Schedule of Courses

First-Year Courses

CIVIL PROCEDURE. 302. The first part of this course concerns the formulation and defense of legal claims in civil litigation, with special reference to the adversary system and the role of the lawyer. The second part studies the power of particular courts to decide cases (subject matter jurisdiction); jurisdiction of the courts over the person or things before them; the scope and effect of judgments; principles of finality of judgments; and the rules governing joinder of claims and parties. Aut (3). Mr. Isenbergh, Ms. Slaughter Burley. Spr (3). Ms. Kagan, Mr. Ramseyer.

CONTRACTS. 305. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach, and justification or excuses for nonperformance. The nineteenth-century elaborations of such basic contract doctrines as that of consideration will be examined in the light of their decline and fall in our own century. The relationship between contract liability and tort liability, taken as twin halves of a general theory of civil obligation, will be stressed. Win (3), Spr (3). Mr. Lessig, Mr. Sykes.

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

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

LEGAL RESEARCH AND WRITING. 307. Each first-year student is assigned to a tutor for individual and small-group work in legal analysis, research, and exposition, including an exercise in brief-writing and oral argument. Aut, Win, Spr (4). Ms. Eisenbauer, Ms. Granger, Mr. Helfer, Ms. Mazur, Ms. Pollack, Mr. Sergienko.

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

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

Elective. In the Spring Quarter first-year students will elect one course from among the following: American Legal History II 493; English Legal History 430; Law and Economics: Introduction 492; Jurisprudence 496; International Law 485; Law and Literature 480; and Social Science Research and the Law 445.
Second- and Third-Year Courses

Subject Categories

* = Not offered in 1993-94

Administrative Law and Government Regulation

Courses

Administrative Law 461.
Antitrust Law 428.
Banking Law 420.
Education Law and Policy 405.
Employment Discrimination 433.
Environmental Law 460.
Federal Regulation of Securities 424.
Immigration Law 447.

Seminars

Advanced Antitrust 523.
The Politics of Welfare 552.
Regulation: What Works and What Doesn’t 542.

Commercial, Business and Labor Law

Courses

Accounting 494.
Advanced Corporations 432.
Antitrust Law 428.
Banking Law 420.
Bankruptcy 437.
Business Planning 427.
Commercial Transactions 421.
Copyright 458.
Corporate Finance 425.
Corporate Readjustments and Reorganizations 426.
Corporation Law 423.
Employment Discrimination 433.

Win (3) International Trade Regulation
Spr (3) 484.
Aut (3) Labor Law 431.
Spr (3) The Legislative Process 464.
Win (3) Regulated Industries 462.
Spr (3) Selected Topics in the Regulation of Financial Markets and Institutions 455.
Win (3) State and Local Government 406.

Win (3) Theoretical Foundations of the Regulatory State 571.

Win (3) Selected Topics in the Regulation of Financial Markets and Institutions 455.

Win (3) Trademarks and Unfair Competition 457.
24 THE UNIVERSITY OF CHICAGO

Seminars
Advanced Antitrust 523. Spr (3)
Antitrust and American Business Abroad 556. * (3)
Bankruptcy Practice and Litigation 533. * (3)
Computer Law 562. * (3)
Corporate Governance 587. Win (3)
Current Developments in Corporate and Securities Law 522. Spr (3)
Employee Benefits 555. Spr (3)
International Trade Negotiations 565. * (3)
Real Estate Transactions 531. * (3)
Structuring Venture Capital and Entrepreneurial Transactions 530. Spr (3)
Workshop in Economic and Legal Organization 561. Aut (2) Win (2) Spr (1)

Constitutional Law

Courses
American Law and the Rhetoric of Race 483. Win (3)
Comparative Constitutionalism 490. Spr (3)
Constitutional Law I: Governmental Structure 401. Aut (3) Spr (3)
Constitutional Law II: Freedom of Expression 402. Aut (3) Win (3)
Constitutional Law III: Equal Protection and Substantive Due Process 403. Aut (3) Spr (3)
Criminal Procedure I: The Investigative Process 472. Aut (3)
Criminal Procedure II: The Adjudicative Process 473. Win (3)
Criminal Procedure III: Further Issues in Criminal Adjudication 497. Spr (3)
Foreign Affairs and the Constitution 408. Win (3)
Religion and the First Amendment 404. Spr (3)
State and Local Government 406. Aut (3)

Seminars
The Constitution in Congress 501. Aut (3)
Constitutional Decision Making 502. Aut (3)
Constitutional Rights in Post-Communist Eastern Europe 554. Spr (3)
Current Issues in Racism and the Law 543. Spr (3)
The German Constitution 557. * (3)
Law and Politics: U.S. Courts as Political Institutions 513. Aut (3)
Problems in Supreme Court History: The Brennan-White Court(s) 572. Aut (3)
Research Seminar in Constitutional History 578. Aut (3)
Rights of Political Participation 521. * (3)
The Supreme Court 503. Aut (3)
Workshop in Legal Theory 563. Aut (1) Win (1) Spr (1)
# Courts, Jurisdiction and Procedure

## Courses

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<tr>
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<td>Evidence</td>
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<td>Federal Jurisdiction</td>
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<td>Law as Negotiator</td>
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<td>The Legal Profession</td>
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<td>Litigation Methods</td>
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<td>Aut</td>
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## Seminars

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<td>Drugs: Law and Policy</td>
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<td>The Judicial Process</td>
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<td>Juvenile Justice</td>
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<td>Law and Politics: U.S. Courts as Political Institutions</td>
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<td>Law and International Relations: The European Court of Justice</td>
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<td>MacArthur Justice Center Seminar on Death Penalty/Habeas Corpus</td>
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<td>Problems in Federal Criminal Law</td>
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<td>Rights of Political Participation</td>
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<td>Section 1983 Civil Rights Litigation</td>
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<td>The Supreme Court</td>
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<td>Trial Advocacy</td>
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## Criminal Law and Criminal Procedure

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# Family Law, Property Rights, Torts, and Insurance

## Courses

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<td>Estate Planning</td>
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<td>Family Law</td>
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<td>Health Policy</td>
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<td>Insurance Law</td>
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<td>Patents and Trade Secrets</td>
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<td>Remedies</td>
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<td>Trademarks and Unfair Competition</td>
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<td>Trusts and Estates: Family Wealth Transmission</td>
<td>Win</td>
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<td>Win (3)</td>
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<tr>
<td>Juvenile Justice</td>
<td>Spr</td>
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<td>Politics of Welfare</td>
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<tr>
<td>Workshop in Feminist Legal Theory</td>
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<td>Roman Law</td>
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<tr>
<td>Jewish Law</td>
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<td>Law and International Relations: the European Court of Justice</td>
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<td>Legal Aspects of the Arab-Israeli Conflict</td>
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## Seminars

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<tr>
<td>Art Law</td>
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<td>Computer Law</td>
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<td>Domestic Violence</td>
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<td>Employee Benefits</td>
<td>Spr</td>
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<td>Health Law</td>
<td>Aut</td>
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<td>Historical and Intellectual Foundations of Property</td>
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<td>International Business Transactions</td>
<td>Win</td>
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<td>International Law</td>
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<td>International Litigation</td>
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<tr>
<td>International Taxation</td>
<td>Spr</td>
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<tr>
<td>International Trade Regulation</td>
<td>Aut</td>
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<td>Law of the European Community</td>
<td>Aut</td>
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<td>Jewish Law</td>
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# International and Comparative Law

## Courses

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<td>Comparative Introduction to German Private Law</td>
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<td>Comparative Law</td>
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<td>Comparative Law: Japanese</td>
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<td>Foreign Affairs and the Constitution</td>
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<td>Immigration Law</td>
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<tr>
<td>International Business Transactions</td>
<td>Win</td>
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<td>Spr</td>
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<td>International Trade Regulation</td>
<td>Aut</td>
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## Seminars

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<td>Economic Reform in the Former Soviet Union and Eastern Europe</td>
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Selected Readings in Japanese Law 567.

**Jurisprudence**

**Courses**

- Feminist Approaches to Legal Issues 466.
- Jurisprudence 496.
- Law and Literature 480.

**Seminars**

- The Attorney-Client Relationship 588.
- Contemporary Legal Theory 507.
- Feminist Theory 518.
- Legal Interpretation 516.

**Legal History**

**Courses**

- American Law and the Rhetoric of Race 483.
- American Legal History I: Early America, 1600–1800 475.
- American Legal History II: America after Independence 493.
- Blackstone 479.
- Development of Legal Institutions 476.

**Seminars**

- Blackstone's Commentaries 550.
- The Constitution in Congress 501.
- Historical and Intellectual Foundations of Property 548.
- History of Criminal Justice 551.
- Jewish Law 540.
- Problems in Supreme Court History: The Brennan-White Court(s) 572.

**THE LAW SCHOOL 27**

Russian Law & Politics 590. Win (3)

Law and the Mental Health System 470. Win (3)

The Legal Profession 410. Aut (2)

Parables of the Law 528. Aut (3)

Rawls and His Critics 582. * (3)

Readings in Legal Thought 570. Spr (3)

Selected Topics in Contemporary Legal Theory 541. * (3)

Seminar on Max Weber 591. Win (3)

Workshop in Legal Theory 563. Aut (1)

English Legal History 430. Spr (3)

Federalist Papers 474. * (3)

Holmes: Jurist and Icon 478. * (3)


Roman Law 477. * (3)

Research in English Legal History 549. Win (3)

Research Seminar in Constitutional History 578. Aut (3)
Taxation

Courses
Business Planning 427. Win (3)  Taxation of Business
Estate Planning 451. Spr (3)  Enterprises I 448. Win (4)
International Taxation 446. Spr (3)  Taxation of Business
Land Development 456. Win (3)  Enterprises II 449. Spr (4)
Taxation of Individual Income 441. Aut (4)  Structuring Venture Capital and
Spr (1)  Entrepreneurial Transactions 530. Spr (3)
Win (4)  Tax Exempt Organizations 536. Spr (3)

Seminars
Introduction to Tax Policy 537. Aut (3)
Real Estate Transactions 531. * (3)
Selected Topics in Federal Income Taxation 558. * (3)

Complementary Courses

Courses
Accounting 494. Aut (3)  Law and Economics: Advanced 439. Spr (3)
Introduction to the Anthropology of Law 413. Price Theory 436. Aut (3)

Seminars
Current Issues in Racism and the Law 543. Social Science Research and the Law 445. Spr (3)
Game Theory and the Law 506. Spr (3)  Workshop in Economic and Legal Organization 561. Aut (2)
Law and Economics: Selected Topics 593. Win (3)  Workshop in Law and Economics 560. Win (2)
Law and Politics: U.S. Courts as Political Institutions 513. Spr (1)
Win (3)  Spr (1)
Course Descriptions

ACCOUNTING. 494. The objective of this course is to create "accounting literate" users of financial statements. The focus of the course is on the way that financial statements prepared using generally accepted accounting principles enter into both legal problems and the kinds of business problems that are likely to be encountered by lawyers. Introductory material on transaction analysis and the form of basic financial statements is followed by an analysis of major legal problem areas: revenue recognition, inventory accounting, capitalization and depreciation, accounting for debt instruments and corporate capital. The basic class materials include a text, several sets of financial statements and several sets of case materials. Aut (3). Ms. Schipper.

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

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

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

ADVANCED CORPORATIONS. 432. 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 shark repellents and poison pills; control-related regulations, such as state anti-takeover laws); (3) divisive restructurings (divestitures, spin-offs, equity carveouts); and (4) the role of regulation in the securities markets (federal, state and the courts). (3). Mr. Fischel. [Not offered in 1993–94.]

AGENCY, PARTNERSHIPS, AND THE LAW OF FIDUCIARY DUTIES. 434. Fiduciary duties are common in law and exist in a variety of different contexts. This course examines the different contexts in which the term fiduciary is used and the different meanings of the term in those contexts. The course will focus on the law of agency and partnerships, trusts, franchisor-franchisee relationships, as well as other areas. Win (3). Mr. Fischel.

AMERICAN LAW AND THE RHETORIC OF RACE. 483 (=LL/Soc 243, =PolSci 273). An episodic study of the ways in which American law has treated legal issues involving race. Two episodes are studied in detail: the criminal law of slavery during the antebellum period and the constitutional attack on state-imposed segregation in the twentieth century. The case method is used, although close attention is paid to litigation strategy as well as to judicial opinions. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Hutchinson.

AMERICAN LEGAL HISTORY I: EARLY AMERICA, 1600–1800. 475. This course will explore the history of American law from the founding of the colonies through the aftermath of the Revolution. Special attention will be paid to the interplay of legal inheritance and ideology; the transformation of legal culture; regional variation; the development of the law of slavery; dispute settlement; gender; the British imperial connection; the role of lawyers; and the ambiguous process of legal “modernization.” This is not a course on constitutional history; and it will not cover the framing of the state or federal constitutions. Win (3). Mr. Ross.

AMERICAN LEGAL HISTORY II: AMERICA AFTER INDEPENDENCE. 493. This course will explore the social history of American law from the Revolution to the present. Special attention will be paid to race relations, family law, social control including criminal justice, the role of lawyers in society, and law and economic development; the perspective will be broadly sociological and cultural. Spr (3) Mr. L. Friedman.

ANTITRUST AND AMERICAN BUSINESS ABROAD. 556. (SEMINAR.) This seminar will examine the ways in which U.S. antitrust law is, and should be, applied to transactions affecting both the United States and foreign nations, as well as the ways in which U.S. antitrust law interacts with other systems of competition law and with other U.S. laws regulating competition. Topics to be considered will include the jurisdictional reach of the U.S. antitrust laws, the impact of the laws on particular kinds of transactions (imports, exports, licensing, investments), and the relationship between the antitrust laws and the trade laws. Antitrust law or enrollment in the Antitrust course is a prerequisite. Paper required. Satisfies a part of the writing requirement if a substantial piece of written work is completed. (3). Ms. Wood. [Not offered in 1993–94.]

ANTITRUST LAW. 428. An introduction to the law of antitrust. After a brief consideration of the common law of restraint of trade and the basic antitrust statutes,
the course focuses first on the practices by which competing firms eliminate, or are alleged to eliminate, competition among themselves. The practices considered include formal cartels, price-fixing conspiracies, "conscious parallelism," trade association activities, resale price maintenance, and mergers to monopoly and other types of horizontal merger. The course then looks at the practices by which firms, either singly or in combination, exclude actual or potential competitors from their markets, by means of practices such as boycotts, tying arrangements, vertical integration, and price discrimination under the Robinson-Patman Act. Both price and non-price vertical restrictions are considered. Finally, procedural doctrines that affect antitrust enforcement, such as the state action exemption and the petitioning immunity, are included. Spr (3). Mr. Dam.

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

**The Attorney-Client Relationship.** 588. (Seminar.) Attorneys simultaneously act as agents of clients, officers of the court, and public citizens. These multiple roles frequently create conflicting responsibilities for attorneys. This seminar attempts to analyze these multiple roles and the response of the legal system to this problem. Win (3). Mr. Fischel.

**Banking Law.** 420. This course is concerned with the federal regulation of depository institutions, including national and state-chartered commercial banks, savings and loans, and financial institution holding companies. Topics to be addressed include: entry restrictions, growth and expansion of bank activities, regulation of the business of banking, expansion through the bank holding company structure, branch banking, interstate banking, and regulation of failing or failed banks. Aut (3). Mr. G. Miller.

**Bankruptcy.** 437. This course focuses on the policies underlying federal bankruptcy law. Subjects covered will include the jurisdiction of the bankruptcy courts, an individual's 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. Secured Transactions is not a prerequisite for this course but is highly recommended. This course is a prerequisite for Corporate Readjustments and Reorganizations. Win (3). Mr. Picker.

**Bankruptcy Practice and Litigation.** 533. (Seminar.) This seminar surveys the issues that arise when a troubled firm seeks to restructure its debt, both inside and outside of Chapter 11. Students form teams and analyze issues from a variety of perspectives, including those of the lawyer for the secured creditor, the debtor in possession, the trade creditor, and the equityholder. Issues typically explored include the scope of the automatic stay, the application of fraudulent conveyance law and other avoiding powers to modern corporate transactions, and the new value exception to the absolute priority rule. Written work includes the drafting of motions and memoranda in addition to a plan of reorganization. The course in bankruptcy is a prerequisite. Students must either have taken or be simultaneously enrolled in Corporate Readjustments and Reorganizations. Satisfies part of the
writing requirement if substantial written work is completed. (3). Mr. Baird and Mr. Picker. [Not offered in 1993–94.]

BLACKSTONE. 479. This course will involve a systematic study of all four volumes of Blackstone's Commentaries in their eighteenth century context. Special emphasis will be placed on Blackstone's conception of property, but also on his ideas of the British constitution and sovereign power. (3). Mr. Holmes. [Not offered in 1993–94.]

BLACKSTONE's Commentaries. 550. (Seminar) 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. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Jones.

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

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

COMPARATIVE CONSTITUTIONALISM. 490. This class will compare the understanding of constitutionalism in major Western democracies. We will analyze the origins of the idea of constitutionalism in Europe and its practical application in America. We will compare constitution-making, the separation of powers, protection of individual rights and mechanisms of constitutional review adopted in the United States, Great Britain, France, Italy and Germany. We will also look at the applicability of different models of constitutionalism to countries that have recently begun the transition to democracy. The class will underline two main ideas: First, there exists no single model of constitutionalism but a broad array of solutions developed by different democratic regimes. Second, it was American constitutionalism which influenced the transformation of Western European countries from democracies to constitutional democracies during the last fifty years. Credit for the class will be based on a written exam. Spr (3). Mr. Osiatynski.

COMPARATIVE INTRODUCTION TO GERMAN PRIVATE LAW. 412. The course will aim at introducing common lawyers to some of the characteristic features of a codified legal system in the civil tradition. Selected topics, mainly from the law of obligations, will
be discussed: the relationship between contract of sale and transfer of ownership ("principle of abstraction"); the relationship between contract and delict ("culpa in contrahendo" and related doctrines); problems relating to the recovery of the pure economic loss; the development of the protection of personality rights; unjustified enrichment as an independent and general ground for recovery; impossibility of performance and breach of contract; equality of exchange and consumer protection; the "Europeanization" of German private law. At the same time, an introduction to the administration of law in Germany, to the historical background of German private law and to the way in which law develops in a codified legal system will be provided. Aut (3). Mr. Zimmermann.

**Comparative Law.** 417. This course will examine other legal systems (past and present) with an eye toward comparing the content of these systems with the substance of American law. We will consider the ways in which different systems organize and regulate such diverse matters as the enforcement of contractual promises, tortious behavior, voting procedures, inheritance and marital property, illegally obtained evidence, the taking by governments of private property, and several other topics. The goal is, in part, to learn about American law, and about legal theories used to explain or evaluate our law, through an exploration of seasoned alternatives in the context of ten or fifteen different distinct subjects. Aut (3). Mr. Leavmore.

**Comparative Law: Japanese.** 481. An introduction for the non-specialist law student to major features of the Japanese legal system. The course will attempt to integrate the structures, processes and personnel of the Japanese legal system into other aspects of Japanese society and history. Topics covered include (but are not limited to) litigation and extra-judicial settlement, the legal services industry, economic regulation, electoral rules, judicial independence, corporate control, and environmental law. Win (3). Mr. Ramseyer.

**Computer Law.** 562. (Seminar.) Subjects will include intellectual property issues, in particular the question of copyright and patent protection for programs and program elements, plus computer-related issues in civil and criminal law and the law of privacy. A paper will be required. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Friedman. [Not offered in 1993–94.]

**Conflict of Laws.** 415. An inquiry into the division of lawmaking and judging authority among the several states, principally through consideration of choice of law and respect for prior judgments in cases connected with more than one state. Spr (3). Mr. Currie.

**The Constitution in Congress.** 501. (Seminar.) Students will present papers on constitutional controversies that have arisen in Congress, such as the Alien and Sedition Acts, the Missouri Compromise, and Reconstruction. Prerequisite: Constitutional Law I. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Currie.

**Constitutional Decision Making.** 502. (Seminar.) Students enrolled in this seminar will work as "courts" consisting of five "Justices" each. During each of the first eight weeks of the quarter, the courts will be assigned several hypothetical cases raising issues under either the equal protection clause or the first amendment's
guarantee of freedom of speech and press. Each court must select in advance whether it will focus on equal protection or first amendment. All cases must be decided with opinions (concurring and dissenting opinions are of course permitted). The decisions may be premised on the “legislative history” of the amendment (materials on that history will be provided) and on any doctrines or precedents created by the “Justices” themselves. The “Justices” may not rely, however, on any actual decisions of the United States Supreme Court. The seminar is designed to give students some insight into the problems a Justice confronts in collaborating with colleagues, interpreting an ambiguous constitutional provision, and then living with the doctrines and precedents he or she creates. Constitutional Law II and III are not prerequisites for participation in this seminar. Enrollment will be limited to four courts. Since the members of each court must work together closely under rigid time constraints, it is preferable for students to form their own complete courts. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Stone.

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

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

Constitutional Law III: Equal Protection and Substantive Due Process. 403. The course will focus on the development of the equal protection clause and on such concepts as substantive equal protection and substantive due process. Particular attention will be paid to the legacy of the Reconstruction Amendments. Aut (3). Mr. McConnell. Spr (3). Mr. Sunstein.

Constitutional Rights in Post-Communist Eastern Europe. 554. (Seminar.) This seminar presents basic problems of constitutionalism and human rights in the transition from Communism in East-Central Europe. It compares Western concepts of constitutions as well as mechanisms for the protection of rights with the legal and political regimes that prevailed under Communism and that are now emerging in the region. We will examine the difficulties of the transition period and focus on such issues as the protection of individual rights (both social and economic), the rights of minorities, and the tensions posed by transition to a market economy. Spr (3). Mr. Osiatynski.
Contemporary Legal Theory. 507. (Seminar.) This seminar examines twentieth-century American jurisprudence. It considers natural justice, legal positivism, legal realism, normative law and economics, critical legal studies, and feminism. A paper will be required. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Alschuler. [Not offered in 1993–94.]

Copyright. 458. This course will cover copyright from a legal and economic perspective. The subjects covered will include copyright protection for authors of creative works ranging from books to visual arts to computer software to sound recordings. It is recommended but not required that students take Trademarks and Unfair Competition before taking this course. Spr (3). Mr. Landes.

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

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

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

Corporation Law. 423. This course considers the nature of the modern business corporation. It begins with an inquiry into the nature of the firm, including problems of the scope of limitations on liability, the selection of a particular form of doing business, and the extent of integration of operations. It then considers the role of managers, devices by which their authority is defined and restricted, and their duties to shareholders (including duties with respect to insider trading); the market for corporate control, including tender offers, mergers, squeeze-outs, going private, proxy fights, and other devices by which some owners can replace either fellow owners or management; the market for corporate chartering, including the choice between state and federal laws and competition among states; the social responsibility of corporations, including corporate altruism, corporate speech, the use of bribes to obtain business, the amenability of corporations to the criminal law, and the responsibility of corporations for the acts of preceding owners of their assets; derivative litigation and other attempts by owners to act directly for the corporation. Aut (3). Mr. Fischel, Mr. Ramseyer. Win (3). Mr. G. Miller.

Criminal Justice System. 469. This course examines the criminal justice system and the problems of its reform. The primary purpose is to understand the institutional and operational interrelationships in that system. Topics will include the causes of crime and effectiveness of various crime control strategies, the operations of police and prosecutors (deployment issues, discretion, and police misconduct), pretrial procedure (including bail, diversion and preventive detention), plea negotiation and sentencing. Aut (3). Mr. Schulhofer.

Criminal Procedure I: The Investigative Process. 472. The focus of this course is on the constitutional law that governs searches, seizures, and confessions. Consid-
CRIMINAL PROCEDURE III: THE ADJUDICATIVE PROCESS. 473. This course examines what happens in criminal cases after police investigations have been concluded. It considers such topics as bail and preventive detention, the right to counsel, the prosecutor’s decision to charge, grand jury screening, the right to a speedy trial, pretrial discovery, plea bargaining, and the right to jury trial. The final portion of the course is devoted to a brief comparative examination of criminal procedure in Germany. Students need not have taken Criminal Procedure I to enroll in this course. Win (3). Mr. Alschuler.

CRIMINAL PROCEDURE III: FURTHER ISSUES IN CRIMINAL ADJUDICATION. 497. This course is designed primarily for students who have taken or intend to take both Criminal Procedure I and Criminal Procedure II and who wish to explore further issues of criminal procedure. Among the topics that the course will examine are: electronic surveillance, line-ups, the use of unlawfully obtained evidence for impeachment purposes, joinder and severance, prejudicial pretrial publicity, the right to appeal, freedom from double jeopardy, and federal habeas corpus. Spr (3). Mr. Alschuler.

CRITICAL RACE STUDIES AND LESBIAN/GAY LEGAL THEORY. 592. (SEMINAR.) This seminar examines two relatively new developments in legal theory: race studies and lesbian/gay legal theory. Seminar participants will analyze, among other issues, the possible interrelationship of these theories, the relationship of these theories to other legal theories, and the practical application of these two theories to current legal and political problems. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Ms. Becker and Ms. Eisenhauer.

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

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

DEVELOPMENT OF LEGAL INSTITUTIONS. 476. An introductory course in the historical background of Anglo-American law, with particular emphasis on the development of 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. (3). Mr. Helmbold. [Not offered in 1993–94.]

DISPUTE RESOLUTION. 584. (Seminar.) This seminar will look at topics in dispute resolution. Mediation, arbitration and other alternatives to litigation will be considered. The format of the course will be a mixture of lecture, role playing and student presentations of work in progress. A paper will be required. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Picker.

DOMESTIC VIOLENCE. 575. (Seminar.) This seminar will focus on legal problems arising out of domestic violence. There will be both an in-class component and a field work component. For the in-class component, the group will meet in a weekly seminar, for which there will be readings, presentations, and panels, on the causes of domestic violence, the response of the legal system to the problem, including alternative responses of the police, the passage of domestic violence statutes providing simplified procedures for obtaining orders of protection and anti-stalking bills, and the controversy over the admissibility of evidence about the “battered woman syndrome” in defense of women who kill their abusers. The field work component of the course will consist of observing domestic violence court, working on part of a domestic violence case, and participating as one member of a team of three people in the preparation of a clemency petition on behalf of a woman who is currently serving a prison sentence for killing or injuring her abusers. Teams will consist of two students and an attorney, either one of the teachers of the seminar or an attorney participating on a pro bono basis. Enrollment limited to 20. Aut (3). Ms. Banar, Ms. Becker and Ms. Kaplan.

DRUGS: LAW AND POLICY. 574. (Seminar.) This seminar will examine legal and policy aspects of the war on drugs, including legalization; supply-side and demand-side strategies for prevention, treatment and enforcement; civil and criminal forfeiture; and federal and state sentencing statutes. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Schultefer.
ECONOMIC REFORM IN THE FORMER SOVIET UNION AND EASTERN EUROPE. 586. (Seminar.) The seminar will give students the opportunity to do research on a topic involving economic reform in economies that were formerly centrally controlled. The seminar sessions will be devoted to the discussion of the issues of economic reform, and the focus will be on what has worked and what has not worked, rather than on prescriptions for future reform. Each student will be expected to write a research paper. (3). Mr. Dam. [Not offered in 1993-94.]

EDUCATION LAW AND POLICY. 405. This course will trace and critique the central legal and public policy choices that shape the public and private primary and secondary schools in the United States. The primary focus will be state rather than federal law. A central theme will be the allocation of discretion and control over key aspects of education policy among state government, local government, school boards, school administrators, teachers, and parents, but we will also explore how these powers have typically been used by those who possess them. Topics will include competing conceptions of education, control over curriculum, school finance, the "voucher" and "choice" debates, training, hiring and firing teachers, admissions, and discipline standards. Readings will be drawn from a variety of disciplines, including law, history, political science, sociology and economics. Spr (3). Mr. Gilles.

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

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

ENGLISH LEGAL HISTORY. 430. An introductory course in the historical background of English law, with particular emphasis on the following topics: (1) Civil justice: the forms of action and the pleading system; the jury system; attorneys, bar and bench; the regular and itinerant courts; the year books, law reporting and legal treatises; Chancery, the trust, equitable remedies and procedures; the deterioration of Chancery procedure and the fusion of law and equity. (2) The development of
substantive law from the medieval period to the late eighteenth century—contract and tort and property and wills. (3) Criminal justice. (4) The constitutional struggles of the seventeenth century, and their impact on the colonies and the United States. Spr (3). Mr. Jones.

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

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

EVIDENCE. 416. 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. Aut (3). Mr. Currie. Win (3). Mr. Rosenfield.

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

FEDERAL JURISDICTION. 411. A study of the role of the federal courts in the federal system, concentrating on the original jurisdiction of the federal district courts. Topics will include: congressional control over the jurisdiction of the federal courts; the elements of federal question jurisdiction; and litigation against federal and state governments and their officials. Win (3). Mr. Strauss.

FEDERAL REGULATION OF SECURITIES. 424. This course covers the issuance and trading of securities. The first half of the course looks at the issuance process in some detail, paying special attention to the complex rules issued by the Securities and Exchange Commission. It takes the decision to raise capital as a given (see the course in Corporate Finance for attention to this subject). The second part of the course looks at trading, including tender offers, 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.

FEDERALIST PAPERS. 474. This course will involve a careful reading of the most important source for "the intent of the framers." Issues to be discussed include conceptions of democracy, popular sovereignty, the purpose of limited government, the separation of powers, federalism, and judicial review. (3). Mr. Holmes. [Not offered in 1993–94.]

FEMINIST APPROACHES TO LEGAL ISSUES. 466. This course will use feminist methods
of approaching legal issues to examine a number of contemporary controversies. The readings will include a broad range of scholarly writings by feminists on specific legal issues. (3). Ms. Becker. [Not offered in 1993–94.]

FEMINIST THEORY. 518. This seminar considers the broad-based feminist challenge to modern thought and method. Participants will consider feminist critiques of, and contributions to, political theory (Marxism, liberalism, individualism and republicanism), epistemology, psychoanalytic theory, critical theory, critical legal studies, postmodernism, and French feminism. An essay paper is required. Spr (3). Ms. Nadelisky.

FOREIGN AFFAIRS AND THE CONSTITUTION. 408. This is a course about the intersection of law and foreign policy within the specific framework of the U.S. Constitution. Specific topics to be examined include: foreign affairs and separation of powers; the relationship between international and U.S. law; the treaty-making power and the status of treaties in U.S. law; recognition of foreign governments; the war power; the power over the purse; the role of the states in foreign affairs; the justiciability of foreign relations questions; and national security and freedom of expression. Win (3). Ms. Slaughter Barley.

GAME THEORY AND THE LAW. 506. (Seminar.) This seminar examines the principles of game theory and information economics that are useful in analyzing legal problems. The seminar will examine a number of different legal issues through this lens, including ones drawn from torts, contracts, labor law, bankruptcy, antitrust, and employment discrimination. The seminar satisfies part of the writing requirement if substantial written work is completed. Students in the seminar should already have taken Law and Economics: Introduction. Win (3). Mr. Baird.

THE GERMAN CONSTITUTION. 557. (Seminar.) An examination of basic themes in the 1949 Grundgesetz, as illuminated by decisions of the Federal Constitutional Court, with comparative references to the U.S. Constitution. Topics covered will include federalism, the distribution of powers, and basic rights. Prerequisites: reading knowledge of German (if possible); Constitutional Law I. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Currie. [Not offered in 1993–94.]

HEALTH LAW. 545. (Seminar.) This seminar will explore many of the legal issues involved in health care. Topics will likely include access to health care, rationing, end of life decisions, reproductive rights, and physicians' conflicts of interest. Readings will include case law as well as articles from the legal, medical and ethical literature, and special attention will be given to the tension between libertarian and communitarian impulses. Enrollment is limited to eighteen students. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Dr. Orentlicher.

HEALTH POLICY. 440. This course will focus on legal and regulatory issues in the health-care sector, broadly defined, with emphasis on economic and philosophical, as well as legal and policy, perspectives. The first part of the course will introduce the economic and philosophical perspectives. The second part will discuss specific topics, such as the control of AIDS, the regulation under antitrust and other laws of competition and entry in the physician and hospital markets, social and private medical insurance, medical malpractice and mass torts, the rights of the disabled,
and psychiatric issues in law. Students may take both this course and Mr. Orenlicher's seminar on health law because there is only limited overlap between the two offerings. Spr (3). Judge Posner.

**Historical and Intellectual Foundations of Property.** 548. (Seminar.) This seminar will trace the intellectual developments in the theory of property rights through the classical writers on the subject. It will cover such authors as Aquinas, Hobbes, Harrington, Locke, Hume, the Federalist Papers and the anti-Federalists, as well as the early Supreme Court constitutional decisions on takings property rights. Several short papers will be required of students during the course. Enrollment is limited to 20 students. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Epstein. [Not offered in 1993–94.]

**History of Criminal Justice.** 551. (Seminar.) This seminar will deal with the growth and evolution of the American system of criminal justice. Special attention will be paid to empirical studies of the operation of trial courts over time. Other topics will include criminalization and punishment of crimes against morality; sentencing policy; the evolution of prisons and other forms of correction; and changes in the structure of criminal law. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Friedman.

**Holmes: Jurist and Icon.** 478. (=LL/PolSci 235, =Hist 458.) This course examines the life and writings of Oliver Wendell Holmes Jr., with emphasis on his ambitions as well as his theories, and with special attention to his role, largely posthumous, as symbol, or even icon, for a disparate variety of philosophical trends in Anglo-American law. (3). Mr. Hutchinson. [Not offered in 1993–94.]

**Immigration Law.** 447. This course will examine current immigration law doctrine and issues as well as the history of United States immigration law. It will include an overview of the laws governing who can come into the country and will explore in more depth such issues as the treatment of refugees, political asylum, the acquisition and loss of citizenship, border controls, and the rights of aliens in the United States. Win (3). Ms. Gzesb.

**Insurance Law.** 438. 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. Win (3). Mr. Gilles.

**Intellectual Origins of the U.S. Constitution.** 407. (=Pol Sci 665.) This course will focus on the main philosophical traditions underlying the constitutional settlement of 1787. Particular attention will be paid to the history of ideas about sovereignty, federalism, executive authority, separation of powers, and judicial review. The writers to be studied fall roughly into three traditions: republicanism, natural jurisprudence, and liberalism. Particular authors to be read include: Harrington, Locke, Trenchard and Gordon, Hume, Montesquieu, and Blackstone. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Holmes. [Not offered in 1993–94.]

**International Business Transactions.** 444. The national and international laws applicable to transnational business arrangements are the subject matter of this course. We shall look at the different forms of doing business across national
boundaries, including simple export sales and financing mechanisms, distributorship and licensing agreements, international joint ventures, and foreign direct investment. Legal regimes studies will include the U.N. Convention on International Sale of Goods, bilateral investment treaties, the regulation of transfers of technology, the special problems of developing countries, and the problem of regulatory conflict. [Not offered in 1993–94.]

**International Law.** 485. The basic introductory course in international legal studies. Students will be acquainted with a legal order devoid of effective adjudication and enforcement mechanisms. International law is an unavoidable feature of relationships and transactions that extend beyond the United States. The course will address the legal structure of the world community, the architecture of the Western economic system and of the European Community, the UN system, the law governing the use of force and the protection of human rights as well as the elaborate forms of agreement on which the international legal system rests. Students will be familiarized with a legal order in which judicial opinions are only a subsidiary source of law and with the fundamental concepts and sources of international law. Spr (3). Mr. Gottlieb.

**International Litigation.** 489. This course examines the law governing both private and semi-public international disputes arising out of transnational transactions. We will begin with the procedural questions arising out of complex transnational litigation between private parties in U.S. courts. Specific topics will include personal jurisdiction over foreign defendants, forum selection, forum non conveniens and parallel litigation, taking evidence abroad, and enforcement of foreign judgments. We will then examine the special doctrines governing a more direct collision with the foreign sovereign itself. Specific topics include foreign sovereign immunity, the Act of State doctrine, and international arbitration. Spr (3). Ms. Slaughter Burley.

**International Taxation.** 446. A survey of the income tax aspects (1) of investments and business operations of foreigners in the United States, and (2) of overseas investments and business operations of Americans. The principal focus is on the U.S. tax system, but some attention is devoted to adjustments made between tax regimes of different countries through tax credits and tax treaties. Spr (3). Mr. Isenbergh.

**International Trade Negotiations.** 565. (Seminar.) This seminar will examine contemporary trade negotiations among nations, including the role of private firms in such negotiations. The focus will be on negotiations currently in progress, or recently concluded, with extensive use of contemporary documents. Among the negotiations examined will be the Uruguay Round of GATT, the North American Free Trade Area, and various 301 cases involving market access, intellectual property, and the like. An extensive paper will be required, and students will be expected to work with negotiators and affected firms. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Dam. [Not offered in 1993–94.]

**International Trade Regulation.** 484. This course will cover the legal framework for U.S. and international regulation of international trade, broadly construed to include trade in goods, services, and capital. Specific topics will include the international rules of the GATT and similar instruments; U.S. laws regulating imports and exports, including those providing for antidumping and countervailing
duties and the escape clause; and the regulation of multinational enterprises in areas such as trade in services, international investment, and restrictive practices. Aut (3). Mr. Sykes.

INTRODUCTION TO THE ANTHROPOLOGY OF LAW. 413. This class will begin by reviewing classical anthropological theories of law, which ask such questions as "What is law", "How does law differ from custom or morality?", and "Do all societies have law?", and "How can the law of very different societies be compared?" Subsequently, the class will read ethnographies and applied research on a variety of tribal cultures, including American Indian tribal courts and the land courts of Papua New Guinea. Finally, some current disputes in anthropological theory will be reviewed as they apply to law. Students in this class will gain a unique perspective on comparative law. Win (3). Mr. Cooter.

INTRODUCTION TO TAX POLICY. 537. (Seminar.) A survey of the causes and consequences of the methods chosen by governments to raise revenues through taxation. The seminar involves a smattering of public finance, politics, and tax analysis. We consider possibilities for improving the U.S. tax system, and also attempt to grasp the main lines of the tax systems used in other countries. Prior courses in individual and corporate income taxation (or the equivalent) are highly recommended. There is an examination, with option to write a paper instead. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Isenbergh.

JEWISH LAW. 540. (Seminar.) An introduction to Jewish Law, focusing on biblical origins and early rabbinic developments. Topics will include modes of legal reasoning, torts, criminal law, slavery, property, and family law. Comparisons will be made with cognate or contemporary systems and with medieval codes. All texts will be read in English translation. A paper will be required. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Fishbane. [Not offered in 1993–94.]

THE JUDICIAL PROCESS. 579. (Seminar.) 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 decisis, 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. Satisfies part of the writing requirement if substantial written work is completed. (3). Judge Easterbrook. [Not offered in 1993–94.]

JURISPRUDENCE. 496. We will read selections from major philosophers (not law professors) who have written about issues of jurisprudence or related issues of ethics of epistemology. Among the dead philosophers to be read are Plato, Aristotle, Bentham, Nietzsche, Peirce, and Wittgenstein; among the living, Richard Rorty, Hilary Putnam, Judith Jarvis Thomson, and Martha Nussbaum. The questions guiding our reading and discussion will be two: How if at all do philosophers' approaches to questions of or relating to jurisprudential issues differ systematically from lawyers' approaches? And what use if any can the lawyer or judge make of philosophy? Credit for the course will be based on a paper. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Ms. Nedelsky.
JUVENILE JUSTICE. 583. (=SSA 478). (Seminar.) This seminar will examine the principles and institutions of juvenile justice in the United States. Topics will include jurisdiction of juvenile courts in delinquency, child neglect, and minors in need of supervision (e.g., truancy cases, runaways, etc.). Major emphasis will be placed on the institutions of juvenile justice: the police, the courts, detention, clinical services, probation, and correctional institutions. The seminar requires the completion of a paper. This seminar will not be offered in 1994-95. Spr (3). Ms. Rosenheim.

LABOR LAW. 431. This course examines the legal framework for collective bargaining. After brief consideration of labor law history, the course focuses on the National Labor Relations Act, and considers labor organizing, selection of unions by employees as their collective bargaining representatives, regulation of the bargaining process, enforcement of collective bargaining agreements, and the duty of fair representation. This is a course on the federal law governing the relationships among unions, employees, and employers and is not a course on all of the state and federal law dealing with employment relations. (3). Ms. Kagan. [Not offered in 1993–94.]

LAND DEVELOPMENT. 456. Primary attention will be given to the legal tools for raising capital for real estate ventures. Emphasis will be given to the methods for liquidating a venture which has gone sour, and to the business and tax problems of real estate syndication. Prerequisite: Taxation of Individual Income or permission of instructor. Win (3). Ms. Flom.

LAW AND ECONOMICS: INTRODUCTION. 492. Over the last forty years, economics has become an important tool for those who want to understand the effect legal rules have on the way people behave. This course provides an introduction to the concepts of law and economics. The course also explores the extent to which the principles of economics can be used to explain the workings of the legal system itself. The topics covered in the course include the Coase theorem, the choice between property and liability rules, the allocative effects of alternative liability rules (e.g., strict liability versus negligence); the determination of damages for breach of contract; and the economics of legal procedure. No prior acquaintance with economics or calculus is assumed; the relevant economic concepts are developed through an examination of particular legal applications. Students cannot take this course if they have already taken an introductory course in law and economics elsewhere. Students with the requisite background should take Law and Economics: Advanced. Spr (3). Mr. Baird.

LAW AND ECONOMICS: ADVANCED. 439. This course provides a formal introduction to the positive and normative economic analysis of law. It will address topics in law and economics drawn principally from the fields of torts, insurance, contracts, commercial law, and the economics of litigation. Intended for students who have taken Price Theory (Economics 301/Law 436) or the equivalent, it will freely employ multivariate calculus and other standard tools of microeconomic analysis. Spr (3). Mr. Sykes.

SELECTED TOPICS IN LAW AND ECONOMICS. 593. (Seminar.) Economics provides a behavioral theory to predict how people will respond to law and a normative standard for evaluating those responses. Predictions and evaluations can be generated from economic theory for every area of law. This seminar explores topics in the economic analysis of law by reading and discussing recent journal articles that contribute significantly to the subject. The topics to be covered, and the accompa-
nying readings, will be described at the first class meeting. Students who complete the seminar will obtain a good grasp on one of the major theoretical perspectives for the contemporary study of law and legal institutions. The seminar will emphasize problems in regulation and public law. It will not revisit the issues in torts, contracts, property, and civil procedure that are covered in Law and Economics: Introduction. 492. Spr (3). Mr. Cooter.

LAW AND INTERNATIONAL RELATIONS: THE EUROPEAN COURT OF JUSTICE. 564. (Seminar.) This seminar will examine the role of the European Court of Justice (ECJ) in the process of European political and economic integration. Just as the U.S. Supreme Court played an important role in unifying this nation, many argue that the ECJ has played a comparable role in building the European Community. We will examine a number of landmark "constitutional" cases handed down by the ECJ since 1958, focusing not only on the substantive law but also on how both the results and the argumentation in each case correspond to various political theories of integration. The broader inquiry of the seminar will be the ways in which law can be used to guide and shape the behavior of sovereign states. Six to eight short papers will be required over the course of the quarter in preparation for class discussion. Political Science graduate students and candidates for the Masters in International Affairs are welcome. Spr (3). Ms. Slaughter Barley.

LAW AND LITERATURE. 480. An examination of the role of literary narratives, and the perceptions and emotions they evoke, in legal reasoning. The first third of the course will study a long-standing philosophical debate about the role of literary works in good public reasoning, examining the relationship between textual form and ethical content in works by Aeschylus, Sophocles, Plato, Aristotle, and Seneca. The second third of the course applies these insights in analyzing several modern works of literature that might be thought to have a bearing on legal reasoning: works by Charles Dickens, Henry James, Joyce Carol Oates, Richard Wright; some related theoretical writings. The last third of the course examines the implications of these analyses for legal issues, including: the role of compassion and mercy in the criminal law, the role of narrative understanding in constitutional law, the adequacy or inadequacy of economic reasoning as a mode of legal reasoning. A paper can be substituted for the examination at the student's option. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Ms. Naussbaum.

LAW AND POLITICS: U.S. COURTS AS POLITICAL INSTITUTIONS. 513. (Seminar.) (= Pol Sci 370.) The purpose of this seminar is two-fold. First, it aims to introduce students to the political nature of the American legal system. In reviewing a substantial amount of the social science literature on courts, we will focus on the relationship between the courts and other political institutions. The sorts of questions we will ask include: Are there interests that courts are particularly prone to support? What effect does congressional or executive action have on court decisions? What impact do court decisions have? Second, by critically assessing approaches to the study of courts, the course seeks to highlight intelligent and sound approaches. Particular concern will focus on what assumptions students of courts have made, how evidence has been integrated into their studies, and what a good research design looks like. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Rosenberg.

LAW AND THE MENTAL HEALTH SYSTEM. 470. The course is designed to help lawyers function effectively when issues of mental disability relate to legal issues. The course
will examine the interrelationship between legal doctrine, procedural rules, medical, cultural and social scientific understandings of mental disability and institutional arrangements affecting the provision of services to the mentally disabled. Consideration will be given to admission to and discharge from mental health facilities; competency to consent to or to refuse treatment; to surrogate decision-making for those found incompetent; to the rights of those confined in mental health facilities; to discrimination against the mentally disabled; and to the rights of the mentally disabled in the criminal justice system. Win (3). Mr. Heyrman.

**Law of the European Community.** 486. The course will give a general introduction to European Community law. It begins with several general topics, including the evolution of European integration since 1945; the basic status of the European Community; an examination of Community institutions; the sources of Community law; and the relationship between Community law and national law. It then considers more specific topics, including competition law and external relations, including trade negotiations and the GATT. Aut (3). Mr. Dam.

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

**Legal Aspects of the Arab-Israeli Conflict.** 568. (Seminar.) The seminar will examine the various legal issues pertinent to the evolution of the Arab-Israeli conflict. The approach will be historical (actually learning what happened there over the years)—commencing with the Balfour Declaration and extending to the Intifada and "Post-Gulf" era. The seminar will also examine the various "peace models" suggested for resolution of the conflict. Apart from the inherent interest of the subject matter, the seminar will also serve as a window to an evaluation of some of the major principles and institutions of the international legal order, especially in the area of use of force by state, liberation movements, and so forth. Students must have taken a course in international law. Photocopied materials. Satisfies part of the writing requirement if substantial written work is completed. (3). [Not offered in 1993–94.]

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

**The Legal Profession.** 410. This course critically examines the legal profession with emphases on criminal defense of the indigent, racism, and public service. Discussions and lectures may include issues related to history and demographics, legal ethics in an adversary system, effective assistance of counsel, duties of zealous
advocacy, candor, loyalty and confidentiality, plea bargaining, client perjury, and the application of selected American Bar Association Standards on Professional Responsibility and Criminal Justice. Students who have taken Regulation of Attorneys are not eligible for this course. Aut (2). Mr. G. Miller, Mr. Scorza.

THE LEGISLATIVE PROCESS. 464. This course will study legislation as a system of lawmaking distinct from the common law. We will examine such subjects as the political theory and constitutional law of representation; campaign financing; the structure of Congress and its effects on legislation; economic and political science theories of legislative behavior, the role of interest groups, and the public interest in legislation; the judicial interpretation of statutes; and the use of legislative histories. (3). [Not offered in 1993–94.]

LITIGATION METHODS. 418. A four-quarter course beginning in the spring quarter of the second year and concluding in the spring quarter of the third year. The course develops legal skills with special emphasis on litigation strategy, 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 who have taken or are taking Litigation Methods are not eligible to enroll in Trial Advocacy or Major Civil Litigation. Students may choose to take the course for only the first two quarters. Satisfies part of the writing requirement if substantial written work is completed. Spr (2), Aut (2), Win (1), Spr (1). Mr. Heyrman, Ms. Kaplan, Mr. Palm, Ms. Parsons, Mr. Schmidt, Mr. R. Stone.

MACARTHUR JUSTICE CENTER SEMINAR ON DEATH PENALTY/HABEAS CORPUS LITIGATION. 589. (Seminar). This seminar, which will be taught in conjunction with the MacArthur Justice Center Project (see the section in The Announcements on "Curriculum and Requirements"), will cover death penalty jurisprudence since Furman v. Georgia and the impact of federal habeas corpus jurisprudence upon constitutional rights and remedies in death penalty cases. The seminar format will require students informally to argue or judge the merits of a hypothetical or actual Supreme Court case at each meeting of the seminar. The seminar will be open to twelve students. Although preference in enrollment will be given to students participating in the
MacArthur Justice Center Project, participation in the Project is not a prerequisite for enrollment in the seminar. Grades will be based on written material prepared for class and on seminar participation. The seminar will meet five times in both the autumn and winter quarters. Aut (1), Win (2). Ms. Banat, Mr. Bowman and Mr. Bradford.

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

**MINING LAW. 454.** A survey of the American law of mineral development, excluding oil and gas. The principal focus will be on the public lands. An introductory section of the course will be devoted to the statutory framework governing mining development. (3). Mr. Helmholz. [Not offered in 1993–94.]

Oil and Gas. 453. The basic law relating to the exploration, production and development of oil and gas. The principal topics covered are: 1) ownership interests in natural resources, 2) leasing and field development, 3) the classification and transfer of production interests, and 4) regulation of field operation—pooling, unitization and environmental controls. Taxation and post-production marketing controls will not be covered. Spr (3). Mr. Helmholz.

**PARABLES OF THE LAW. 528. (SEMINAR.)** A series of fictional writings, designed to illumine issues in criminal law and family law, will be read and discussed. They will include Melville’s *Billy Budd*, Butler’s *Erewhon*, Burgess’ *Clockwork Orange*, Forster’s *Maurice*, Dickens’ *Bleak House*, and novels by Chicago authors Jack Fuller and Scott Turow (who may be persuaded to attend when their books are discussed), together with a series of lesser studies in *The Brothel Boy and Other Parables of the Law* by Norval Morris. The books, stories, and essays discussed will be considered in terms of their analytic validity and their capacity to clarify contemporary legal, moral, and ethical issues. Students will be required to prepare as a paper either their own attempt at such a story or a substantial essay on one of the studies discussed in the seminar. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Mr. Morris.
PATENTS AND TRADE SECRETS. 459. This course focuses on patent law and, to a lesser extent, on trade secret law. Though the course is primarily concerned with legal doctrine, it will deal with how intellectual property rules promote and sometimes deter innovation. Most of the time will be devoted to U.S. law but international patent cooperation efforts, as well as key differences between the U.S. and foreign patent systems, will also be discussed. Win (3). Mr. Dam.

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


PROBLEMS IN FEDERAL CRIMINAL LAW. 544. (SEMINAR.) This seminar will deal with selected problems of current importance in federal criminal law enforcement. Topics to be considered will include drug enforcement policy, civil and criminal forfeiture proceedings, mail and wire fraud, other white collar offenses (public corruption, civil rights, commodities fraud), RICO, mandatory sentencing statutes and the federal sentencing guidelines. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Ms. Zopp.

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

PROBLEMS OF INTERNATIONAL LAW: ETHNIC CONFLICTS. 576. (SEMINAR.) The seminar will emphasize juridical aspects of the management of ethnic conflicts with special emphasis on the situation in Ireland, Cyprus, Kurdistan and the former Yugoslavia and consider the status of national groups in the international system. It will grapple with the circumstances that warrant intervention by the United States and by the United Nations to provide humanitarian assistance and to protect peoples subjected to genocidal attacks. It will consider issues involving the use of force as well as credible collective enforcement strategies. (By permission of instructor, limited to fifteen students.) Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Gottlieb.

PROBLEMS IN INTERNATIONAL LAW: REGIONAL CONFLICTS. 559. (SEMINAR.) It is by now a commonplace that the events of 1989 mark the dawn of an era in international
relations. The management of regional conflicts is taking on a new complexion. The seminar will emphasize juridical aspects of the management of conflicts involving Arab and Muslim states and societies from the Atlantic, into Africa, across the Middle East, the Horn of Africa, Central Asia, the Soviet Union, the Indian subcontinent and all the way into the Philippines. Legal issues involving the use of force, peace processes, and self determination will be emphasized. (By permission of the instructor, limited to fifteen students.) Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Gottlieb. [Not offered in 1993–94.]

**RAWLS AND HIS CRITICS. 582. (SEMINAR.)** (= Pol Sci 666.) John Rawls's *A Theory of Justice* (1971) may well be the most important work of normative political philosophy of this century. It has also generated a substantial body of critical commentary. This seminar will explore Rawls and his critics, with particular attention to (1) competing conceptions of equality and liberty and (2) the relationship of those conceptions to contemporary legal theory and contemporary legal disputes. The seminar will deal with some of Rawls's recent work as well as with *A Theory of Justice*, and it will include critics with a wide variety of different perspectives. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Holmes and Mr. Sunstein. [Not offered in 1993–94.]

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

**REAL ESTATE TRANSACTIONS. 531. (SEMINAR.)** This seminar will analyze the dynamics of sophisticated contemporary real estate transactions. Methods of structuring and financing real estate acquisitions, refinancings, 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, fixed investment trusts, group trusts, and investment companies); and the type of investor (e.g., individuals, corporations, tax-exempt organizations and financial institutions). Securitization structures (including mortgage-backed securities, CMOs and multiple-class pools) will be analyzed. Relevant aspects of federal income tax, partnership, securities, and real estate laws will be presented, along with general business concerns. (3). [Not offered in 1993–94.]

**REGULATED INDUSTRIES. 462.** This course addresses state and federal regulation of price, quantity, and entry, with an emphasis on the regulation of natural monopolies, cost-of-service ratemaking, rate design, and the problem of partial competition within a regulated environment. While the scope of the course precludes a detailed investigation of any particular industry or system of regulation, particular attention is paid to electrical generation, natural gas, and telecommunications, with exposure to problems of regulating transportation, agriculture, medical care, broadcasting, and other industries. Administrative Law is helpful as background but is not a prerequisite. (3). Mr. McConnell. [Not offered in 1993–94.]
REGULATION: WHAT WORKS AND WHAT DOESN’T. 542. (Seminar.) One of the most sharply disputed subjects in the area of law and government has to do with the likelihood that government regulation will actually serve its intended purposes. This seminar will explore a variety of efforts by government to regulate private conduct in order to solve social problems. The principal focus will be on social regulation, including such areas as occupational safety and health, communications, safety and health generally, the environment, and discrimination on the basis of race and sex. Principal attention will be given to three topics: (1) what sorts of arguments justify government intervention in these areas? What sort of presumption should be given to “private” ordering?; (2) under what circumstances have regulatory programs actually served their intended purposes?; and (3) is it possible to draw some general conclusions about the relationship between institutional design and successful regulation? The seminar will be highly interdisciplinary, drawing on political theory, law, economics, and empirical work. The ultimate goal is to provide a set of guidelines by which to assess those problems of social regulation that are most likely to arise in the next generation. Satisfies part of the writing requirement if substantial written work is completed. (3). [Not offered in 1993–94.]

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

REMEDIES. 414. 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 restitutionary remedies designed to prevent unjust enrichment will also be explored. 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. Win (3). Mr. Meares.

RESEARCH IN ENGLISH LEGAL HISTORY. 549. (Seminar.) The seminar provides an opportunity for intensive research and writing in the legal history of England. Enrollment is small, research is supervised, and students are encouraged to produce several drafts. The object is to produce work of publishable quality. The first meetings will deal with bibliographic questions and discussion of selected topics designed to give students a general familiarity with the sources. The questions suitable for investigation include: changes in the jury system, relations between the common law and its rivals; comparison of English and Continental law, development and scope of various rules of evidence, the development of the right to defense counsel and other safeguards in the criminal process, how a legal system confronts demands for legal change. Prerequisite: Law 476, Development of Legal Institutions, or the permission of the instructor. Writing is likely to extend over the Winter and Spring Quarters. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Helmbold.
RESEARCH SEMINAR IN CONSTITUTIONAL HISTORY. 578. (SEMINAR.) Students will conduct directed research on specific historical topics concerning the contemporary understanding of the Fourteenth Amendment. Aut (3). Mr. McConnell.

RIGHTS OF POLITICAL PARTICIPATION. 521. (SEMINAR.) This seminar examines the constitutional, statutory, and theoretical principles governing elections and voting rights. With theories of representation as a backdrop, the class will discuss some or all of the following subjects: the one-person, one-vote cases; vote dilution schemes, including racial and political gerrymandering; restrictions on the franchise; ballot access issues; regulation of political parties; regulation of campaign conduct; and financing. Satisfies part of the writing requirement if substantial written work is completed. (3). Ms. Kagan. [Not offered in 1993–94.]

ROMAN LAW. 477. An outline of the sources and procedure of Roman private law, followed by an examination of the Roman institutional system, the basis of most modern civil law codes. Particular emphasis will be given to property and obligations (contracts and torts). The course is intended to develop skills in analyzing legal problems according to the processes of the Roman civil law, in contrast with those of the common law, and does not purport to give a comprehensive treatment of its detailed workings. No knowledge of Latin is required for the course. (3). [Not offered in 1993–94.]

RUSSIAN LAW & POLITICS. 590. (SEMINAR.) A study of legal and political changes in Russia today. Win (3). Mr. Holmes.

SECTION 1983 CIVIL RIGHTS LITIGATION. 514. (SEMINAR.) The seminar will examine the use of the Civil Rights Act of 1871 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, the Northern District of Illinois, and the Seventh Circuit Court of Appeals will be examined to see how some of these strategies are currently being applied. This year, the seminar will emphasize welfare and work issues faced by low income families and legal strategies to address such issues. Thus, the seminar will review the causes and extent of domestic poverty, consider the issues raised in the contemporary welfare reform debate and explore legal approaches to rights enforcement. Participants will critique traditional litigation strategies as a way to enforce rights and consider alternative advocacy strategies. Students should have taken or be enrolled in courses in federal jurisdiction and constitutional law. The prerequisites can be waived by the instructors. Satisfies part of the writing requirement if substantial written work is completed. Win (3). Mr. Palm and Ms. Parsons.

SECURED TRANSACTIONS. 422. This course deals with security interests in personal property under Article 9 of the Uniform Commercial Code, and the effect of those laws on debtor-creditor relations. Some attention will be given to the interaction between Article 9 and other laws governing debt collection, such as the Bankruptcy Code. Aut (3). Mr. Picker.

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

**SELECTED TOPICS IN CONTEMPORARY LEGAL THEORY.** 541. (SEMINAR.) This seminar will explore some influential and controversial approaches to legal theory; it will also try to apply those approaches to concrete legal issues. Likely subjects are: the use and limits of the market (in dealing with such issues as labor, surrogacy arrangements, occupational safety and health, and the environment); economic analysis of law; feminism; traditionalism; challenges to and defenses of the notion of “neutrality” in law; and law and literature. Substantive areas will include environmental protection, labor law generally, discrimination law, and modern questions of freedom of contract and freedom of speech. Satisfies part of the writing requirement if substantial written work is completed. (3). Mr. Sunstein. [Not offered in 1993-94.]

**SELECTED TOPICS IN FEDERAL INCOME TAXATION.** 558. (SEMINAR.) This seminar will examine a number of current issues in taxation from theoretical, practical and policy perspectives. Potential topics (which are subject to change as new issues arise) include tax protestors, the proliferation of unusual financial instruments, the interplay between tax and bankruptcy law, problems in the amortization of intangibles, the rise of information reporting, and the regulatory process. Participants will be expected to complete a substantial paper on one of the topics discussed (or another topic chosen with the instructor’s consent). Taxation of Individual Income is a prerequisite. Satisfies part of the writing requirement if substantial written work is completed. (3). [Not offered in 1993-94.]

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

**SEMINAR ON MAX WEBER.** 591. (SEMINAR.) Max Weber is a great but neglected figure in the history of legal thought, as well as the principal founder of sociology. The seminar will focus on Weber’s writings on the sociology of law, but we will read some of his writings on broader social and political questions as well. The goal of the seminar is to develop an idea of Weber’s potential contributions to modern legal and political theory, so some attention will be paid to the use of his work by modern legal
and political theorists. There is no textbook for the course, but there will be a reading list and a paper will be required. Win (3). Mr. Holmes and Judge Posner.

SOCIAL SCIENCE RESEARCH AND THE LAW. 445. The rapid growth of social science research on law-related issues is reflected in trial preparation, briefs, judicial opinions, and legislative debates. In this course we analyze the validity and influence of the wide range of social science research recently conducted on law-related issues. We will examine the wide range of social science evidence that modern attorneys and legal decision makers increasingly confront in evaluating a wide variety of claims, including discrimination, predictions of dangerousness, child abuse, obscenity, trademark violations, and deceptive advertising. We will also consider scientific evidence on the operation and impact of law and legal institutions, including studies of jury behavior and judicial decision making, and research evaluating legal innovations. We will review both case materials and empirical research that introduce the various substantive and methodological approaches found in social scientific research in and on law. No prior training in social science methodology is assumed. A paper will be required. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Ms. Diamond.

STATE AND LOCAL GOVERNMENT. 406. An examination of the structures and allocation of power at the state and municipal levels, with an emphasis on electoral accountability, budgets, educational policy, and land use policy. Aut (3). Mr. McConnell.

STRUCTURING VENTURE CAPITAL AND ENTREPRENEURIAL TRANSACTIONS. 530. (Seminar.) This seminar covers the tax and legal principles applicable to a series of interesting, complex, current entrepreneurial transactions, including new business start ups, growth-equity investments in existing business enterprises, 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, restructuring or workout (in or out of bankruptcy) for the troubled over-leveraged enterprise, and forming new venture capital and LBO funds. Substantive subjects include federal income tax, corporate law, partnership law, SEC law, bankruptcy law, fraudulent conveyance law, and other legal doctrines and accounting rules relevant to entrepreneurial “deals.” The seminar approaches these tax, legal and accounting 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.

THE SUPREME COURT. 503. (Seminar.) A study of selected cases currently on the docket of the Supreme Court of the United States. The members of the seminar, after considering the briefs filed with the Supreme Court by the parties to the cases, will present oral arguments, discuss the cases and draft opinions, generally before the Court’s actual decision in the case. Each student will be responsible for several opinions. Enrollment will be limited. Satisfies part of the writing requirement if substantial written work is completed. Aut (3). Ms. Kagan.

TAX EXEMPT ORGANIZATIONS. 536. (Seminar.) This seminar examines the federal income tax rules concerning tax-exempt organizations, focusing principally on the broad issues of tax policy and public policy that are raised by tax exemption. Most of the readings will be law review or economics articles, but none require technical expertise in either tax law or economics. There will be an examination (probably an
8-hour take-home), with option to write a paper instead. Satisfies part of the writing requirement if substantial written work is completed. Spr (3). Mr. Shaviro.

TAXATION OF BUSINESS ENTERPRISES I. 448. This course examines income tax aspects of the formation, operation, and liquidation of C corporations and partnerships, including the tax treatment to shareholders of corporate distributions and to partners of partnership income. It also examines the tax treatment of transactions between partners and partnerships, and of the transfer by taxable sale of a corporate business. (Tax-free corporate reorganizations are covered in Taxation of Business Enterprises II, rather than in this course.) The tax considerations affecting one’s choice of business entity, and the reasons for differences between the corporate and partnership tax systems, will draw attention throughout the quarter. The taxation of S corporations may receive very brief attention. Win (3). Mr. Shaviro.

TAXATION OF BUSINESS ENTERPRISES II. 449. This course surveys the taxation of reorganizations and other adjustments involving continuing businesses: mergers, combinations, asset and stock acquisitions and other similar shifts of ownership and control, recapitalizations, divisions, and transactions with overlapping characterizations (such as combined liquidations and reincorporations and consolidations of related entities). Points of focus are the recognition of gain and loss and the survival and allocation of tax attributes (basis, earnings, and most importantly loss carryovers) in these transactions. Spr (3). Mr. Isenbergh.

TAXATION OF INDIVIDUAL INCOME. 441. A 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, Ms. Roin. Win (4). Mr. Shaviro.

THEORETICAL FOUNDATIONS OF THE REGULATORY STATE. 571. (SEMINAR.) Why does American government do what it does? What should it do instead? This seminar will focus on these questions in the context of an inquiry into the notions of democracy, freedom, and welfare that underlie the modern state. It will place particular emphasis on the law governing the environment, occupational safety and health, and consumer product safety. Though much of the discussion will be theoretical, there will also be attention to practical questions of reform. Win (3). Mr. Sunstein.

TOPICS IN INTERNATIONAL TRADE REGULATION. 573. (SEMINAR.) The seminar will provide an opportunity for students to deepen their knowledge of international
trade regulation by doing research on a topic of current international importance. International Trade Regulation or International Business Transactions is a prerequisite. Each student will be expected to write a research paper. (3). Mr. Dam. [Not offered in 1993-94.]

**Trademarks and Unfair Competition.** 457. This course deals with federal and state laws designed to protect trademarks and to protect against unfair competition, including misappropriation, false and deceptive advertising. The course also examines FTC regulation of advertising and state laws protecting rights to publicity. Aut (5). Mr. Landes.

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

**Trusts and Estates: Family Wealth Transmission.** 452. This course examines various means of family wealth transmission: inter vivos transfers (including trusts), wills, and the operation of intestacy statutes. Win (5). Ms. Secker.

**Workshop in Economic and Legal Organization.** 561. (=Bus 605.) (Seminar.)
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 on 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. Satisfies part of the writing requirement if substantial written work is completed. Aut (2), Win (2), Spr (1). Mr. Becker, Mr. Landes, Mr. Pashigian, and Mr. Peltzman.

**Workshop in Feminist Legal Theory.** 585. (Seminar.) In this workshop, scholars will present and discuss their work in feminist legal theory, considering how changing views of gender may re-shape law and legal institutions. Students must prepare one- or two-page critiques of each of the six papers presented, and each student must also prepare a paper of his or her own on a legal issue of concern to women or a broader issue of feminist theory. Satisfies part of the writing requirement if substantial written work is completed. Aut (1), Win (2). Mr. Alschuler with participation by Ms. Becker.

**Workshop in Law and Economics.** 560. (Seminar.) This workshop is devoted to the intensive examination of selected problems in the application of economic reasoning to a wide variety of legal questions. Workshop sessions will be devoted to the presentation and discussion of papers by students and by members of the faculty of the University of Chicago and of other institutions. The workshop will meet every other week throughout the academic year. Students enrolled in the workshop will
receive five credits for satisfactory completion of a substantial paper. Satisfies part of the writing requirement if substantial written work is completed. Aut (2). Mr. Landes. Win (2), Spr (1). Mr. Baird and Mr. Landes.

Workshop in Legal Theory. 563. (Seminar.) This workshop considers a variety of selected topics in the area of legal theory. Among other subjects that may be addressed are: the role of self-interest in legal theory; republican, interest-group, and pluralist theories of legislation; the legal and moral standing of lies, omissions, and partial truths; legal anthropology; and the relations among legal, theological, and literary principles of interpretation. The workshop will meet nine times over the course of the academic year. Approximately six sessions will be devoted to the presentation and discussion of papers which will be delivered by members of the faculty of the University of Chicago and other institutions. Students will be asked to prepare brief (one or two page) critiques of the papers in advance of each workshop. The remaining three sessions will be devoted to conferences between the instructor and students. A paper on a topic in the area of legal theory is required. Enrollment limited. Satisfies part of the writing requirement if substantial written work is completed. Aut (1), Win (1), Spr (1). Mr. Lassig and Mr. Strauss.

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

Independent Study

Individual Research. 499. In addition to the opportunities for writing research papers afforded in many of the seminars listed, second- and third-year students may earn course credit by independent research under the supervision of a member of the faculty. Such projects (commonly known as "499 papers") are arranged by consultation between the student and the particular member of the faculty in whose field the proposed topic falls.

Special rules regarding credit, permission, and requirements for submission of written work are set forth in the regulations of the Law School. Students wishing to register for 499 credit should consult the Dean of Students.

Students are encouraged to submit outstanding papers for publication in the Law Review or in other legal periodicals.

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

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

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

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

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

David P. Currie: constitutional law; federal jurisdiction

Kenneth W. Dam: international trade; comparative public law; intellectual property

Richard A. Epstein: any common law subject; property-related constitutional issues; law and economics

Stephen G. Gilles: torts; Statutory torts (e.g., section 1983, securities fraud); legal history—common law; administrative law

Gidon A. G. Gottlieb: public international law; legal theory; international human rights issues; issues involving foreign conflicts; lawyer's role as negotiator

R. H. Helmholz: English legal history; continental legal history; real property; personal property
Mark J. Heyrman: rights of the disabled—particularly, the rights of the mentally handicapped, both in institutions and in the community; mentally handicapped in the criminal justice system, including fitness to stand trial, insanity defense, sexual offender laws

Joseph Isenbergh: domestic and international income and transfer taxation; corporate finance; tax policy; federal jurisdiction

Elena Kagan: constitutional law, especially First Amendment; labor law; Civil procedure; federal jurisdiction; feminism

Dan Kahan: substantive criminal law; constitutional law; administrative law; federal jurisdiction; law and political theory

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

Lawrence Lessig: legal theory; constitutional law; computer law

Michael W. McConnell: constitutional law; church and state; state and local government; federalism

Bernard D. Meltzer: labor law; employment law; evidence

Geoffrey P. Miller: banking law; corporate law; separation of powers; economic analysis of legal history

Gary H. Palm: federal civil rights litigation; poverty and anti-poverty law—child support, job referrals and job training, day care; employment discrimination

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

J. Mark Ramseyer: Japanese law; comparative law; corporate law

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

Richard J. Ross: American legal history

Randall D. Schmid: civil rights; employment discrimination; attorneys’ fees; retroactive application of statutes and/or cases; civil litigation—including discovery, pre-trial procedures, trial practice, evidentiary issues, etc.

Stephen J. Schulhofer: criminal law; criminal procedure; Daniel N. Shaviro; federal income taxation; state and local taxation; legislation; public choice theory

Anne-Marie Slaughter Burley: European Community law, particularly EC “constitutional law”; international litigation and arbitration—private international law; foreign affairs and the constitution; international law; international relations theory

Geoffrey R. Stone: evidence; freedom of speech and press; equal protection; search and seizure
Randolph N. Stone: criminal justice; ethics; legal profession; poverty; racism; legal services to the poor

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

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

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