In the course and seminar descriptions the number in parentheses at the end of the description represents the value of the course or seminar in terms of course hours per quarter.

**FIRST-YEAR COURSES**


302. Contracts. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach, and justifiable excuses for nonperformance. The nineteenth-century elaboration of such basic contract doctrines as that of consideration will be examined in the light of their decline and fall in our own century. The relationship between contract liability and tort liability, taken as twin halves of a general theory of civil obligation, will be stressed. Aut (4), Win (4). Mr. Gilmore.

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

Note: During the academic year 1970-71 (Winter and Spring quarters) this course will be linked with the first-year Tutorial Program. Class sessions conducted by the instructor will be supplemented by discussion in small sessions led by the Bigelow Fellows, and problems developed in the course will be assigned as subjects for written memoranda supervised by the Fellows. A separate grade will be given for work in the Tutorial Program embracing all three quarters of work in that program and counting for 5 units.

304. Civil Procedure. The first part of this course concerns the formulation and defense of legal claims in civil litigation, with special reference to the adversary system and the role of the lawyer in it. It includes an analysis of pleading and discovery procedures and the right and function of jury trial. The second part of the course is a study of jurisdiction and the scope and effect of judgments, with an emphasis upon the problems imposed by a federal system upon complete determination of disputes that cross state lines; state court jurisdiction from Penmaner v. Neff to present-day "long-arm" statutes; principles of finality of judgments and their implementation through the Full Faith and Credit Clause; proceedings in rem and quasi in rem and interpleader and class actions as devices for extending judgments to the rights of persons beyond the personal jurisdiction of the court; the role of the federal courts under the diversity jurisdiction; the enforcement of judgments. Win (4), Spr (4). Mr. Lucas.

305. Property. This course is an introduction to the legal problems relating to and arising out of the ownership and use of land. The first quarter will focus on the concept of "ownership" by exploring the restrictions imposed or permitted by the law on the owner's use of his land. The second quarter will focus on problems relating to the commercial transfer of ownership of land, with particular emphasis on the legal problems relating to financing the sale of land. Aut (4). Mr. Fiss. Spr (4). Mr. Dunham.
306. Torts. A detailed study of the Anglo-American system of redress for physical harm to persons or property. The core of the course is the study of inadvertent infliction of physical harm, with special attention being given to the legal theory of negligence and to such concepts as causation, standard of care, the reasonable man, duty, contributory negligence, assumption of risk, and proximate cause. There is also a concentration on the common-law rules of damages for death and personal injury. A central theme is the tension between the negligence system and the areas of strict liability, including the emerging law on products liability. The course concludes with a survey of the implications of insurance and risk-shifting theories for the allocation of liability and with a study of proposals for auto compensation plans. Aut (3), Win (3). Mr. Posner.

Elective. In the Spring Quarter first-year students will elect one course from the following courses open to second- and third-year students: 405, 409, 428, 450, 453, 459, 493. Preferences will be indicated in an advance registration during the Winter Quarter. Where necessary in order to limit these courses to a reasonable size, enrolment by first-year students will be limited by lot.

308. Tutorial Work. 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. During the Winter and Spring quarters the work will be integrated with the course in Criminal Law. Aut, Win, Spr (5). Mr. Posner, Mr. Morris, Mr. Zimmerman, and Bigelow Teaching Fellows.

SECOND- AND THIRD-YEAR COURSES

Courses marked with an asterisk are treated for scheduling purposes as courses that, if elected, are ordinarily taken during the second year; if postponed to the third year they are likely to be available only at the same hours as other courses more commonly elected in the third year.

400. Equitable Remedies. A study of the distinctive characteristics, powers, and problems of a court of equity, with emphasis upon contemporary uses of the injunction as an instrument of social control and reform in such matters as racially discriminatory institutions, interruption of public services by strikes, and interference with constitutional rights. The topics to be explored include: translating considerations of fairness into judicially manageable doctrines; delineating the beneficiaries of a decree and determining the persons responsible for noncompliance; the special problems of massive noncompliance; the procedural aspects of criminal contempt; the place of ex parte injunctions; and the problems of enjoining criminal prosecutions. Win (4). Mr. Fiss.

401. Restitution. As an alternative remedy for tort; remedies in contracts induced by fraud or mistake, and in contracts unenforceable because of impossibility of performance, and statute of frauds, or plaintiff's breach; rescission for defendant's breach and duress. (3). [Not offered in 1970-71.]

402. Redress of Certain Harms. An intensive study of the roles of the tort system in protecting against dignitary harms and umpiring competitive practices in the market place. Emphasis will be placed on the variety of categories through which the law has given protection against insult and indignity and the infliction of emotional harm, intentionally or negligently. There will also be special concern with the law of defamation and with the law
on the protection of the right of privacy, with attention being paid to the emerging constitutional developments in both areas. The final segment of the course reviews the tort approaches to unfair competition and emphasizes especially protection against fraud, disparagement, and the appropriation of contract benefits, ideas, effort, and good will. Win (3). Mr. Zimring.

404. Transmission of Wealth at Death. A study of the legal principles and the social and economic policies relevant to the transfer of wealth from one generation to the next and the control over such transfer that may be exercised by the owner. Available devices for controlling devolution are considered in relation to the automatic system provided by law under the statutory provisions governing intestate succession. Aut (4). Mr. Dunham.

405. Trusts, Wills, and Estates.* The first portion of this course concerns the assembling of property, payment of debts, and distribution of resources of a decedent. Topics studied include formalities in executing and revoking wills, rights of spouses and children, and issues of interpretation that arise because of mistake or faulty description or because of changes occurring between the execution of the will and the death of the testator. The problems of probate and administration are considered both from the standpoint of established rules and of current legislative proposals for reform. The second portion of the course concerns the creation, enforcement, administration, and termination of private and charitable trusts of real and personal property. It includes a consideration of trusts created by volition (express or resulting trusts), which are used for managing or transferring or holding title to property, and trusts created by operation of law (constructive trusts), which are used solely as remedial devices. The principal course material consists of court opinions, but some subjects are presented by text material. Regular consideration is given to relevant legislation and to common provisions in wills or trust instruments that alter the normal rules of statutory or case law. Spr (4). Mr. Oaks.

406. Land Development. An advanced course in land transactions, emphasizing the role of lawyers and legal institutions in formulating and executing a plan for the development of land. Attention will be given to three general models for land development: (a) the suburban subdivision; (b) the downtown redevelopment involving office buildings; and (c) the redevelopment of residential and commercial areas in the inner city through urban renewal programs. Financing and regulatory aspects of land development will be considered. The course deals with problems previously studied in Law 406, Commercial Land Transactions, and Law 407, Urban Renewal and Land-Use Planning, offered in 1969–70, and is not open to students who took either of those courses. Spr (4). Mr. Fiss.

408. Oil and Gas. The nature and protection of interests in oil and gas; express and implied duties under leases; transfer of mineral interests; government regulation, pooling, and utilization. (3). Mr. Kaplan. [Not offered in 1970–71.]

409. Natural Resources. An examination of the law and economics of resource control, with emphasis on comparing market and administrative methods of allocating and conserving water, oil, gas, and other natural resources (excluding land) and of controlling air and water pollution. Mimeographed materials. Spr (4). Mr. Posner.

410. Commercial Law I.* The course deals with sales, negotiable instruments, documents of title, letters of credit and documentary collections, with special reference to the Uniform Commercial Code. Emphasis is placed on problem analysis, counseling, and statutory
construction. Students who have taken the course in The Sale of Goods must receive the permission of the instructor to enroll in Commercial Law I. Aut (5). Miss Mentschikoff.

411. Commercial Law II.* This course is a sequel to Commercial Law I. It deals with personal property security transactions, under the Uniform Commercial Code and under pre-Code law. It is open to students who have taken Commercial Law I. Win (3). Miss Mentschikoff.

412. The Sale of Goods. The nineteenth-century origins of sales law will be studied as a basis for the successive codifications of sales law in the Uniform Sales Act and in Article 2 of the Uniform Commercial Code. The role of codification in the law and the problem of statutory obsolescence following a codification will be considered. Exercises in statutory construction will be carried to a point that many students will find repulsive. None of the other commercial law courses is either a prerequisite for, or a bar against, taking this course. (4). Mr. Gilmore. [Not offered in 1970-71.]

413. Negotiable Instruments. In general the course description for Course 412—The Sale of Goods—is applicable to this course. The law of negotiable instruments has often been described as a field in which form has triumphed over substance. The role of formalities in the law will be examined in this context in the light of the hypothesis that formalities work well with respect to highly professionalized transactions but break down when amateurs begin to play the game. None of the other commercial law courses is either a prerequisite for, or a bar against, taking this course. (3). Mr. Gilmore. [Not offered in 1970-71.]

414. Secured Transactions. The course will focus on selected problems in financing on the security of personal property, particularly under Article IX of the Uniform Commercial Code. Students will be assumed to have a general knowledge of the structure of Article IX and its background. (3). Mr. Gilmore. [Not offered in 1970-71.]

415. Family Law. The course will consider state regulation of family relationships, including entry into marriage, divorce, child custody, and the property incidents of formation and dissolution of marriage. The family as viewed by legal institutions will be contrasted with the family as seen by other behavioral disciplines. Aut (4). Mr. Zimring.

420. Evidence. The law governing the proof of disputed issues of fact in trials at law and equity, with incidental treatment of hearings before administrative agencies, including burden of proof, presumptions, and judicial notice; the functions of judge and jury; the examination, competency, and privileges of witnesses; the exclusionary rules of evidence. Aut (5). Mr. Meltzer.

421. Criminal Procedure. Study of the legal rules governing the operation of the criminal justice system, a multistage screening process by which society selects those to be punished for criminal behavior. Subjects include investigation of crime and acquisition of evidence by such means as electronic surveillance, search warrants, searches incident to arrest, and interrogation; custody of the defendant, including arrest, detention, release on bail; criminal pleadings, including complaint, information, indictment and plea; counsel and other defense resources for the indigent; function of screening devices, such as prosecutor discretion, preliminary hearing, grand jury, and guilty plea; motion practice and discovery in criminal cases; the criminal trial; post-trial motions and sentencing procedures; appeal and post-conviction proceedings. Win (4). Mr. Kurland.
422. **THE CRIMINAL JUSTICE SYSTEM.** A study of the operation of the criminal justice system. The primary purpose is to study the operation of the criminal justice system as a whole and to understand its interrelationships; a subsidiary purpose is to train the student in the critical assessment of research data bearing on that system. Topics will include the organization and functioning of the police, the organization of prosecution and defense and the exercise of their respective charging and pleading discretions, bailing, jailing, sentencing, and corrections. Attention will also be given to the administration of the courts of criminal justice and the relationship between judicial administration and policing, sentencing and corrections. In addition to an examination, students will be required to submit an evaluation of a research project in the criminal justice system, discussing its methodology, validity, and utility. The course in Criminal Procedure is a prerequisite. Spr (4). *Mr. Morris.*

425. **ECONOMIC ANALYSIS AND THE LAW.** An introduction to economic analysis in the context of legal and public-policy issues which may be illuminated by a framework of economic principle. Conservation and antipollution, minimum wage, antitrust and civil rights laws, among others, are used to elucidate fundamental economic concepts such as opportunity costs, comparative advantage, demand, market-clearing price, efficiency, competition and monopoly, and to demonstrate their relevance to legal analysis. The role of the private property system in the operation of markets is also examined. Aut (4). *Mr. Demsetz.*

**Note:** An understanding of economics is important to the study of a number of legal subjects as taught in the Law School, including competition and monopoly, labor law, natural resources, and regulation of competition, as well as others. Students planning to elect work in one or more of these areas are encouraged to take Law 425 in advance of such work. Students with a strong economics background from undergraduate studies should consult the instructor before enrolling in this course.
426. ECONOMIC ANALYSIS AND PUBLIC POLICY. The application of economic analysis to public policy issues in the fields of antitrust, regulated industries, social cost, and property rights. The course is open to students who have taken Law 425, Economic Analysis and the Law, or who have had comparable prior work in economics. Students who have not taken Law 425 must obtain the permission of the instructor before enrolling in the course. Spr (4). Mr. Coase.

427. ACCOUNTING.* The course is primarily concerned with a study of the major topics making up the body of “generally accepted accounting principles” and the manner in which they enter into legal problems. Introductory material on the record-keeping process and form of financial statements is followed by an analysis of major problem areas: revenue recognition, inventory accounting, depreciation, accounting for debt instruments and for corporate capital. The course is concluded with a section on analysis and interpretation of financial statements. Published corporate financial reports, Opinions of the Accounting Principles Board of the American Institute of CPA’s, and Accounting Series Releases of the SEC are used as the basic accounting materials for analysis. Win (3). Mr. Sorter.

428. ASSOCIATIONS.* A study of the law governing collective activities, such as clubs, churches, political parties, professional associations, unions, co-operatives, savings and loan associations, mutual insurance companies, charities, academic institutions, hospitals, joint ventures, and partnerships. Topics studied include the liability of members to third parties for the torts and contracts of the collective entity, the duties and liabilities of members and officers to each other, the control of the assets and policies of the entity, procedures for expulsion of members or dissolution of the entity, and the consequences of voluntary and involuntary dissolution of the entity. The course is designed to provide a background for further specialized work in corporations, labor law, and taxation. Spr (3). Mr. Kitch.

429. CORPORATION LAW.* This course considers the nature of the modern business corporation, including small privately-held or closed corporations and large publicly-held corporations; the role of the modern corporation in the collection and allocation of capital and the relation of the securities laws, corporation laws, and the institutionalized processes of distributing securities to that function; the promotion and organization of corporations; the distribution of power between managers and stockholders; the fiduciary obligations of managers to stockholders and of stockholders among themselves; the proxy device and its regulation, the control of insider trading and profit-taking; recapitalization and rearrangement of stockholders’ rights (other than in bankruptcy); the combination of corporations; methods and machinery for protecting stockholders’ rights, through derivative suits and otherwise. Win (5). Mr. Kaplan.

431. FEDERAL REGULATION OF SECURITIES. This course deals with federal regulation of selling, trading, and dealing in securities in accordance with the provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934, together with a consideration of the effect of such laws upon the law of corporations, except to the extent that such matters are considered in the course in Corporation Law. The latter course is a prerequisite. Spr (4). Mr. Kaplan.

432. REORGANIZATION, RECAPITALIZATION AND INSOLVENCY. This course considers the adjustment of the rights of shareholders in connection with mergers and also by charter amendment and voluntary exchanges of securities, including the rights of dissenting shareholders.
through appraisal evaluation proceedings. It then deals with the problems encountered in adjusting debt, especially in the face of financial stress, and in rearranging the rights of shareholders in distress situations. The problems of debt adjustment are examined in a variety of contexts, ranging from the individual wage earner and small businessman to the large publicly-owned corporation. Attention is directed to the standards of fairness imposed by law on modification of shareholders' rights and rearrangement of relationships between debtor and creditors and among creditors in these various situations. The standards for reorganization in a bankruptcy proceeding are contrasted with the rules of fairness applied where readjustment is voluntary or is compelled by something other than the debtor's financial difficulties. Attention is also directed to the factors in our society which encourage the use of debt or equity capital. 

433. Public Control of the Modern Corporation. This course will consider the question: What public controls, if any, should be imposed on the modern corporation? We shall begin by examining a number of social-science theories of the corporation, primarily economic theories of the firm, with a view to understanding (a) the reasons for adoption of the corporate form and (b) the adequacy of the checks that competitive and other private economic forces might be expected to exercise on the conduct of the corporate management. We shall then address some current issues in corporation law and policy—such as the appropriate scope of investor protection under the securities laws, the stockholder's derivative action, limitations on the transfer of corporate control, political and charitable activity by corporations, the conglomerate merger, and perhaps others—asking, with respect to each, whether there is a persuasive case for limiting freedom of contract. Mimeographed materials.

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

435. Federal Taxation I.* A tax on the income of persons, with rates graduated upwards, 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 upon which the tax is imposed, who will be required to include various items in income or be allowed to claim various deductions, and when these factors are to be reflected in computing income. Particular attention is devoted to the treatment of gains and losses from changes in the value of property. Five central questions are continuously under examination: (1) To what extent do tax rules mean something other than they appear to mean? (2) What policies underlie the mass of technical detail which characterizes the law?
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.

436. Federal Taxation II. This course builds upon the basic relationships and concepts looked at in Federal Taxation I. It deals primarily with the treatment of business profits under the income tax. The taxation of income generated by sole proprietorships and the problems of allocating the profits of a partnership to the partners for tax purposes are explored. The major part of the course is devoted to analyzing our dual system of taxing the incomes both of corporations and of their shareholders. Attention is particularly focused on the problems and consequences of taxing business income to an artificial entity as compared to taxing it directly to the owners of that entity; on the importance of tax considerations in business decisions; and on evaluating alternative policies for creating corporate profits under a tax system which subjects personal income to rates graduated upwards. Win (3). Mr. Blum.

437. Federal Taxation III. This course considers the variety of income, gift, and estate tax problems involved in transfers of property that occur at death or during lifetime for non-commercial purposes, principally within the family unit. Income-tax subjects include the taxation of annuities and life insurance, alimony and property settlements, income in respect of a decedent, and the income taxation of trusts and estates. The major concern of the course is the structure and administration of the federal estate and gift taxes. The subject is organized according to various types of property interests (such as joint tenancy, life insurance, or retained life interests), or familiar kinds of conduct (such as gifts in contemplation of death or transfers for inadequate consideration). The problems these alternatives pose for a transfer tax are explored, and the content of present statutory or decisional law is contrasted with alternatives suggested by prior law or emerging proposals for reform. Win (3). Mr. Dunham.

438. State and Local Taxation. A study of government finance in a federal state with an emphasis upon apportionment of tax resources among governmental units and including an examination of federal and state constitutional provisions, efforts at interstate co-operation, and proposed federal legislative solutions, together with a brief canvass of problems in the administration of typical state-local tax systems. (4). Mr. Lucas. [Not offered in 1970-71.]

440. Labor Law I. The legal framework for collective bargaining, strikes, picketing, lockouts, and other forms of pressure; the relationship between that framework and a general antimonopoly policy; the selection of the collective bargaining representative and the representative’s authority and responsibility with respect to the individual employee; the negotiation, administration, and enforcement of collective bargaining arrangements. Win (4). Mr. Meltzer.

441. Labor Law II. A more intensive examination of the grievance-arbitration process and of individual rights in the enforcement of the agreement; the regulation of union internal affairs, including admission, discipline, elections, fiduciary obligations, and related requirements; interunion relations. Labor Law I (or the consent of the instructor, which will be given only in unusual situations) is a prerequisite. Spr (3). Mr. Meltzer.

445. Law of Competition and Monopoly. The course traces the evolution of the main lines of doctrine drafted by the courts upon the Sherman Act and supplemental legislation for
controlling the structure and competitive practices of American industry. It explores the legal significance of such concepts as price-fixing, boycotts, monopoly and oligopoly, coercion, leverage, vertical integration and market foreclosure, and their application to important contemporary problems including corporate mergers and restrictive methods of distribution used by single firms. Parallel with the study of legal doctrine, the course examines whether the evidence and the judicial opinions in key cases provide satisfactory economic explanations for the observed business behavior and its assumed effects. Win (4). Mr. Dam.

446. Regulated Industries. This course examines the principles and rationale of comprehensive governmental regulation of individual industries, such as broadcasting, airlines, railroads, natural gas and electric power. Among the topics discussed are limitations on entry of new competitors, certificates of public convenience and necessity, transfer of operating rights, regulation of maximum and minimum rates, price discrimination, and competition between firms in different industries. Spr (4). Mr. Davis.

447. Copyright, Patent, Trademark, and Unfair Competition Law. The course deals with federal and state laws designed to protect against unfair competition and the federal law of copyrights, patents, and trademarks. Protections against the dissemination of mis-
information and protections accorded to interests in information and ideas having economic value, such as inventions, literary, musical, and other artistic works, designs, commercial symbols, and trade secrets, are studied. An aim of the course is to evaluate the law's accommodations between the competing goals of encouraging innovation and creativity, protecting the reliability of commercial communication, and preserving freedom of trade. Aut (4). Mr. Kitch.

449. Administrative Law.* Administrative law is the law that governs administrative agencies, including executive departments, in their complex tasks of carrying out governmental programs. Governmental control of private activities, especially of economic life, seems to be everywhere increasing. Legislative bodies determine the general programs, and agencies make them more specific through making rules, adjudicating cases, investigating, prosecuting, and supervising. The main focus of administrative law is on procedural safeguards and on the allocation and control of power, including the structuring, checking, and confining of discretion. A central inquiry repeated in many contexts is how to accommodate procedural fairness to the efficient accomplishment of legislative purposes. The constant quest is for understanding principles of exertion of governmental power and principles of justice that cut across functions of federal, state, and local agencies and their relations with reviewing courts and with legislative and executive authorities. Aut (5). Mr. Davis.

450. Constitutional Law I.* An examination, in the context of selected contemporary problems, of the functions of the Constitution, the relationships among the several branches of the federal government and between state and federal governments, and the role of judicial review. Major topics to be studied include the case-or-controversy requirement and other aspects of constitutional adjudication, the powers of the President and the commerce, taxing and spending powers of Congress; and the concept of state action as a limitation on federal legislative and judicial control over individual relationships. Spr (4). Mr. Neal.

451. Constitutional Law II: Freedom of Expression. A detailed study of problems of freedom of speech that have a constitutional dimension, including such topics as prior restraints, obscenity, the right of privacy, libel, group libel, fair trial and free press, congressional investigating committees, loyalty oaths, compulsory disclosure laws, sedition, public-issue picketing, symbolic conduct, and protest in public places. Aut (4). Mr. Kurland.


453. The Legislative Process. The effort in this course will be to evaluate the proper ken of the legislative process as a means of establishing appropriate laws. Emphasis will be on the procedures of the national legislature through study of recent and current bills. Every student will be expected to prepare a paper. Spr (4). Mr. Kurland.

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

455. Federal Jurisdiction. An examination of the jurisdiction and powers of the federal courts as defined largely by the Judiciary Code and by the Constitution. Subjects emphasized
include the diversity, federal-question, and admiralty jurisdictions; Supreme Court review and habeas corpus; governmental immunity, abstention, three-judge courts, and injunctions against suit. Class discussions will focus in large part upon recent decisions in the light of casebook readings. Win (3). Mr. Lucas.

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

457. Conflict of Laws. An inquiry into the division of lawmaking and judging authority among the several states and between the states and the federal government, principally through consideration of choice of law, personal jurisdiction, and respect for prior judgments in cases connected with more than one state. Aut (4). Mr. Kaplan.

458. Comparative Constitutional Law. An intensive study of constitutional problems in the area of free speech and political parties, using the topics under study as the basis for the exploration of differences and similarities in historical origins, institutional techniques, attitudes, and legal theory of the American and German polities. However, emphasis will be on the normative as well as the cognitive aspects. (4). Mr. Casper. [Not offered in 1970-71.]

459. Comparative Legal Institutions. An examination of the machinery of justice in Germany, France, and Italy in its historical development and political setting. A theme of the course will be to consider whether and to what extent the Continental experience affords a basis for critical evaluation of certain contemporary problems of judicial process and administration in the United States. Topics to be explored include the selection, career, and remuneration of judges; the role of the adversary system; legal aid; civil and criminal juries; working methods of the legal profession; and legal education. Spr (3). Mr. Katz. [Not offered in 1970-71.]

460. Jurisprudence. The course will deal with selected nineteenth- and twentieth-century attempts on the Continent, in England, and in the United States to develop a comprehensive theory of law and society. It will be comparative in nature in order to examine the relationship between legal theory and the political and legal system. The conflict between legal positivism and natural law will be considered from this comparative vantage point as distinguished from that of epistemology. No text will be assigned but extensive reading of source materials will be required. The course will place equal emphasis on lecture and discussion. (4). Mr. Casper. [Not offered in 1970-71.]

461. Distributive Justice. An inquiry into the role of legal institutions in the distribution of income and wealth. The opening sessions of the course focus on (a) the pattern and causes of the present distribution of wealth in our society and (b) the efforts of economists, philosophers, and political theorists to formulate distributive goals. Against this background, we then consider a variety of specific institutional arrangements concerned with the redistribution of income or wealth. The principal emphasis is on policies and institutions designed to alleviate poverty (with a glance at how the problem of poverty is attacked in other countries); but some attention is also given the distributive effects of tax, labor, antitrust, eminent-domain, and other public policies. Mimeographed materials and reading list. (4). Mr. Posner. [Not offered in 1970-71.]
462. **Doing Business in Europe.** The course will study the legal, economic, and institutional environment in which a European-based subsidiary of an American corporation operates, from the standpoint of the problems faced by American lawyers in advising corporations doing business abroad. To permit study in depth of a particular environment, the emphasis will be upon German law, but attention will also be given to aspects of French and Belgian law. Topics to be studied include organizing and operating a company under German corporation laws, German labor law, German and European Economic Community law on competition and monopoly, and the respective roles of federal, state, and local government in Germany. Win (4). Mr. Kätz.

463. **Regional and International Institutions.** This course is concerned with new forms of international organization that have developed since World War II. A large portion of the course is devoted to regional institutions that have sought to integrate the economies of groups of countries, often with a view to later political integration. Another portion of the course will be devoted to the institutions that have sought, within a broader framework, to deal with the problems of the less-developed countries. To permit more detailed examination of particular institutions and of the problems they face, attention is concentrated on those institutions dealing primarily with economic issues. The European Economic Community, the General Agreement on Tariffs and Trade, and the United Nations Trade and Development Conference will be examined in depth. Spr (4). Mr. Dam.

**Independent Study**

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

Written work is not a formal requirement for the J.D. degree, but students are encouraged to include some such work in their programs and most students do so, either through participation in a seminar or through 499 credit. Students are encouraged to submit outstanding papers for publication in the Law Review or in other legal periodicals. (See statement concerning the policy of The University of Chicago Law Review under Student Activities, infra.)

Before being granted permission to register for 499 work the student must submit a précis of his proposed study to the supervising faculty member. In considering possible fields or topics for such projects, students may wish to consider seminars described below 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.

**Seminars**

No more than twenty students will ordinarily be admitted to a seminar, and in some seminars enrolment is limited to a smaller number. Students will be given an
opportunity to sign tentative registration lists for seminars. Selection of enrol­
ment where necessary will be by lot or by a method to be determined by the in­
tructor.

Students are not permitted to register for more than one seminar in a quarter
except with the permission of the Dean of Students.

501. Seminar: American Constitutional History. A seminar for law students and
graduate students in history concerned with the causes and effects of constitutional change.
Each year the seminar will have a different core topic. The subject to be considered in 1970–
71 is control of the judiciary. Aut (3). Mr. Kurland.

503. Seminar: Government Regulation of Race Relations. The seminar will be de­
voted to a study of the limits and potentialities of the American legal system in ameliorating
racial discrimination and in eradicating the heritage of slavery. Legal strategies for regulating
race relations will be identified, traced historically, and evaluated comparatively as they oper­
ate in various sectors of human life, such as voting, education, public accommodations, and
employment. Aut (3). Mr. Fiss.

505. Seminar: The Social Function of Property Rights. The seminar will examine the
development of common-law doctrines in selected areas with a view to determining the ex­
tent to which the law has responded to changing economic and technological conditions.
Materials on this problem prepared by the instructor will be studied, and each student will
prepare a paper tracing the evolution of a particular common-law doctrine from the stand­
point of the seminar’s central inquiry. Win (3). Mr. Demsetz.

An analysis of the cost of life insurance and annuities, their use as investment media, and
their role in business and family planning today. Aut (3). Mr. Blum.

509. Seminar: Consumer Protection. An analysis of various legal topics that are cur­
rently discussed under the heading of consumer protection, including safety, fraud, misleading
advertising, warranties, credit, prescription drugs, and food additives. An attempt will
be made to isolate the common policy issues that these topics raise. Regulatory and com­
petitive approaches to solutions will be contrasted. Emphasis will be placed on remedies,
including the relative advantages of judicial and administrative remedies and the utility of the
class action. Open to third-year students only, unless less than 20 third-year students register.
Aut (3). Mr. Dam.

510. Seminar: Law and Urban Problems. The theme of this seminar will be an examina­
tion of urbanism and its implications for the structure of local, state, and federal legal rela­
tions. Seminar papers may include briefs and memoranda on selected legal issues as well as
drafts of proposed legislation. Aut (3). Mr. J. Levi.

512. Seminar: Urban Planning Policies. The seminar will examine the planning process
for programming the physical restructuring of cities. The central question will be: How are
federal, state, and local policies and programs formulated and carried out? An attempt will
be made to broaden the student’s understanding of interdisciplinary skills by reading and
analysis of the planning literature. The literature on “Cost-Benefit Analysis in City Planning”
and on “Planning-Programming-Budgeting Systems” and the problems of carrying out the
results of any of these analyses will be examined. Current and future policies and programs
will be examined against the background of the literature. The particular problems studied will be primarily housing and employment. Open to law students and, with the permission of the instructor, students from other departments taking work in the Center for Urban Studies. Win (3). Mr. Dunham, with Mr. J. Melzer of the Center for Urban Studies.

513. Seminar: Law and Welfare Policy. The theme of this seminar will be an examination of current proposals for reform of the welfare system, with particular emphasis on the legal problems thus developed. Particular attention will be devoted to relations between (1) federal and state programs and jurisdictions, (2) federal welfare and other programs, and (3) drafting problems. Spr (3). Mr. J. Levi.

514. Seminar: The Urban Public School System. The seminar considers the legal problems arising from the operation of an urban public education system, with emphasis on the public elementary and secondary school system of Chicago. Topics considered include the role of municipal, state, and federal governments in financing the school system; methods of allocating resources within the system; racial and economic segregation; disciplinary methods; relationship of the public schools to parochial schools and nonsectarian private schools. (3). Mr. Fiss. [Not offered in 1970-71.]

515. Seminar: Higher Education. The theme of this seminar will be an examination of legal problems relating to American higher education including university governance, the university and the federal government, and the university and the state. Seminar papers may include briefs and memoranda on selected legal issues as well as drafts of proposed legislation. (3). Mr. J. Levi. [Not offered in 1970-71.]

516. Seminar: Law and Psychiatry. The seminar will run through two quarters. The Autumn Quarter will be devoted to a study of basic psychiatric disorders, their etiology and treatment. In addition to class discussions, students will visit mental hospitals and outpatient clinics, attend a case demonstration, and observe interviewing methods. Students will be required to live and work in a state mental hospital for one weekend, from Friday night through Sunday night. In the Winter Quarter the focus of attention will shift to selected legal-psychiatric problems in the criminal law and in the hospitalization of the insane and retarded. Visits to correctional institutions and agencies, and to courts responsible for committing the mentally ill, will be arranged. Comparisons between prison and hospital will be drawn, and the conflict between individual freedom and social responsibility will be delineated. A paper or research report will be required. Preparatory reading will include text references and mimeographed material. Enrollment will be limited to twelve third-year students. Aut (2), Win (2). Mr. Morris, Dr. Rubin.


518. Seminar: Social Science Research. The seminar is an introduction to elements of empirical research methodology that may be useful to the lawyer in employing such research for litigation purposes, evaluating the results of such research, and carrying out empirical
investigation as a part of the task of legal scholarship. The topics considered include the principles and practice of sampling, design of experiments, design of surveys, statistics as a means of simplified description, statistics as a means of inference from sample to universe, interviewing and reason analysis, and social science research for litigation. Spr. (3). Mr. Zeisel.

520. SEMINAR: TRIAL PRACTICE. An introduction to the techniques of advocacy in civil and criminal trials. In civil cases, pleading and discovery and their relationship to trial will be addressed. In criminal cases, the seminar will consider pre-trial proceedings such as commissioner’s hearings, preliminary hearings, arraignments, and motions, and post-trial proceedings such as motions for a new trial and sentencing hearings. Experienced trial lawyers will participate by instruction and demonstration. Members of the seminar will be responsible for either the preparation and trial of simulated civil cases or, in so far as permitted by court rules, actual criminal cases, or both. Students in the seminar should have taken Evidence; those with special interest in criminal trials should have taken or be currently enrolled in Criminal Procedure. Enrollment will be limited to thirty-five students. Permission of the instructor is required. Preference will be given to third-year students. The seminar will extend over two quarters. Win (2), Spr (2). Mr. Fuller, Mr. Horan.

521. SEMINAR: THE LEGAL PROFESSION. The seminar will consider several current topics involving the rights and responsibilities of lawyers, including the deportment of counsel in political trials; the use of the contempt sanction against lawyers; the subsidization of legal services; the efficiency of litigation and legal services as methods of redistributing wealth; licensure and regulation of lawyers; and new methods of practicing law. Spr (3). Mr. Posner.

530. SEMINAR: CURRENT CORPORATION PROBLEMS. An intensive consideration (more than is possible in the course in corporations) of certain specialized problems in corporations and corporate finance which are current and in flux as, for example: concepts of corporate control; problems of convertible securities; restrictions upon the sale of corporate control; use and character of stock options; special problems of mutual funds; and the allowable extent of exculpatory clauses in charters. Aut (3). Mr. Kaplan.

535. SEMINAR: TAXATION. A study of selected tax problems. Limited to students who have taken Federal Taxation I and II. (3). Mr. Blum. [Not offered in 1970-71.]

541. SEMINAR: LABOR LAW—THE COMMUNITY AND COLLECTIVE ACTION. A consideration of selected problems relating to representation of, and strikes by, public employees and to existing machinery for avoiding or dealing with critical stoppages in transportation and other industries. Labor Law I is usually a prerequisite. Organization of, and assignments for, this seminar will be worked out during the Winter Quarter. Spr (3). Mr. Meltzer, Mr. Burton.

544. SEMINAR: THE REGULATION OF CAPITAL MARKETS. The seminar will survey the regulation of capital markets in order to evaluate the impact of that regulation on the overall level of economic activity, the efficiency with which capital is raised and allocated and the allocation of capital to particular economic activities. Topics for papers will be drawn from the regulatory activities of the Federal Reserve Board, the Federal Home Loan Bank Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and state agencies regulating banks and savings and loan associations. Win (3). Mr. Kitch.

545. SEMINAR: WORKSHOP IN INDUSTRIAL ORGANIZATION. Studies in the structure and behavior of industries, with special emphasis on the role of government regulation. Law stu-
dents wishing to participate in the Workshop may do so by registering for 499 credit, with
the permission of the Dean. Ant (3), Win (3), Spr (3). Mr. Stigler, Mr. Coase, and other mem-
bers of the faculty.

SEMINAR: Workshop on Regulation of Economic Activity. A study of govern-
mental regulation of individual industries. Primary emphasis will be on substantive rather
than procedural issues. This year the Workshop will deal with the telecommunications
industry, and students enrolled in the Workshop will conduct field research on local issues in
the regulation of the industry, such as CATV franchising, frequency allocation, and telephone
regulation. Win (3). Mr. Coase, Mr. Dam, Mr. Posner.

SEMINAR: Administrative Law. Unlike the course in administrative law, which
provides extensive coverage of many broad problems, this seminar is designed to furnish
educational experience in deeper inquiry than usual, after the manner of the best law firms
when the stakes are high. The approach is both from the standpoint of accomplishing agency
goals and from that of the practitioner who is protecting interests of private parties. Difficult
problems on the frontier of the rapidly developing field are the focus. Some of the subject
matter is that of the great regulatory agencies, some has to do with federal grants and benefits,
and some relates to interests that seem more human than economic, such as welfare ad-
ministration and police discretion. (3). Mr. Davis. [Not offered in 1970–71.]

SEMINAR: Discretionary Justice. Most injustice in the legal system results from dis-
cretion, not from application of rules and principles. The strongest need and the greatest
promise for improving the quality of justice to individual parties in the entire legal and gov-
ernmental system are in the areas where decisions necessarily depend more upon discretion
than upon rules and principles and where formal hearings and judicial review are mostly
irrelevant. The seminar demonstrates that discretionary power is susceptible of meaningful
study; it focuses on problems that are common to discretionary power of judges, police,
prosecutors, regulatory agencies, welfare agencies, and other administrators, with a view to
understanding what is done and what can be done to confine, to structure, and to check
discretionary power. To some extent, thinking is stimulated by contrasting European sys-
tems and attitudes. Win (3). Mr. Davis.

SEMINAR: Constitutional Law. The constitutional law seminar each year explores
a particular area of constitutional problems. For the current year, the seminar will deal with
the constitutional powers of the President. Spr (3). Mr. Kurland.

SEMINAR: The Supreme Court. An analysis of cases on the docket of the Supreme
Court in the current term. The members of the seminar prepare draft opinions after studying
the briefs filed in the Supreme Court. The opinions are circulated and then discussed in the
seminar, usually in advance of the actual decision of the particular case by the Court. The
required written work consists of the several opinions which each student must prepare.
Enrolment is by permission of the instructor and limited to eight students. Win (3). Mr. Neal.

SEMINAR: Taxation of Foreign Income. A study of selected problems concerning
the taxation of foreign income. Spr (3). Mr. Blum.

SEMINAR: International Commercial Problems. A study of selected problems in
international sales transactions, with emphasis upon government controls over currency
and commodities, such as exchange controls, quotas, licenses, tariffs, and the common mar-
ket state trading. Commercial Law II is a prerequisite, except with the permission of the instructor. Spr (3). Miss Meutschikoff.

566. Seminar: Workshop in International Economic Policy. Studies in the formation of foreign economic policy. The Workshop this year will be devoted to international monetary policy, with particular emphasis on international cooperation concerning increased liquidity and exchange flexibility. Law students wishing to participate in the Workshop may do so by registering for 499 credit, with the prior permission of Mr. Dam. Spr (3). Mr. Dam, Mr. Aliber, Mr. H. Johnson.