

## FIRST-YEAR COURSES

Unless special permission is granted, the student must take all courses listed below for the first-year program. The numbers in parentheses at the end of each course description represent the value of the course in terms of course hours per quarter.

201. ELEMENTS OF THE LAW. The functions and problems of tribunals. The theory of legal rules and of the law-crafts. The theory and practice of American case-law, especially in regard to principle, precedent, statute, and justice, are developed with intensive study of selected case-materials. Aut (4), *Llewellyn*.

202. CONTRACTS. Promises and consideration—the bargain; fairness, duress, mistake, supervening events, default as an excuse, damages; an introduction to multiple party transactions; contracts and competition. Aut (4) and Win (4), *Sharp*.

203. CRIMINAL LAW. The criminal act, criminal intent, consent, justification, crimes against the person and against property; selected material in the administration of criminal law. Aut (3) and Win (3), *Puttkammer*.

204. CIVIL PROCEDURE. English and American court structure; common law and equitable remedies and the union of law and equity; the framing of issues. Spr (4), *Ming*.

205. REAL AND PERSONAL PROPERTY. Present and future interests in land and chattels; restrictions on the creation of future interests; conveyances *inter vivos*, including land contracts; adverse possession and statutes of limitation. Win (4) and Spr (6), *Dunham, Tefft*.

206. 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; theories of civil liability. Aut (3) and Win (3), *Kalven*.

207. AGENCY. Study of vicarious liability, workmen's compensation, and the allocation of risks in various types of business organizations, with emphasis on the effect of employer control of business operations and profit-taking. Spr (4), *Steffen*.

249. TUTORIAL WORK. Intensive training in analysis, research, and exposition of legal and related social materials by means of work on a series of individual projects under supervision. Aut (2), Win (2), Spr (2), *Kalven and Bigelow Teaching Fellows*.

## SECOND- AND THIRD-YEAR COURSES

With the exception of the second- and third-year tutorial work, which comprises required courses, the program for the second and third years is elective. Courses recommended, but not required, as second-year courses are marked with an asterisk.

301. ADMINISTRATIVE LAW.\* Right to notice; opportunity to be heard; adequacy of notice; elements of fair administrative procedure; what constitutes a fair hearing; administrative proceedings and *res judicata*; judicial control of administrative proceedings. Spr (4), *Sears*.

302a. CONSTITUTIONAL LAW.\* Enforcement of written constitutions; three departments of government; the federal system; powers of the national government; interstate and foreign commerce; personal liberty; political and social rights; due process and equal protection; eminent domain; retroactive laws.<sup>1</sup> Aut (3) and Win (4), *Sears*.

302b. CONSTITUTIONAL LAW.\* The Constitution of the United States. A developmental presentation of the usual topics of constitutional law. Attention will be given to the political background of the Constitution; the process of drawing and adoption; the intended meaning of the document; and the process by which the accepted modern theories of the Constitution came to be substituted therefor. Aut (4) and Win (4), *Crosskey*.

303. COMMERCIAL AND INVESTMENT PAPER.\* A study of commercial and banking transactions, with particular regard to the development and use of notes, drafts, checks, bonds, and share certificates, the concept of negotiability, and the problem of statutory codification.<sup>2</sup> Aut (5), *Steffen*.

<sup>1</sup> Students taking Constitutional Law must elect Law 302a or Law 302b.

<sup>2</sup> May be taken with Law 311.

304. ACCOUNTING. \* Introduction to accounting techniques and the interpretation of accounting statements.<sup>3</sup> Aut (3), *Katz*.

305. ECONOMIC ANALYSIS AND PUBLIC POLICY. \* 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.<sup>4</sup> Spr (4), *Director*.

306. FAMILY LAW. 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. Aut (4), *Rheinstein*.

309. TRIAL PRACTICE. 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. Win (4), *Ming*.

310. CORPORATION LAW. \* Distribution of control; application of the fiduciary principle to directors, officers, shareholders, and promoters; the procuring and maintaining of corporate capital.<sup>5</sup> Win (5), *Katz*.

311. COMMERCIAL LAW PRACTICE. \* Problems in the law of sales, letters of credit, chattel security, and collection of negotiable instruments with special emphasis on the techniques of problem analysis, counselling and statutory construction.<sup>6</sup> Aut (2), Win (2), Spr (2), *Mentschikoff*.

349. SECOND-YEAR TUTORIAL WORK. Drafting, analysis of financial statements. A study of various legal problems and the drafting under supervision of contracts, leases, and other papers, including statutory provisions, and the preparation of supporting memoranda. Win (2) and Spr (2), *Steffen and others*.

401. TAXATION. Income, gift, and estate taxation by the national government; the taxation of families as income-receiving and wealth-holding units; the taxation of business income and capital gains; the relationship of taxation to monetary and fiscal policy; and the role of taxation in a private enterprise economy. Aut (4) and Win (4), *Blum*.

402. TRUSTS. Problems relating to the creation and administration of trusts; contemporary use of the trust device. (3) *Dunham*. [Not given in 1951-52.]

403. BANKRUPTCY AND REORGANIZATION. Credit aspects of inflation and deflation; problems of investment, debt, and failure in a fluctuating economy; debtor relief, including corporate reorganization plans; corporate capital structures. Spr (4), *Blum*.

404. LABOR LAW. The legal framework for collective bargaining, strikes, picketing, and other forms of concerted pressure; the relationship of that framework to the general problem of regulating monopoly; the selection of the collective bargaining representative, the relationship of the representative to the individual employee, including the regulation of the internal affairs of labor organizations; the negotiation, administration, and enforcement of collective bargaining arrangements. Spr (4), *Meltzer*.

405. LAW OF COMPETITION AND MONOPOLY. The structure of American industry, the theory of competition and monopoly; the development of patents and trade-marks; problems of unfair competition; the enforcement of the antitrust laws against restraints of trade and against monopoly. Spr (4), *Director, Levi*.

406. EVIDENCE. The proof of facts in issue in trials at law and equity, with incidental treatment of hearings before administrative tribunals, covering burden of proof, presumptions, and judicial notice; the examination, competency, and privilege of witnesses; logic in relation to problems of circumstantial evidence and relevancy; the exclusionary rules of evidence. Aut (6), *Meltzer*.

407. MODERN REAL ESTATE TRANSACTIONS. A study of land marketing transactions with particular regard to problems of the development of urban land, of marketing urban land, whether by sale or by lease, of financial acquisition of urban land, and of marketable title and title examination. The problems are illustrated with materials from the area of marketing of housing. Aut (4), *Dunham*.

408. CONFLICT OF LAWS. The problems arising when important facts of a case occur in states or countries having different rules of law. Win (4), *Rheinstein*.

409. ARBITRATION. Evaluation, legal aspects, and techniques of arbitration process in commercial and labor matters. (Limited to sixteen students.) Win (4), *Mentschikoff*.

410. JURISPRUDENCE—LAW IN OUR SOCIETY. A horse-sense approach to a selection of basic problems facing the lawyer today as craftsman, as a citizen, and as a person. Written critiques required weekly. Spr (4), *Llewellyn*.

<sup>3</sup> Prerequisite for Law 310.

<sup>4</sup> Recommended as preparation for Law 401, Law 403, Law 404, and Law 405.

<sup>5</sup> Law 304 is a prerequisite.

<sup>6</sup> May be taken with Law 303.

411. LEGAL ARGUMENT. The general theory of argument, centered on the appellate brief. Preparation, critical discussion, and rewriting of briefs from records. Limited enrolment.<sup>7</sup> Win (4), *Llewellyn*.

412. INSURANCE. A study of the insurance contract, with some reference to the peculiar responsibilities of the insurance company. [Not given in 1951-52.]

413. DECEDENTS' ESTATES. 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. [Not given in 1951-52.]

449a. THIRD-YEAR TUTORIAL WORK—MOOT COURT. Preparation of briefs and oral argument of appellate cases.<sup>8</sup> Win (2), *Kalven and Bigelow Teaching Fellows*.

449b. TUTORIAL WORK—INDUSTRY STUDIES. The writing of an industry study is intended to give the student experience in summarizing and analyzing the salient characteristics of an industry in terms of its products and their uses; the relative concentration of its productive facilities (financially, technologically, and geographically); the principal factors in its structure, organization, and trade practices which may explain its "competitive" or "noncompetitive" character (e.g., technology, patent control, marketing techniques, relationship to principal raw-material sources), and antitrust history. *Bowman, Bursler*. [Not given in 1951-52.]

## SEMINARS

451. SEMINAR ON 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 (3), *Tefft*.

452. SEMINAR ON COMPARATIVE LAW—SOCIOLOGY OF LAW. Interpretation and discussion of selected chapters of Max Weber's *Economy and Society*. Win (3), *Rheinstein*.

453. SEMINAR ON PSYCHOLOGY AND LAW. An inquiry into some of the psychological assumptions underlying contemporary law. Spr (3), *Kalven, Sharp*.

454. SEMINAR ON THE STEEL INDUSTRY. The seminar will attempt to evaluate legal and economic problems relating to "competition" and "monopoly" in the steel industry. Basic issues which have been raised with respect to public policy on steel will be traced through previous hearings and court cases. Students will be expected to prepare economic briefs on both sides of these issues and to analyze and evaluate recommendations for or against congressional action. Win (3), *Bowman*.

455. SEMINAR ON TAXATION. An examination of some areas of contemporary importance under the federal tax system. Spr (3), *Blum, Kalven*.

456. SEMINAR ON CORPORATE SECURITIES. Comparative study of types of debt and equity securities. (3) *Katz*. [Not given in 1951-52.]

457. SEMINAR ON THE CHEMICAL INDUSTRY. An analysis of economic and legal problems involved in the structure of the chemical industry with particular emphasis on recent antitrust litigation.<sup>9</sup> Aut (3), *Bursler*.

460. SEMINAR ON LAW REVISION: CONTRACTS. A study of proposals for legislative treatment of traditional private law problems, with special relevance to contracts and related topics. (3) *Sharp*. [Not given in 1951-52.]

465. SEMINAR ON INDETERMINATE SENTENCE, PAROLE, AND PRISON ADMINISTRATION. A study of current problems in these areas of Criminal Law Administration from both a legal and a sociological viewpoint. Some field work and study of "live" cases will be included. *Lohman*. [Not given in 1951-52.]

466. SEMINAR ON MONEY, BANKING, AND EMPLOYMENT. Discussion of past and proposed plans for dealing with the problem of economic instability. Win (3), *Director*.

471. SEMINAR ON LABOR LAW. A consideration of selected problems in collective bargaining, government labor policy, and the regulation of internal affairs of labor organizations. Spr (3), *Meltzer*.

472. SEMINAR ON PATENTS. Problems in the field of patents and trade-marks; for students who have had Law 405. (3) *Director, Levi*. [Not given in 1951-52.]

475. SEMINAR ON CIVIL LIBERTIES. An examination of the extent to which contemporary American law protects speech from direct or indirect governmental regulation. The study will include such areas as obscenity, defamation, group defamation, contempt of court, picketing, breaches of the peace, and it will pay special attention to political and seditious speech. Spr (3), *Kalven, Ming*.

480. SEMINAR ON CONFLICT OF LAWS. Discussions of selected problems of choice of law and their solutions in American and foreign courts. Win (3), *Rheinstein*.

<sup>7</sup> Law 411 may be substituted to meet the requirements of Law 449a.

<sup>8</sup> Law 411 may be substituted to meet the requirements of Law 449a.

<sup>9</sup> Students may elect either Law 454 or Law 457.

481. SEMINAR ON FUNDAMENTAL LEGAL CONCEPTIONS. Discussions and comparisons of fundamental conceptions of private law in the common law and the civil law systems. Term papers and class discussions of problem cases. Spr (3), *Rheinstein*.

482. SEMINAR ON PUBLIC UTILITIES. The application and implications of the "regulated monopoly" theory in federal, state, and city regulation of public utility rates and services, with some examples from the region. (3) *Ming*. [Not given in 1951-52.]

483. SEMINAR ON INVESTMENT BANKING. An examination of Securities and Exchange Commission procedures in the light of current investment banking house practices. Aut (3), *Steffen*.

484. SEMINAR ON INTERNATIONAL LAW. International law, with some reference to proposals for international government and to the characteristics of international lawlessness. Aut (3), *Sharp*.

### COURSES FOR SUMMER SESSION, 1952

The Law School will be in session for the Summer Quarter, 1952. A special announcement will be made at a later date as to the courses to be offered.