

## FIRST-YEAR COURSES

**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*. Autumn (3 hours), Winter (3 hours first half), LEVI.

**202. Psychology.**—Analysis of problems of individual and social psychology relevant to the study of substantive and procedural law. Mimeographed materials. Spring (4 hours), 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 wilful invasion, including relationship between employers and workmen; protection of political and civil rights. Gregory and Borchardt, *Cases and Materials on Torts*. Autumn (2 hours), Winter (2 hours first half; 4 hours second half), Spring (3 hours), GREGORY.

**205. English Constitutional and Legal History.**—Study of the growth of English legal and governmental institutions. Autumn (4 hours), TEFFT.

**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*. Autumn (3 hours), Winter (4 hours), Spring (3 hours), SHARP, KESSLER.

**260. Civil Procedure.**—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; 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. Mimeographed materials. Autumn (2 hours), Winter (4 hours), Spring (3 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.

## SECOND-YEAR COURSES

**303. The Problems of Crime.**—Social and legal problems in the substantive law of crime; the administration of the criminal law; detailed study of particular crimes. Keedy, *Cases on Administration of Criminal Law*, and supplementary material. Autumn (2 hours), Winter (2 hours), PUTTKAMMER.

**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*. RHEINSTEIN. [Not given in 1939-40.]

**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 fluctuations; economic analysis and economic policy. Winter (4 hours), SIMONS.

**311. Accounting.**—An introduction to accounting techniques and to the interpretation of financial statements. Graham and Katz, *Accounting in Law Practice* (2d ed.). Autumn (4 hours), GRAHAM.

**312. Risk and the Business Enterprise.**—The employee relation, workmen's compensation, limited liability and the structure of the business organization. Steffen, *Cases on Agency*. Winter (2 hours second half), Spring (2 hours), LEVI.

**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*. Autumn (2 hours), Winter (2 hours first half), BOGERT.

**330. Property.**—Interests in land and chattels and their transfer; conveyances *inter vivos*, including land contracts; wills. Bigelow and Tefft, *Cases on Property*; Rheinstein, *Materials on Wills*. Autumn (4 hours), Winter (2 hours), Spring (4 hours), BIGELOW, RHEINSTEIN, TEFFT.

**340. Government.**—The judicial interpretation and enforcement of written constitutions; the three departments of government; the federal system; powers of the national government; interstate and foreign commerce; due process and equal protection—to whom applicable; procedure and jurisdiction; general nature and function of administrative tribunals; examples of them in operation; application of due process and equal protection to substantive law. Dodd, *Cases on Constitutional Law* and supplementary material. Autumn (2 hours), Winter (2 hours), Spring (4 hours), SEARS, MERRIAM, KERWIN.

**360. Practice.**—Preparation for trial and trial practice, with emphasis on the functions of judge and jury; problems as to parties, including interpleader and "third party practice." Scott and Simpson, *Cases on Judicial Remedies* and other materials. Spring (3 hours), JAMES, GREGORY.

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

### THIRD-YEAR COURSES

**401. Historical Method.**—A detailed study of the Constitution of the United States in the cultural environment and against the historical background of 1787. Materials to be announced. Spring (4 hours), CROSSKEY.

**402. Ethics.**—Ethical principles and their relation to law; standards of reasonableness; concepts of economic justice, especially as related to notions of fair price, fair wage, and usury; the bearing of ethical analysis upon ideas of natural law, due process, and related concepts. Autumn (4 hours), ADLER.

**412. Corporate Management and Finance.**—Allocation 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, mimeographed). Autumn (3 hours), Winter (3 hours), KATZ.

**420. Negotiable Instruments and Commercial Banking.**—Types of negotiable obligations, their functions and legal incidents; letters of credit; banking problems such as collections and clearings. Steffen, *Cases on Commercial and Investment Paper*. Autumn (4 hours), KESSLER.

**430. Trusts.**—The more elementary problems relating to the creation and administration of trusts. BOGERT, *Cases on Trusts*. Spring (4 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. Hinton, *Cases on Evidence* (2d ed.). Autumn (3 hours), Winter (3 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. Rheinstein, *Materials on Conflict of Laws*. Spring (4 hours), RHEINSTEIN.

**Work in Fields of Specialization.**—Students will devote approximately one-fifth of their time in the third year to work in the fields of specialization outlined below. For a detailed statement of the courses see pages 9–12.

### FOURTH-YEAR COURSES

(Not to be offered until the academic year 1940–41)

**510. Economic Organization.**—One-half of the student's time in the fourth year will be devoted to this subject. It is proposed that the study open with a general consideration of a possible program of economic policy based upon freedom of enterprise and competition. The introductory study of such a program is to furnish a general framework in the light of which the existing law and alternative developments may be considered.

In the first half-year the emphasis will be upon the problem of relative prices and wages and the following subdivisions of the course will be pursued concurrently:

**Law of Monopoly and Price Control.**—Primarily a study of some applications of the Sherman and Clayton Anti-trust Acts.

**Labor Law.**—Legal status of unions and of typical self-help activities; organization and collective bargaining under state and national labor relations acts; wages and hours legislation.

In the second half-year the emphasis will be upon the problem of the general level of prices and employment and possible controls. The following subdivisions of the courses will be pursued concurrently:

**Economic Theory and Policy.**—Further study of a possible program of economic policy with emphasis upon control of currency and credit and budgetary policy; critical examination of current views as to "the business cycle."

**Problems of Finance and Failure.**—Selected legal problems bearing upon business fluctuations and efforts to reduce their severity or ameliorate their effects: types

of mercantile finance paper and security devices; corporate capital structures; "debtor relief"; legal priorities in reorganization and the control of reorganization procedure.

To promote consideration of the relation between the various subdivisions of the course, additional weekly meetings will be held throughout the year for informal discussion of questions with the instructors taking part in the course.

**Work in Fields of Specialization.**—Students will devote approximately one-half of their time in the fourth year to work in the fields of specialization outlined below.

## WORK IN FIELDS OF SPECIALIZATION

As noted above, in the third year approximately one-fifth of the work, and in the fourth year approximately one-half, is to be done in elected fields through individual or seminar work or in specialized courses. Students will normally be required to concentrate this work in two of the general fields listed below and to divide it substantially equally between the two fields. In the third year, this work will be done in the Winter Quarter and will occupy about four-sevenths of the student's time during that quarter, the equivalent of two courses of four class hours a week. The units of work available in the respective fields in the Winter Quarter of the academic year 1939-40 are listed below with numbers between 400 and 499. Students may suggest individual research projects in substitution for part of this work, subject to the requirements stated below in the case of certain of the fields. Work on such projects may be arranged so as to constitute compliance with requirements in both of the student's fields.

The outline of work for the fourth year (units numbered 500 to 599) is tentative. Announcement of the third-year seminars and courses listed below is also subject to changes which may be occasioned by the number of students electing the respective fields.

### FIELD I. CIVIL PROCEDURE

**461. Federal Jurisdiction.**—The constitutional and statutory jurisdiction of the federal courts, both trial and appellate, including the relation of the federal courts to federal and state administrative agencies. (This course will be omitted in 1939-40. During that year third-year students electing the field of Civil Procedure will take the seminar in "Logic in Relation to Pleading and Proof" [561].)

**561. Seminar on Logic in Relation to Pleading and Proof.**—A study of special problems in procedural law, including fundamental logical conceptions in the statement of issues, argument and proof, and psychological aspects of specific evidentiary rules. Investigation, reports, and informal discussion. Winter, ADLER, JAMES.

**562. Seminar on the Determination of Issues of Fact.**—This seminar will be conducted primarily upon the basis of individual research on related topics. Suggested topics are the function and operation of the judge and jury, the chancellor and master in chancery, administrative commissions, arbitration and award, statutory pre-trial investigation in the United States, the investigative function of the continental judge, and the employment of expert testimony. Group meetings will be held for reports and discussion, in an effort to develop opinion on the extent to which various systems of pleading and of evidence may be suited to various methods of factual determination, and on the extent to which the various methods of determination may be suited to various types of factual issues.

**566. Appellate Practice.**—The review of decisions on questions of fact and of law by judicial and administrative bodies.

Students electing the field of Civil Procedure in 1939-40 will be required to take the

seminars 561 and 562 and the course 566, except in the fourth year a student who has formulated a program for individual research in procedure will be permitted to substitute such work for the seminar 562 or the course 566.

## FIELD II. CRIME

**403. Substantive Criminal Law.**—The criminal act; criminal intent; circumstances affecting intent; consent; justification; parties in crime; agency, joint principals, accessories; crimes against the person, especially murder and manslaughter; larceny and kindred offenses. Derby, *Cases on Criminal Law* (3d ed.). Winter (4 hours), PUTTKAMMER.

The fourth-year seminars and courses in this field will be announced later. In addition to work in the Law School, there will probably be courses in the Department of Sociology and in the Medical School (the student having some election). There may also be study involving supervised and directed contacts with the local criminal court.

## FIELD III. ECONOMIC AND BUSINESS ORGANIZATION AND REGULATION

**413. Seminar on Problems in Bankruptcy and Reorganization.**—Study of problems such as bank set off; extra-judicial agencies of liquidation; wage-earner insolvencies; trustees under corporate bond indentures; the "independent trustee" under the Chandler Act. Winter, LEVI, KATZ.

**414. Seminar on Accounting Statements.**—Problems in the standardization of forms of financial statements submitted to security holders. Winter, GRAHAM, KATZ.

**512. Seminar on Problems in Corporation Finance.**—Types of corporate securities, their functions and flotation; security markets and regulation of trading. In the second half of the year this seminar may join with that offered in the marketing and credit field (521) in the consideration of the financing aspect of certain types of securities in particular industries.

**513. Seminar on Comparative Corporate Legislation.**—Critical study of European and American statutes and legislative proposals with respect to corporate finance and management.

**514. Research in Economic Organization.**—Individual study of problems related to the required fourth-year work in economic organization.

## FIELD IV. GOVERNMENT

**441. Administrative Law.**—Growth through the extraordinary remedies; general considerations; administrative finality; functioning of administrative tribunals; responsibility of public officials; responsibility of local, state, and national governments. Sears, *Cases on Administrative Law*, Winter (4 hours), SEARS.

**443. Taxation.**—Income, estate, and inheritance taxes. Case discussion and individual research. Magill and Maguire, *Cases on the Law of Taxation*. Winter (4 hours), CROSSKEY.

**542. Legislation.**—Individual work in techniques of legislative draftsmanship, statutory interpretation, and constitutional restrictions upon the enactment of laws and the method of legislative bodies.

**543. Municipal Corporations.**—Individual investigation and reports on selected topics.

**544. Underlying Considerations in Constitutional Law.**—Logical analysis of the Constitution of the United States; the cultural context and historical background of the document, the economic, political, psychological, and biographical aspects of constitutional interpretation. Special attention to the taxing power, the commerce power, and the power of providing for the general welfare; the expressed limitations on governmental power and the necessary conditions for safety of life, liberty, and property; the

theory of the threefold division of governmental power, the place of administrative boards and commissions, and the function of the judge in a democratic society.

**545. American Political Theories.**—The development of American political ideas: the Colonial period; the Revolution; Jeffersonian democracy; the slavery controversy; the nature of the Union; recent tendencies.

## FIELD V. HISTORY AND THEORY OF LAW

**405. Readings in Philosophy of Law.**—Readings in general problems of the philosophy of law under supervision of members of the Faculty. Winter, LEVI, ADLER, AND OTHER MEMBERS OF THE FACULTY.

**406. Comparative Law of Torts.**—General requirements for the shifting of losses from the immediate victims to others, especially problems of the sphere of protected interests, degree of care required, extent of liability; American law compared with German and French law. Mimeographed materials. Winter, RHEINSTEIN, GREGORY.

**407. Research in History of Law.**—This work may be combined with work in other fields of specialization. Winter.

**501. Seminar in Philosophy and History of Law.**—Three pairs of philosophers chosen from different epochs, such as Plato and Aristotle, Cicero and St. Augustine, St. Thomas and Suarez, Grotius and Hobbes, Bentham and Kant, realists and their critics; their position in their respective times and their significance today.

**502. Research in Philosophy of Law.**—This work may be combined with work in other fields of specialization.

**506. Research in History of Law.**—This work may be combined with work in other fields of specialization.

**507. Seminar and Research in Comparative Law.**—This work may be combined with work in other fields of specialization.

**508. Seminar on Advanced Problems of Conflict of Laws.**—Discussions and individual research on specific, practical problems of conflict of laws in interstate and international transactions, especially in draftsmanship and in administration of estates. This work may be combined with work in other fields of specialization.

**510. International Law.**—Work to be arranged.

## FIELD VI. MARKETING AND CREDIT

**421. Seminar on Commercial Bank Credit.**—Selected problems arising in connection with the creation and transfer of deposit currency. Winter, KESSLER.

**422. Seminar on Contract Problems.**—The bona fide purchaser, chattel contracts and specific performance, and related problems in equitable liens. Study of the statute proposed in Harvey, *The Victims of Fraud*, and Section 68 of the Uniform Sales Act. Winter, SHARP.

**520. Seminar on Exporting and Importing Transactions.**—A consideration of the legal problems involved in the export and import of goods, in the light of relevant business and economic situations; the instruments used in such dealings, including bills of lading, letters of credit, trust receipts, notes, and drafts; rights and duties of importer, exporter, banks, and agents.

**521. Seminar on Commercial and Investment Instruments.**—Comparative study of different types of commercial and investment instruments and their different functions. In the second half of the year, this seminar may join with that in "Problems in Corporation Finance" (512) to consider financing aspects of certain types of securities in particular industries.

**522. Research in Instalment Selling.**

## FIELD VII. PROPERTY

**431. Real Security.**—A study of real estate and chattel mortgages and related types of security, with emphasis upon enforcement and liquidation. Winter (4 hours), BOGERT, TEFFT.

**530. Seminar on Management and Distribution of Family Estates.**—Problems arising in the creation, administration, and public control of family settlements, including aspects of the law of future interests, trusts, and taxation.

**531. Seminar on Governmental and Contractual Regulation of the Use of Land.**—The use and conservation of natural resources: restrictive covenants, urban and rural zoning, eminent domain, and police power.

Participation in each of the foregoing courses and seminars will normally be required of all students specializing in Property. Special arrangements will, however, be made to accommodate students who desire to investigate a special topic in the field of Property.

## THE THREE-YEAR PROGRAM

### FIRST-YEAR COURSES

201. **Elements of the Law.**—(For the details of this course, see p. 6.)
203. **Torts.**—(For the details of this course, see p. 6.)
220. **Contract, Quasi-Contract, and Suretyship.**—(For the details of this course, see p. 6.)
260. **Civil Procedure.**—(For the details of this course, see p. 7.)
299. **Individual and Group Work.**—All members of the first-year class are assigned to faculty tutors for the supervision of written work and individual research.
330. **Property.**—(For the details of this course, see p. 7.)

### SECOND-YEAR COURSES

303. **The Problems of Crime.**—Not given in three-year program, 1939-40.
312. **Risk and the Business Enterprise.**—(For the details of this course, see p. 7.)
320. **Sales.**—(For the details of this course, see p. 7.)
340. **Government.**—(For the details of this course, see p. 7.)
360. **Practice.**—(For the details of this course, see p. 7.)
361. **Moot Court.**—Preparation of cases and argument. LEVI.
412. **Corporate Management and Finance.**—(For the details of this course, see p. 8.)
420. **Negotiable Instruments and Commercial Banking.**—(For the details of this course, see p. 8.)
430. **Trusts.**—(For the details of this course, see p. 8.)
460. **Evidence.**—(For the details of this course, see p. 8.)
470. **Conflict of Laws.**—(For the details of this course, see p. 8.) To be given in the Winter Quarter for students following the three-year program.

### THIRD-YEAR COURSES

510. **Economic Organization.**—(For the details of this course, see p. 8.)

The remainder of the student's time will be devoted to work in two fields of specialization chosen from the seven fields. For the list of the fields of specialization and the details of the requirements in each field, see the description of the fields of specialization, pages 9-12.

**THIRD-YEAR COURSES FOR STUDENTS GRADUATING  
DURING 1939-40**

Certain of the foregoing courses are open, for all or part of the course, to students graduating during the academic year 1939-40. Such courses will count toward the degree on the basis of 4 hours per quarter of classroom work being equivalent to one course. Where such courses are taken by students in this class, either a course examination will be given or a part of the comprehensive examination will be taken as equivalent to a course examination and graded as such.

**342. Wills and Administration.**—Testamentary capacity, dispositions in contemplation of death; execution, revocation, republication, and revival of wills; intestate succession; probate and administration; title and powers of executors and administrators; payments of debts, legacies, and distributive shares. Rheinstein, *Cases on Wills*. C. Autumn, RHEINSTEIN.

**371. Trade Regulation.**—A course based primarily upon the Sherman Anti-trust Act of 1890, the Clayton Act of 1914, and the Federal Trade Commission Act of 1914. Other related matters are touched upon incidentally. Outside reading of considerable nonlegal materials, and class reports thereon will probably be required. McLaughlin, *Cases on the Federal Anti-trust Laws of the United States*. C. Autumn, CROSSKEY.

**372. Labor Law.**—Early English statutory regulations; legality of combination; federal jurisdiction over labor disputes; legality of means and objects of labor organizations; corporate rights, powers and liabilities of labor unions; trade agreements; the injunction in labor disputes; regulatory labor legislation; compulsory arbitration. Landis, *Cases on Labor Law*. C. Autumn, GREGORY.

**377. Taxation.**—Property taxes; excises, with special reference to the taxation of corporations; taxpayers' remedies; income, estate and inheritance taxes. Magill and Maguire, *Cases on the Law of Taxation*. 1½Cs. Autumn (3 hours), Winter (3 hours). (Students who graduate in December may take the Autumn Quarter work in this course as a separate unit.) CROSSKEY.

**412. Corporate Management and Finance.**—(For the details of this course, see p. 8.) Students who graduate in December may take the Autumn Quarter work in this course as a separate unit.

**420. Negotiable Instruments.**—(For the details of this course, see p. 8.)

**401. Historical Method.**—(For details of this course, see p. 8.)

**405. Readings in Philosophy of Law.**—(For details of this course, see p. 11.)

**406. Comparative Law of Torts.**—(For details of this course, see p. 11.)

**413. Seminar on Problems in Bankruptcy and Reorganization.**—(For details of this course, see p. 10.)

**414. Seminar on Accounting Statements.**—(For details of this course, see p. 10.)

**421. Seminar on Commercial Bank Credit.**—(For details of this course, see p. 11.)

**422. Seminar on Contract Problems.**—(For details of this course, see p. 11.)

**431. Real Security.**—(For details of this course, see p. 11.)

**430. Trusts.**—(For details of this course, see p. 8.)

**441. Administrative Law.**—(For details of this course, see p. 10.)

**561. Seminar on Logic in Relation to Pleading and Proof.**—(For details of this course, see p. 9.)

**343. Future Interests.**—Classification of future interests; rule against perpetuities; rule in Shelley's Case; construction of limitations; conditions, restraints on alienation; powers. Leach, *Cases on Future Interests*. Prerequisite: Real Property. C. Spring, BIGELOW.



**322. Insurance.**—The insurance carrier, state control of insurance corporations; marine, fire, life, and other types of insurance, including state insurance of deposits and against unemployment, ill-health, disability, and old age. Policy forms and their construction. Patterson, *Cases and Other Materials on the Law of Insurance, 1932*, with supplementary materials. C. Spring, KESSLER.

**470. Conflict of Laws.**—(For the details of this course, see p. 8.)

**404. Seminar in Legal Philosophy.**—Selected problems. Spring, COHEN.