES. This course covers the issuance and trading of securities. The first half of the course looks at the issuance process in some detail, paying special attention to the complex rules issued by the Securities and Exchange Commission. It takes the decision to raise capital as a given (see the course in Finance for attention to this subject). The second part of the course looks at trading, including tender offers, the duties of brokers and underwriters, private actions, and damages. The economics of finance and capital markets is employed to assist the analysis. Corporation Law is a prerequisite. Win (3). Judge Easterbrook. Spr (3). Mr. Rosenfield.
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 will also be considered. Corporation Law is a prerequisite. (3). [Not offered in 1988–89.]

426. **Corporate Readjustments and Reorganizations.** This course deals with readjusting or reorganizing a corporation under the Bankruptcy Code. It focuses on the negotiating advantages or disadvantages that legal rules provide to various participants in the reorganization process. In analyzing a wide range of situations, attention is directed to (1) the role played by nonbankruptcy law; (2) the extent to which bankruptcy law overrides that law; (3) the measure of protection afforded creditors holding secured claims; (4) the treatment of lessors and lessees and of parties to executory contracts; (5) the contents of reorganization plans; (6) the degree to which a majority of those in a particular class of participants can bind dissenting minorities; and (7) the ability of the courts to force a plan on a dissenting class of participants. Although there is some overlap between the course of Bankruptcy (not taught this year) and this course, Bankruptcy is not a prerequisite. Spr (3). Mr. Blum.

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 (3). Mr. Hess and Mr. Sheffield.

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. Aut (4). Ms. Wood.

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 laws dealing with employment relations. Aut (4). Mr. Horowitz.

432. **Advanced Corporations.** The course examines the nature and function of the large-scale corporation and its legal and institutional environment. Topics include: (1) the legal and economic views of the modern corporation (agency theory, separation of ownership and control, the role of market efficiency, transaction-cost based theories of the corporation); (2) the market for corporate control (transactions, such as tender offers, proxy contests, and leveraged buyouts; anti-takeover devices, such as share repellents and poison pills; control-related regulations, such as state anti-takeover laws); (3) divisive restructurings (divestitures, spin-offs, equity carveouts); (4) the role of regulation in the securities markets (federal, state and the courts). Win (3). Mr. Fischel and Ms. Schipper.

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, dress codes and other facially discriminatory rules that many nevertheless find acceptable, 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 (3). Mr. Holzhauer.

26 **Curriculum**
434. SEX DISCRIMINATION. This course in practical jurisprudence inquires into the relation 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. (3). [Not offered in 1988–89.]

435. PENSION AND EMPLOYEE BENEFIT LAW. 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 an 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, fiduciary standards, 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 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. Win (3). Mr. Langbein.

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 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. (3). [Not offered in 1988–89.]

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

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

458. INSURANCE LAW. 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.

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

488. MODERN WELFARE STATE IN A COMPARATIVE PERSPECTIVE. For course description refer to section on Comparative and International Law.

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

Seminar

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 (3). Mr. Herzel.

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

530. STRUCTURING VENTURE CAPITAL AND ENTREPRENEURIAL TRANSACTIONS. This seminar covers the tax and legal principles applicable to a series of interesting, complex, current entrepreneurial transactions, including new business start-ups, growth-equity investments in existing businesses, leveraged buyouts of private and public companies (including going-private transactions), restructuring existing enterprises to provide better incentives to key executives, devising equity-based executive compensation programs, utilizing NOLs in venture capital and LBO deals, and forming new venture capital and LBO funds. Substantive subjects include federal income tax, corporate law, partnership law, SEC law, and other legal doctrines relevant to entrepreneurial "deals." The seminar approaches these tax and legal principles in a transactional context and also considers their policy underpinnings and likely future evolution. There will be an examination (no paper). Spr (3), Mr. Levin.

531. REAL ESTATE TRANSACTIONS. This seminar will analyze the dynamics of sophisticated contemporary real estate transactions. Methods of structuring and financing real estate acquisitions and dispositions will be reviewed, with emphasis on the form of investment (debt, equity or a hybrid); the choice of ownership entity (e.g., partnerships, joint ventures, REITs, REMICs, investment trusts, group trusts, and investment companies); and the type of investor (e.g., individuals, corporations, tax-exempt organizations and financial institutions). Relevant aspects of federal income tax, partnership, securities and real estate laws will be presented, along with general business concerns. As preparation for the course students should have completed one or more of the following courses: Taxation of Individual Income; Partnership Taxation; and Land Development. Spr (3), Mr. Banoff.

532. HISTORY OF BANKRUPTCY. This seminar will look at the development of English and American bankruptcy law from its origins in the 16th century until the enactment of the 1898 Bankruptcy Act and the Chandler Act in 1938. Topics covered will include the changing conceptions of the voidable preference, the idea of the "fresh start," the evolution of equity receiverships, and the three unsuccessful experiments with federal bankruptcy law in the United States in the 19th century. There are no prerequisites. Enrollment will be limited to 15 students. Aut (3), Mr. Baird.

534. PATENTS AND TRADE SECRETS. For seminar description refer to section on Advanced Courses in Family Law, Property Rights, Torts and Insurance.

545. SELECTED PROBLEMS IN HEALTH LAW. For seminar description refer to section on Advanced Courses in Family Law, Property Rights, Torts and Insurance.

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.

558. PROTECTIONISM IN U.S. TRADE POLICY. For seminar description refer to section on Comparative and International Law.

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

Taxation Courses

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

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 what 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 (4).

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 (4). Mr. Isenbergh.

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 trusts and estates. The course includes a study of various arrangements for the aggregation and devolution of wealth, applying principles of wills, trusts, future interests, and tax. The course seeks to develop an understanding of the process of estate planning and choosing among alternative means of accomplishing client personal and tax objectives. Spr (3). Mr. Kanter.

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 (3). 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. Aut (3). Mr. Lucas.

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. (3). Mr. Shaviro. [Not offered in 1988-89.]

530. STRUCTURING VENTURE CAPITAL AND ENTREPRENEURIAL TRANSACTIONS. For seminar description refer to section on Commercial, Business and Labor Law.

531. REAL ESTATE TRANSACTIONS. For seminar description refer to section on Commercial, Business and Labor Law.

535. 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. Spr (3). Mr. Shaviro.

537. INTRODUCTION TO TAX POLICY. A survey of the causes and consequences of the methods chosen by governments to raise revenues through taxation. The seminar will involve a smattering of public finance, politics, and tax analysis. We will consider possibilities for improving the U.S. tax system, and will also attempt to grasp the main lines of the tax systems used in other countries. Courses in individual and corporate income taxation (or the equivalent) are prerequisite. There will likely be an examination, with option to write a paper instead. Spr (3). Mr. Isenbergh.

540. FEDERAL INCOME TAXATION OF Mergers and Acquisitions. This seminar will examine the various aspects of the taxation of mergers and acquisitions including: (1) taxable stock acquisitions, (2) taxable asset acquisitions, (3) leveraged buyouts, (4) tax-free acquisitive reorganizations, and (5) the limitation on carryover of losses. Also, the seminar will briefly examine some of the current proposed revisions of the mergers and acquisitions provisions of the Code. Prerequisites: Taxation
of Individual Income; Corporation Law. Highly recommended: Corporate Income Taxation. Aut (3). Mr. Thompson.

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

Courses

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

435. PENSION AND EMPLOYEE BENEFITS TRUSTS. For course description refer to section on Commercial, Business and Labor Law.

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

452. 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. Aut (3). Ms. Becker.

452. TRUSTS AND ESTATES: FAMILY WEALTH TRANSMISSION. The various means of gratuitous transfer of wealth—by will, by *inter vivos* transfer, and by operation of statute on intestacy. Part I: The policy bases of inheritance and of the Wills Act formalities. Part II: The common will substitutes—gift, joint account, joint tenancy, life insurance, pension accounts, 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. Spr (3). Mr. Langbein.

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. (3). Mr. Helmholtz. [Not offered in 1988–89.]

454. MINING LAW. A survey of the American law of mineral development, excluding oil and gas. The principal focus will be on the public lands. An introductory section of the course will be devoted to the statutory framework governing mining development. Spr (3). Mr. Helmholtz.

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. Win (3). Mr. Shaviri.

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. Aut (3). Mr. Landes.

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 (3). Mr. Kimball.

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

463. WELFARE LAW. For course description refer to section on Administrative Law and Government Regulation.

Seminars

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. (3). Mr. Kimball. [Not offered in 1988-89.]

534. PATENTS AND TRADE SECRETS. This seminar will cover trade secrets and patents from a legal and economic perspective. The subjects covered will include methods of protecting intellectual property, the common law protection of trade secrets, the tension between trade secret and patent protection, and the purposes of patent requirements governing subject matter, novelty, utility and non-obviousness. Although there is no prerequisite for the course, an economic or scientific background is desirable. Win (3). Mr. Friedman, Mr. Landes, and Judge Posner.

539. JUVENILE JUSTICE. This seminar will examine the principles and institutions of juvenile justice in the United States. Topics will include jurisdiction of juvenile courts in delinquency, child neglect and neglected children, and minors in need of supervision (e.g., truancy cases, runaways, etc.). Major emphasis will be placed on the institutions of juvenile justice: the courts, intake facilities, probation, detention, clinical services, community service agencies, and correctional institutions. The seminar requires completion of a paper. Enrollment will be open to students from the Law School and the School of Social Service Administration. Win (3). Mrs. Rosenheim and Mr. Schulhofer.

545. SELECTED PROBLEMS IN HEALTH LAW. This seminar will examine the range of topics that arise out of the enormous expansion in health delivery services and in public health issues. Topics to be considered include the medical malpractice question, both as a legal and institutional issue; the rise of new forms of health delivery systems, such as HMOs and PPOs; AIDS and its relationship to both public health and hospital delivery services; budgetary and financial issues in health care delivery; the ethical and legal consequences of medical innovation on such matters as genetic engineering, reproductive choice, neonatal care, and legalized euthanasia. There will be some background readings in the first several weeks. In the second part of the seminar students will be expected to write an original research paper on some topic of their own choice, chosen after consultation with the instructor. The papers will then be presented in the seminar. The seminar is limited to 15 students, and is open to first-year students. Spr (3). Mr. Epstein.

Administrative Law and Government Regulation

Courses

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.
428. ANTITRUST LAW. 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.
458. INSURANCE LAW. For course description refer to section on Advanced Courses in Family Law, Property Rights, Torts, and Insurance.
460. ENVIRONMENTAL LAW. For course description refer to section on Advanced Courses in Family Law, Property Rights, Torts and Insurance.
461. ADMINISTRATIVE LAW. Administrative law is the law that governs the executive departments and the administrative agencies in carrying out the programs of the modern regulatory welfare state. The constitutional position of these agencies, the procedures which 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 (3). Mr. Bator. Spr (3). Mr. Strauss.

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 (3). 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. (3). [Not offered in 1988-89.]

464. The Legislative Process. This course will study legislation as a system of lawmaking complementary 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 mundane, the methods for studying legislative histories. Spr (3). Mr. Casper.

487. International Trade Regulation. For course description refer to section on Comparative and International Law.

Seminars

536. Law Concerning American Indians. Status of Indian tribes and bands under treaty and statute; status of individual Indians; self-government of tribes and bands; criminal law, business regulation, and taxation of activities engaged in by Indians and others on and off reservations; Indian land tenure and problems concerning the alienation of land; and the civil rights of Indians under the Constitution and statutes. Aut (3). Mr. Lucas.

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. (3). [Not offered in 1988-89.]

541. Coordination of Federal Regulatory Policies. The seminar will consider the legal and political problems presidents encounter when they attempt to coordinate regulatory policies within the executive branch. While attention will be paid to contemporary issues, emphasis will be on historical developments beginning with the creation of independent agencies at the end of the 19th century. The seminar will be taught jointly by Mr. Casper and Mr. Barry Karl, of the Department of History. Win (3). Mr. Casper and Mr. Karl.

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

Criminal Law and Criminal Procedure

Courses

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

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, consent, and the admissibility of confessions.
Other topics that may be covered include wiretapping, secret agents, and line-up identification procedures. Aut (3). Mr. Alschuler. Spr (3). 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 (3). Mr. Alschuler.

475. FEDERAL CRIMINAL LAW. This course deals with selected issues in the federal substantive criminal law. Particular topics to be studied include federal criminal jurisdiction and its relationship to state jurisdiction; mail and wire fraud; RICO (criminal); drug enforcement offenses; the Bank Secrecy Act; obstruction of justice; and sentencing federal offenders. The prescribed casebook is “Federal Criminal Law and its Enforcement” by Norman Abrams (West, 1986). Win (3). Mr. Morris.

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

Seminars

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

543. LEGAL PROBLEMS OF THE MENTALLY ILL. This seminar will consider issues currently being addressed by the Governor’s Commission to Review and Revise the Illinois Mental Health Code. The four issues on which the Commission is concentrating are: ambulatory commitment; the right to refuse treatment; the use of restraints and seclusion; and the treatment of persons found unfit to stand trial or not guilty by reason of insanity. Aut (3). Mr. Heyrman and Mr. Morris.

544. CRIMINAL JUSTICE SYSTEM. This seminar examines the operation of the criminal justice system and the problems of its reform. The primary purpose is to understand the institutional and operational interrelationships in that system. A subsidiary purpose is to train the student in the critical assessment of research data bearing on that system and on its reform. Topics will include the measurement of crime, aspects of the work of the police, pretrial criminal procedures, bail and preventive detention, plea negotiations, and sentencing convicted offenders. Win (3). Mr. Morris.

Legal History and Jurisprudence

Courses

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

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 alternatives; 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 (3). Mr. Langbein.

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 the continental legal system 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. (3). [Not offered in 1988-89.]

479. JURISPRUDENCE. An inquiry into the theoretical aspects of law, using primarily the tools of analytic philosophy, applied to readings and problems both ancient and modern. At the outset of the course, basic problems in justice and legality will be examined in works by Euripides, Plato, and...
Aristotle. Then the strenuous efforts of Coke, Hobbes, Bentham, Langdell, Holmes, and other thinkers to distinguish—or confute—law and politics will be considered. From there the course will move on to some perennial philosophical puzzles about law, including the puzzles of intent (both criminal and legislative) and causality, and will close with a consideration of the contribution of such Continental thinkers as Hegel, Nietzsche, and Gadamer to contemporary American legal theory. Mimeoographed materials. Spr (3). Judge Posner.

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 are 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. (3). Judge Posner. [Not offered in 1988–89.]

481. THE NATURAL LAW TRADITION. Legal theory from antiquity through the seventeenth century, centered on claims made for “natural law,” but very much concerned with whether there is a coherent “tradition.” Readings are from Plato, Aristotle, Cicero, Church Fathers, classical Roman lawyers and canonists, St. Thomas, Grotius, Pufendorf, Locke. (3). Mr. Gray. [Not offered in 1988–89.]

482. PUFENDORF'S OF THE LAW OF NATURE AND NATIONS. The course will be devoted simply to the careful reading and discussion of Pufendorf’s masterpiece. This book has a fair claim to be the principal summation and vehicle of early modern natural law in theory and application with unique comprehensiveness and clarity. It was accordingly influential in the dissemination of the tradition it stands in to eighteenth-century Europe and America. Many strands of classical political theory, legal theory, and intellectual history can be approached through Pufendorf, and the book is also seminal in internal law. The only requirement will be a substantial paper on some aspect of Pufendorf’s thought, in itself or in comparison with other theorists in whom students are interested. (3). Mr. Gray. [Not offered in 1988–89.]

483. AMERICAN LAW AND THE RHETORIC OF RACE. An episodic study of the ways in which American law has treated legal issues involving race. Two episodes are studied in detail: the criminal law of slavery during the antebellum period and the constitutional attack on state-imposed segregation in the twentieth century. The case method is used, although close attention is paid to litigation strategy as well as to judicial opinions. Spr (3). Mr. Hutchinson.

484. FEMINIST LEGAL THEORY. The course will examine the philosophical and political foundations of modern feminist legal theory and law reform. The course has three major parts. The first part surveys classic feminist critiques of and contributions to moral theory, ethics, political theory and epistemology, and then considers the relation of those critiques to both traditional and feminist legal philosophy. The second part contrasts and compares the three major contemporary jurisprudential movements—liberal legalism, law and economics, and the critical legal studies movement—with feminist legal theory. The third part takes up the philosophical and political questions posed by legal issues presently of concern to the feminist legal community. In addition to the final exam, students will be asked to keep a journal. Spr (3). Ms. West.

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

Seminars

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.

517. AMERICAN CONSTITUTIONAL HISTORY: REPUBLICAN GOVERNMENT. For seminar description refer to section on Constitutional Law.

519. AMERICAN CONSTITUTIONAL HISTORY: DIVISION OF POWERS: FEDERALISM AND CHECKS AND BALANCES. For seminar description refer to section on Constitutional Law.

520. AMERICAN CONSTITUTIONAL HISTORY: INDIVIDUAL RIGHTS. For seminar description refer to section on Constitutional Law.

521. THE MAKING OF THE CONSTITUTION. For seminar description refer to section on Constitutional Law.

532. HISTORY OF BANKRUPTCY. For seminar description refer to section on Commercial, Business and Labor Law.
547. HISTORY OF THE CANON LAW. 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. It will also attempt to assess the place of the canon law in the general development of English law. Spr (3). Mr. Helmholz.

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. 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 (3). 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 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 (3). Mr. Jones.

551. LAW AND LITERATURE. The seminar will examine a few major "legal novels" (literary classics with law as subject matter) and the growing body of theoretical writings regarding the nature of interpretation, and the relationship (if any) between the legal and literary interpretive enterprise. Each student will be required to write and present a paper centering on a work of legal literature, or alternatively, on some aspect of the interpretation debate. The seminar will have three parts. Part One will examine several legal novels, in conjunction with competing interpretive studies of those novels by legal scholars. Part Two will examine the interpretation debate in jurisprudence, and its increasing dependence on theories of interpretation borrowed from literary theory. Part Three will evaluate this growing interdisciplinary field, and compare it with its closest interdisciplinary rival: the law and economics movement. Students who took course 480, Law and Literature in 1987-88 are not eligible to enroll in this seminar. Win (3). Ms. West.

552. THE TRIAL IN AMERICAN LIFE (=English 658). This seminar will examine the larger place of the courtroom trial in American culture. The emphasis will be on the tension between levels of discourse from indictment to court transcript to judicial decision through newspaper reports, journal descriptions, and fictional or dramatic accounts. At issue will be the way in which certain trials have captured the national imagination and, in that process, have become important barometers for gauging ideological aspirations and contradictions. Readings will include, time permitting, the trials of Aaron Burr, John Brown, Lizzie Borden, Leo Frank, J. T. Scopes, Chester Gillette, and Gary Gilmore with related literary texts. Win (3). Mr. Ferguson.

553. WOMEN AND THE LAW. This seminar examines major feminist legal issues in light of readings from a variety of disciplines. Participants will consider religion, sexuality, rape, pornography, prostitution, abortion, motherhood, standards of equality, and differential distribution of money, leisure time and domestic responsibility by sex and race. An essay paper is required. Win (3). Ms. Becker.

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. (3). Mr. Hutchinson. [Not offered in 1988-89.]

566. CONTEMPORARY LEGAL THEORY. This seminar examines twentieth-century American jurisprudence. It considers such theories as natural justice, legal positivism, legal realism, "normative" law and economics, critical legal studies, and feminism. A paper is required. Spr (3). 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. (3). Judge Posner. [Not offered in 1988-89.]

568. FEMINIST THEORY. This seminar considers the broad-based feminist challenge to modern thought and method. Participants will consider feminist critiques of, and contributions to, political theory (especially liberalism, individualism and republicanism), epistemology, psychoanalytic theory, and concepts of justice. An essay paper is required. Prerequisite: Law 553, Women and the Law, or Law 434, Sex Discrimination, or the permission of the instructor. Spr (3). Ms. Becker.

Comparative and International Law

Courses

446. INTERNATIONAL TAXATION. For course description refer to section on Taxation.

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. Spr (3). Mr. Gottlieb.

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. Win (3). Ms. Wood.

488. THE MODERN WELFARE STATE IN A COMPARATIVE PERSPECTIVE. This course will focus on the main characteristics of the Western European welfare state, especially the system of the Scandinavian countries. The course will be split into three distinctive parts. The first part will deal with general issues. What are the purposes behind the welfare state? How do these purposes affect individuals in different ways? The second part will cover the structure of the tax system. The third part will focus on social programs (in a wide sense). The Scandinavian model will be compared where possible with the system in the United States. All material will be in English. Paper required. Spr (3). Mr. Mattsson.

489. LEGAL DEVELOPMENTS IN GERMANY SINCE 1900. The course will focus on certain topics which are characteristic of the legal order of a modern nation. It will primarily include constitutional law (Weimar Constitution of 1919; Basic Law of 1949), antitrust (or, according to German terminology, cartel law) and labor law (collective agreements, co-determination, etc.). In addition we shall look at the evaluation conflict in the 1920s which was to become decisive for the evolution of a judge-made law. The introductory part will explain the historical background of the German Civil Code, the BGB of 1896, and analyze some basic features of the Code. Course materials are in English. Aut (3). Mr. Nörr.

Seminars

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. (3). Ms. Wood. [Not offered in 1988-89.]

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. (3) Mr. Sykes. [Not offered in 1988–89.]

557. THE CONSTITUTION OF WEST GERMANY. An examination of basic themes in the 1949 Grundgesetz, as illuminated by decisions of the Federal Constitutional Court, with comparative references to the U.S. Constitution. Topics covered will include federalism, the distribution of powers, and basic rights. Prerequisites: reading knowledge of German (if possible); Constitutional Law I. Win (3). Mr. Currie.

558. PROTECTIONISM IN U.S. TRADE POLICY. This seminar will focus on several U.S. statutes that provide for the creation of barriers to import competition under specified conditions: the escape clause, the countervailing duty laws, the antidumping laws, and Section 301 of the Trade Act of 1974. Course materials will include a casebook, statutory supplement, and supplementary readings drawn primarily from the international economics literature. Students will have the option of preparing a substantial research paper or taking an examination. Some familiarity with undergraduate-level microeconomics is helpful but not required. Spr (3). Mr. Sykes.

559. PROBLEMS OF INTERNATIONAL LAW: THE ARAB-ISRAEL CONFLICT. The Arab-Israel conflict provides a case study of diverse questions of international law. The seminar will examine different aspects of the conflict, focusing on self-determination, the use of force, and the peace process. A paper will be required. (By permission of the instructor, limited to 15 students.) Win (3). Mr. Gottlieb.

563. COMPARATIVE LAW, POLITICS, AND POLICY: ETHNIC GROUP RELATIONS. An examination of the problems of interethnic relations in severely divided societies, with special attention to developing countries of Asia, Africa, the Middle East, and the Caribbean. The focus will be on the sources of ethnic conflict, the forms and patterns such conflicts take, and the strategies, policies, and techniques that have been or might be needed to ameliorate ethnic tensions. Emphasis will be placed on the understanding and use of social science materials for the purpose of devising approaches that fit the contours of the problem to which they are addressed. Attention will also be given to evaluating alternative constitutional and other approaches to the reduction of ethnic conflict. Aut (3). Mr. Horowitz.

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 (3). Mr. Landes.

494. ACCOUNTING. The course treats the major topics comprising "generally accepted accounting principles" and the manner in which they enter into legal problems. The first several sessions deal with the concepts and cycle of accounting operations that lead to the financial statements. Next follows analysis of the major components of financial statements: inventories, depreciation, long-term obligations, and corporate capital. Throughout, the course includes material from published financial statements, source pronouncements from the SEC and authoritative accounting bodies, and a few cases. Aut (3). Mr. Weil.

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 use and abuse of multiple regression methods in discrimination law. Topics will include estimation, hypothesis testing, and multiple regression analysis and its interpretation. There will be a laboratory on applications to experimental and observational data in which interactive computational resources will be provided. A year of college level mathematics would be helpful but is not essential. No prior experience with computational methods is expected. Spr (3). Mr. Meier.
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 five credits for satisfactory completion of a substantial paper. Aut (2), Win (2), Spr (1). 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 five credits for satisfactory completion of a substantial paper. Aut (2), Win (2), Spr (1). Mr. Becker, Mr. Landes, Mr. Pashigian, Mr. Peltzman, and Mr. Stigler.

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 course 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. Aut (3). Mr. Friedman.

Students are also reminded of the opportunity to take up to six course hours of work for Law School credit in other departments and schools of the University. The conditions of the exercise of this option are explained in the section on Requirements and Grading. Courses that students have taken in past years include:

In Public Policy Studies: Problems of Policy Implementation; Housing Policy and Urban Communities; Metropolitan Development and Planning. In Political Science: Interest Group Politics; Bureaucratic Politics; Presidential Government in America; Organizational Decision-Making; Political Science and Public Policy; Introduction to International Relations; Global Issues: The Politics of World Prosperity and Peace; Formal Analysis; Topics in American Political Thought; Basic Problems of Political Philosophy; Politics of Education; American Political Institutions; Theories of Political Development; U.S. Courts as Political Institutions; Marxism and Rational Choice; Political Philosophy of Plato. In History: Seventeenth-Century America; Eighteenth-Century American Colonies: 1700-63; The American Revolution: 1763–89; American Urban History: 1890–1970; American Social Movements in the Nineteenth Century; American Social Movements in the Twentieth Century; Afro-American History to the Civil War; Afro-American History from the Civil War through the Civil Rights Movement; American Labor History. In Anthropology: Political Anthropology; Language in Culture and Society. In Education: Economics of Education; The Family and Society; Historical and Comparative Perspectives; Social Aspects of Educational Administration. In Social Sciences: Introduction to American Political Thought: Federalists and Anti-Federalists; Medicine and the Law. In Sociology: Urban Structure and Process; The Social Organization of Schools and School Systems; The Professions: Law and Medicine; Urban Policy Analysis. In the Business School: Financial Instruments; Business Policy; Ethics, Economics and Politics of American Slavery.

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.

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
1988–89

FIRST-YEAR COURSES

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<tr>
<td>Autumn</td>
<td>301. Elements of the Law</td>
<td>3</td>
<td>304. Property I</td>
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<td>302. Civil Procedure I</td>
<td>3</td>
<td>307. Legal Research and Writing</td>
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<td>Winter</td>
<td>303. Criminal Law II</td>
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<td>306. Torts I</td>
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<td>304. Property II</td>
<td>3</td>
<td>307. Legal Research and Writing</td>
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<tr>
<td>Spring</td>
<td>305. Contracts I</td>
<td>3</td>
<td>307. Legal Research and Writing</td>
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<td>306. Torts II</td>
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SECOND- AND THIRD-YEAR COURSES AND SEMINARS

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<tr>
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<td>401. Constitutional Law I</td>
<td>3</td>
<td>441. Taxation of Individual Income</td>
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<td>410. The Legal Profession</td>
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<td>447. State and Local Taxation</td>
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<td>411. Federal Jurisdiction I</td>
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<td>450. Family Law</td>
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<td>418. Litigation Methods*</td>
<td>1</td>
<td>457. Copyright, Trademarks, and Unfair Competition</td>
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<td>423. Corporation Law</td>
<td>3</td>
<td>489. Legal Developments in Germany since 1900</td>
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<td>428. Antitrust Law</td>
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<td>431. Labor Law</td>
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<td>494. Accounting</td>
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