THE RESEARCH PROGRAM

The research program is designed for students who, in the opinion of the Faculty, are qualified to do research on advanced problems in law.

The degree of Doctor of Jurisprudence (J.S.D.) is awarded to research students who have been in residence at the School for at least one year, have pursued such studies as the Faculty has prescribed, and have submitted a dissertation which has been accepted by the Faculty as a creditable contribution to legal science.

III. COURSES OF INSTRUCTION

THE FOUR-YEAR PROGRAM

FIRST YEAR

201. Elements of the Law.—Analysis of ideas basic to the law: the natural law, corrective and distributive justice, equity, legal acts; the structure and methods of the legal system: court and legislature, precedent, logic, and social policy; the growth and evolution of legal concepts: types of concepts, analytical concepts of the law, the relationship of law to the social sciences; some fundamental institutions: property, contract, the state, custom, and liberty; rhetoric and the law. Steffen and Levi, Elements of the Law. Sum (5 hours), Kesseler; or Aut (4 hours), Win (2 hours, first half), Levi.

202. Law and the Nature of Man.—Analysis of problems of individual and social psychology relevant to the study of law. Mimeoographed materials. Win (3 hours) Spr (3 hours), Hutchins, Adler.

203. Torts.—Protection of personal integrity, including freedom from contact, defamation, etc.; compensation for personal injuries; protection against injuries to property interests; protection of consumers, purchasers, and investors; protection of business and other interests from willful invasion, including relationship between employers and workmen; protection of political and civil rights. Gregory and Borchardt, Cases and Materials on Torts. Aut (2 hours), Win (6 hours), Gregory.

205. English Constitutional History.—Significant aspects of the exercise and limitation of the power of government and the relation of the individual to authority in the history of England. Aut (4 hours), ——.

220. Contract, Quasi-Contract, and Suretyship.—Tort and contract; promises; restitution, damages and specific performance; limits on enforcement: consideration, mistake, basic expectation, policy, legislation; contract in the economic and legal order; multiple party contract relations, including suretyship and assignment. Sharp, Cases on Contract and Quasi-Contract. Aut (2 hours), Win (4 hours), Spr (4 hours), Sharp, Kesseler.

260a. Civil Procedure I.—Jurisdiction of the person and of the subject matter; English and American court structure; common law and equitable remedies and the union of law and equity. James, Cases and Materials on Civil Procedure. Sum (4 hours), James; or Aut (2 hours), Win (2 hours), James, Tefft.

260b. Civil Procedure II.—The framing and presentation of triable issues; preparation for trial and trial practice, with emphasis on the function of judges, juries, masters, and referees; the conclusiveness and effect of judgments and decrees. James, Cases and Materials on Civil Procedure. Spr (5 hours), James.

299. Individual and Group Work.—Members of the first-year class are assigned to faculty tutors for the supervision of written work and individual research.

[Students entering the four-year program in the Summer Quarter, 1942, will take courses 201, 260a, and 310 in that quarter. In the Autumn and Winter quarters, they will take courses 303 and 340.]

SECOND YEAR

303. The Problem of Crime.—Social and legal problems in the substantive law of crimes; the administration of the criminal law; detailed study of particular crimes. Keedy, Cases on Administration of Criminal Law, and supplementary material. Aut (4 hours), Puffer-Kammer.
304. Family Relations.—Marriage and the family as social and legal institutions; legal relations between members of the family and between the family and outsiders; dissolution of the family. Rheinstein, Cases and Materials on Family Relations. Aut (3 hours), Rheinstein.

310. Economics.—The pricing process and the allocation of resources in a free-market system; monopoly and restraint of trade; monetary theory and the credit system; industrial situations; economic analysis and economic policy. Sum (4 hours), Feller; or Win (4 hours), Simons.


320. Sales.—Elementary problems of contract and conveyancing law relating peculiarly to transfers of the general property in goods and documents of title. Bogert and Britton, Cases on Sales. Sum (3 hours); or Win (3 hours), Bogert.

330a. Property I.—Present and future interests in land and chattels; restrictions on the creation of future interests. Bigelow and Teft, Cases on Property (2d ed.). Sum (6 hours), Teft; or Aut (4 hours), Win (2 hours), Bigelow, Teft.

330b. Property II.—Conveyances inter vivos, including land contracts; wills and intestate succession; adverse possession and statutes of limitation. Bigelow and Teft, Cases on Property (2d ed.); Rheinstein, Materials on Wills. Spr (5 hours), Teft, Rheinstein.

340. Government I.—Restrains on governmental activity arising under the Bill of Rights and the Thirtieth, Fourteenth, and Fifteenth Amendments; eminent domain; retroactive laws. The general nature and function of administrative law; administrative finality and procedural requirements; study of typical administrative agencies in operation. Dodd, Cases on Constitutional Law (3d ed.); Sears, Cases on Administrative Law. Sears. [Not to be taken by students in the four-year program in 1942-43.]

341. Government II.—The judicial interpretation and enforcement of written constitutions; the federal system; powers of the national government; interstate and foreign commerce. Dodd, Cases on Constitutional Law (3d ed.). Aut (4 hours), Sears.

361. Moot Court.—Preparation of cases and argument.

[Students entering the second year of the four-year program in the Summer Quarter, 1942, will take courses 310, 330a, and 430 in that quarter. In the Autumn Quarter they will take course 402; in the Winter Quarter, course 460; and in the Spring Quarter, course 470.]

THIRD YEAR


402. Moral and Political Philosophy.—The norms regulating private and public conduct, and a solution of the problem, what is good for the individual and for society, in terms of a determination of the ends of conduct and an ordering of the means thereto. The nature of justice, the principles of natural law, and the role of legitimacy in the political order, will be discussed. The readings will be, in order: John Stuart Mill, Utilitarianism; Aristotle, Ethics; John Stuart Mill, Representative Government; Aristotle, Politics. Aut (5 hours), Win (3 hours), Hutchins, Adler.

412. Corporate Management and Finance.—Distribution of control; application of the fiduciary principle to agents, partners, directors, shareholders, and promoters; the procuring and maintaining of corporate capital. Katz, Syllabus and Materials on Business Corporations (2d ed., 1939). Sum (6 hours); or Aut (6 hours), Katz.

420. Negotiable Instruments.—Comparative study of the different types of commercial and investment instruments, their different functions and legal incidents. Steffen, Cases on Commercial and Investment Paper. Spr (4 hours), Kessler.

430. Trusts.—The more elementary problems relating to the creation and administration of trusts. Bogert, Cases on Trusts. Sum (4 hours); or Win (2 hours), Spr (2 hours), Bogert.
460. Evidence.—The proof of facts in issue, including burden of proof and presumptions, competence, privilege and examination of witnesses, logic in relation to problems of circumstantial evidence and relevance, and the exclusionary rules of evidence. Casebook to be announced. Win (6 hours), JAMES.

470. Conflict of Laws.—The problems arising when important facts of a case occur in states or countries having different rules of law. Cheatham, Dowling, and Goodrich, Cases on Conflict of Laws. Spr (4 hours), RHEINSTEIN.

Elective Seminars or Courses.—In the Winter and Spring quarters of the third year, students will elect one of the seminars or courses listed on pp. 9, 10.

[Students entering the third year of the four-year program in the Summer Quarter, 1942, will take courses 412, 430, and 541 in that quarter. In the remainder of the academic year they will take courses 402, 420, 510, with an elective in the Winter Quarter.]

FOURTH YEAR

510. Law and Economic Organization.—A study of the effects of legal institutions upon the operation of the economic system and of the influence of economic factors in the development of legal institutions. Materials to be announced. CROSSKEY, GREGORY, KATZ, KESSLER, LEVI, SHARP, SIMONS.

510a. Industrial Organization and Prices.—The effect of industrial organization on the processes determining prices, and the legal devices and institutions designed to control or implement the types of organization considered; anti-trust laws; governmental price-fixing, including utility rate regulation and war-time price control. Aut (5 hours), Win (2 hours).

510b. Labor Organization and Wages.—The legal status of unions and of typical concerted activities of labor; union organization and collective bargaining under federal and state laws; wage-and-hour legislation. Aut (4 hours).

510c. Credit and Business Fluctuations.—Monetary and credit policy and the control of industrial fluctuations. The Federal Reserve System and supplementary controls. Critical examination of current views as to the “business cycle.” Win (4 hours).

510d. Bankruptcy and Reorganization.—Problems of investment, debt, and failure in a fluctuating economy: corporate capital structures, “debtor relief,” corporate reorganization plans. Sum (4 hours); or Spr (4 hours).

510e. National Aspects of Taxation.—Income, estate and gift taxation by the national government, and the national aspects of such taxation by the states. Some attention to property taxes and state excises from the same point of view. Problems of fiscal policy with reference to industrial fluctuations and the distribution of income. Sum (8 hours); or Win (3 hours), Spr (5 hours).

Elective Seminars or Courses.—In each quarter of the fourth year, students will elect one of the seminars or courses listed below, or will pursue an equivalent program of approved individual work.

[Students entering the fourth year of the four-year program in the Summer Quarter, 1942, will take sections 510d and 510e of Course 510 in that quarter. During the Autumn and Winter quarters they will complete course 510. In the Autumn Quarter they will take course 402 and in the Winter Quarter two electives.]

ELECTIVE SEMINARS AND COURSES

Students may suggest projects for individual research or study to be substituted, with the approval of the Faculty, of one or more of the elective seminars or courses. Courses related to law in other divisions of the University may similarly be substituted.

SUMMER QUARTER

541. Administrative Law.—Lectures on phases of administrative law not covered in the course in Government I; relief from Administrative action by the use of extraordinary remedies; selection and responsibility of public officials; responsibility of local, state, and national governments. The student will have the responsibility of investigating and preparing a paper upon an assigned topic in the field of administrative law. Sum, SEARS.
AUTUMN QUARTER

402. Moral and Political Philosophy.—This course, required for third-year students in the four-year program, may be elected by third-year students in the three-year program. Aut, HUTCHINS, ADLER.

403. Substantive Criminal Law.—The criminal act; criminal intent; circumstances affecting intent; consent; justification; parties in crime: agency, joint principles, accessories; crimes against the person, especially murder and manslaughter; larceny and kindred offenses. Casebook to be announced. Aut, PUTTKAMMER.

513. International Law of Peace (identical with Political Science 361, International Law).—Aut, QUINCY WRIGHT.

515. Seminar on Emergency Price Control.—Aut, KATZ.

WINTER QUARTER

406. Comparative Law.—Sociology of law. Methods of social control: informal and through law; the “rules of law” and the “law people” in different types of society, especially in modern civil law and common law countries. Rheinstein, Cases on Comparative Law of Torts, and other assigned readings. Win, EVERETT C. HUGHES, RHEINSTEIN.

504. Medical Psychology (identical with Psychiatry 301).—A general survey of the field of abnormal psychology and of the various neuroses, psychoses and other disorders of personality. Win, DR. DAVID SLIGHT.

514. International Law of War and Neutrality (identical with Political Science 362, Pacific Settlement, War, and Neutrality).—Win, QUINCY WRIGHT.

531. Seminar on the Use of Land.—A study of common law and statutory rules relating to the use of land, and an examination of selected modern programs for affecting and controlling the use of urban and rural lands. Win, TEFPT.

542. Legislation.—Study of constitutions and statutes and of the decisions interpreting them in order to ascertain the principles of legislative draftsmanship, legislative methods, and statutory interpretation. If preferred, the student may attend as a hearer and prepare an acceptable paper on an assigned topic. Casebook to be assigned. Win, SEARS.

SPRING QUARTER

202. Law and the Nature of Man.—This course, required for first-year students in the four-year program, may be elected by third-year students in the three-year program. Spr, HUTCHINS, ADLER.

404. The Philosophy of Law (identical with Philosophy 356).—An examination of the philosophic problems involved in legal institutions and procedures and of the devices available for their solution. The analytic treatment of problems in legal philosophy will be supplemented by historical readings of typical treatments of those problems. McKEON. [Not given in 1942–43.]

502. Seminar on Administration of Loss in Tort Cases.—An inquiry into a variety of risk-creating activities for the purpose of developing some hypothesis, other than fault and along the lines of ability to absorb or to shift losses through insurance and other devices, on which a socially expedient system of loss distribution may be founded. Spr, GREGORY.

503. Forensic Medicine (identical with Conjoint Clinical Course 352).—Medical legal problems arising from physical injuries caused by violence; identification problems; forensic psychiatry, the use of scientific crime-detection devices. Spr, DR. ELEANOR M. HUMPHREYS, Secretary; PUTTKAMMER.

507. Readings in Comparative Law.—Survey of the history of the civil law from ancient Rome to modern Europe and Latin America. Spr, RHEINSTEIN.

522. Contract and War.—The characteristics of contracts with the armed services. Spr, SHARP.

523. Consumer Financing.—A seminar in consumer credit. A discussion of the agencies for the extension of consumer credit, both by way of sale and loan; the terms on which credit may be obtained; the enforcement of the creditor’s rights; and the attitude of the federal and state governments toward these problems. Spr, BOGERT.

533. Seminar on the Transfer of Family Wealth.—Intestate succession; wills and related transactions; probate and administration; exercises in draftsmanship and probate practice. Rheinstein, Law of Succession. Spr, RHEINSTEIN.
549. Military Law.—Organization of the armed forces of the U.S.; Army and Navy personnel; selective service; military justice and courts-martial; martial law; military government; and employment of troops in aid of civil authority. Schiller, Military Law and Defense Legislation. (Spr, University College, RHEINSTEIN.)

THE THREE-YEAR PROGRAM

For description of the individual courses refer to the corresponding courses in the four-year program, pp. 6-8 above.

FIRST YEAR

201. Elements of the Law.—Sum (5 hours), KESSLER; or Aut (4 hours), Win (2 hours, first half), LEVI.
203. Torts.—Aut (2 hours), Win (6 hours), GREGORY.
220. Contract, Quasi-Contract, and Suretyship.—Aut (2 hours), Win (4 hours), Spr (4 hours), SHARP, KESSLER.
260a. Civil Procedure I.—Sum (4 hours), JAMES; or Aut (2 hours), Win (2 hours), JAMES, TEFFT.
260b. Civil Procedure II.—Spr (5 hours), JAMES.
312. Risk and the Business Enterprise.—Spr (4 hours), LEVI.
330a. Property I.—Sum (6 hours), TEFFT; or Aut (4 hours), Win (2 hours), BIGelow, TEFFT.
299. Individual and Group Work.—Members of the first-year class are assigned to faculty tutors for the supervision of written work and individual research.

[Students entering the three-year program in the Summer Quarter, 1942, will take courses 201, 260a, and 330a in that quarter. In the Autumn and Winter quarters they will take courses 303, 340, and 341.]

SECOND YEAR

303. The Problem of Crime.—Aut (4 hours), PUTTKAMMER.
312. Risk and the Business Enterprise.—Spr (4 hours), LEVI.
320. Sales.—Sum (3 hours); or Win (3 hours), BOGERT.
330b. Property II.—Spr (5 hours), TEFFT, RHEINSTEIN.
340. Government I.—Win (4 hours), SEARS.
341. Government II.—Sum (4 hours); or Aut (4 hours), SEARS.
412. Corporate Management and Finance.—Sum (6 hours); or Aut (6 hours), KATZ.
420. Negotiable Instruments.—Spr (4 hours), KESSLER.
430. Trusts.—Sum (4 hours); or Win (2 hours), Spr (2 hours), BOGERT.
460. Evidence.—Win (6 hours), JAMES.
470. Conflict of Laws.—Spr (4 hours), RHEINSTEIN.
361. Moot Court.—Preparation of cases and argument.

[Students entering the second year of the three-year program in the Summer Quarter, 1942, will take courses 320, 341, and 412 in that quarter. In the remainder of the academic year, they will take courses 303, 330b, 460, and 510.]

THIRD YEAR

510. Law and Economic Organization.—Aut, Win, Spr (9 hours), CROSSKEY, GREGORY, KATZ, KESSLER, LEVI, SHARP, SIMONS.

[Students entering the third year of the three-year program in the Summer Quarter, 1942, will take sections 510d and 510e of course 510 in that quarter. During the Autumn and Winter quarters they will complete course 510 with one elective in the Autumn Quarter and two in the Winter Quarter.]