

## FIRST- YEAR COURSES

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 (3), Win (2), *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), Win (4), *Sharp*.

203. CRIMINAL LAW AND PROCEDURE. The criminal act, criminal intent, consent, justification, crimes against the person and against property; selected material in the administration of criminal law. Win (2), Spr (4), *Puttkammer*.

204. CIVIL PROCEDURE. Introduction to adjective law; division of business and function between State and Federal courts; choice of forum; jurisdiction over subject matter, persons, and things; venue; forms of judgments, res adjudicata and collateral estoppel; full faith and credit. Aut (4), *Currie*.

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), 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 (4), Win (2), *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. Moot court. Aut (1), Win (2), Spr (2), *Kalven and Bigelow Teaching Fellows*.

## SECOND- AND THIRD-YEAR COURSES

With the exception of the required second-year tutorial work, 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 (4) 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.<sup>2</sup> Win (4) and Spr (4), *Crosskey*.

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

<sup>2</sup> Students taking Constitutional Law must elect Law 302a or 302b.

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>3</sup> Aut (5), *Steffen*.

304. **ACCOUNTING.** \* Introduction to accounting techniques and the interpretation of financial statements.<sup>4</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>5</sup> Aut (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. Win (4), *Rheinstein*.

309. **TRIAL PRACTICE.** Pleading; parties; deposition and discovery; pretrial hearings; trial motion practice; division of function between judge and jury; verdicts. Win (4), *Kurland*.

310. **CORPORATION LAW.** \* Distribution of control; application of the fiduciary principle to directors, officers, shareholders, and promoters; the procuring and maintaining of corporate capital. 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> Win (2), Spr (4), *Mentschikoff*.

315. **EQUITY.** The origin and development of equitable remedies and their role under present-day conditions. Aut (4), *Tefft*.

344. **MORTGAGES.** A study of real estate and chattel mortgages and related types of security with emphasis upon enforcement and liquidation. Spr (4), *Tefft*.

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 Bigelow Teaching Fellows*.

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. Win (4), *Dunham*.

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 arrangement. Win (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. Win (3), Spr (3), *Director, Levi*.

406. **EVIDENCE.** The law governing the proof of facts in issue 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 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*.

<sup>3</sup> May be taken with Law 311.

<sup>4</sup> Recommended in connection with Law 310, 401, and 403. May not be taken for credit by students who have had over a year of college accounting.

<sup>5</sup> Recommended as preparation for Law 401, 403, 404, and 405.

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

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), *Currie*.

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

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

411. LEGAL ARGUMENT. The general theory of argument, centered on the appellate brief. Preparation, critical discussion, and rewriting of briefs built on transcripts of records. Limited enrolment. 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 1953-54.]

413. DECEDENTS' ESTATES. The machinery for, and the substantive law of, the transfer of wealth upon death (intestacy, wills, probate, administration); exercises in estate planning and drafting. Aut (4), *Rheinstein*.

414. THE NATIONAL JUDICIARY SYSTEM. The constitutional and statutory jurisdiction of the national courts, both trial and appellate, including the relation of the national courts to the administrative agencies of state and nation. *Crosskey*. [Not given in 1953-54.]

415. STATE AND LOCAL GOVERNMENT. Selected problems in state constitutional and administrative law and the general legal principles applicable to the operation of counties, cities, and towns. Spr (4), *Lucas*.

416. LECTURES ON INDUSTRIAL ORGANIZATION. A course of lectures on industrial organization, with special emphasis on the factors which give rise to large-scale units and their influence on competition. Consideration will be given to the problem of public regulation of prices of monopoly industries, and of nationalized industries in England. Aut (4), *Jewkes*.

417. FEDERAL JURISDICTION. History of federal judiciary acts; structure and business of the federal courts; nature of federal judicial function; diversity of citizenship jurisdiction; federal question jurisdiction; jurisdictional amount; removal jurisdiction; jurisdiction to enjoin federal courts; three-judge courts; law applied by federal courts; federal criminal jurisdiction; habeas corpus; jurisdiction of the Courts of Appeals; jurisdiction of the Supreme Court. Spr (4), *Kurland*.

418. ADMIRALTY. Admiralty and maritime jurisdiction; torts in admiralty (including wrongful death); workmen's compensation; maritime contracts (including contracts for arbitration); the governing law aboard ships; the seaman; the maritime lien; common carriage by water; towage; pilotage; salvage; general average; collision; limitation of liability. Spr (4), *Currie*.

419. 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. Aut (4), *Ming*.

## SEMINARS

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 may elect either Law 454 or 457. Spr (3), *Bowman*.

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

456. SEMINAR ON SECURITIES REGULATION. A study of the problems in the issuance of corporate securities. *Katz*. [Not given in 1953-54.]

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. Students may elect either Law 457 or 454. Aut (3), *Bursler*.

458. SEMINAR ON RESALE PRICE MAINTENANCE. Objectives; economic interest of producers, distributors, and consumers; legislative and legal history; methods and results in particular industries. Can conflicts with the Sherman Act be avoided? Win (3), *Bowman*.

461. SEMINAR ON PATENTS AND INDUSTRIAL PROGRESS. Discussion of the theory of patents and industrial progress, of the relation of patents to monopoly in general, and of proposals for the reform of the patent system. Win (3), *Director, Jewkes*.

462, 463, 464. SEMINAR IN LAW REVISION. Examination of the need for uniformity in areas suggested by the National Commissioners on Uniform State Laws. Preliminary investigation and preparation of uniform statutes. Specific topics to be announced. Three separate seminars. Aut (3), *Dunham*; Win (3), *Mentschikoff*; Spr (3), *Lucas*.

466. SEMINAR ON MONEY, BANKING, AND EMPLOYMENT. Discussion of past and proposed plans for dealing with the problem of economic instability. Spr (3), *Director*.
467. SEMINAR ON PROBLEMS OF DIVORCE. Methods of determining the role of governmental regulation in preventing family breakdown. Spr (3), *Rheinstein*.
471. SEMINAR ON LABOR LAW. An examination of selected problems of labor law, with emphasis on problems involved in the drafting, administration, and enforcement of collective bargaining agreements. The basic course in labor law is usually a prerequisite, but students who have had relevant practical experience or relevant work in other departments may be admitted with consent of the instructor. Spr (3), *Meltzer*.
473. SEMINAR ON THE SOCIOLOGY OF LAW OF MAX WEBER. Interpretation and discussion of selected chapters of Max Weber's *Economy and Society*. Win (3), *Rheinstein*.
475. SEMINAR ON GOVERNMENTAL REGULATION OF SPEECH AND POLITICAL ACTIVITY. An intensive examination of the extent to which speech and political activity are protected from direct or indirect governmental control. Spr (3), *Kalven, Ming*.
476. SEMINAR ON BUILDING CODES AND ZONING ORDINANCES. A study of the various sanctions for enforcement of building codes and zoning ordinances and a consideration of the efficacy of these municipal regulations in preventing blight and slum conditions. Aut (3), *Dunham*.
480. SEMINAR ON CONFLICT OF LAWS. Discussions of selected problems of choice of law and their solutions in American and foreign courts. (3), *Rheinstein*. [Not given in 1953-54.]
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*.
487. SEMINAR ON THE JURY. A study of the real and fancied role of juries in judicial administration. Aut (3), *Kurland, Stone*.
488. SEMINAR ON PROBLEMS OF AMERICAN LAW FOR FOREIGN STUDENTS. Introduction to the study of American law through discussion of fundamental problems and through comparison with institutions of the civil law countries. Aut (3), Win (3), Spr (3), *Rheinstein*.
489. GENERAL GRADUATE SEMINAR. A core-seminar designed for graduate students. One topic of legal importance cutting across course lines will be considered each year. Aut (3), Win (3), Spr (3), *Llewellyn*.
- 492, 493, 494. SEMINAR ON LAW AND SOCIAL BEHAVIOR. A workshop to develop methods for translating legislative problems into research problems and procedures. Three seminars.<sup>7</sup> Aut (3), Win (3), Spr (3), *Strodbeck, Zeisel*.
495. SEMINAR ON SMALL-GROUP ANALYSIS. A survey of the concepts, research techniques, and theories developed for the understanding of small group behavior.<sup>7</sup> Win (3), *Strodbeck*.

## COURSES FOR THE SUMMER SESSION, 1953

202. CONTRACTS. (8), *Sharp*.
204. CIVIL PROCEDURE. (4), *Currie*.
- 302b. CONSTITUTIONAL LAW. (5), *Crosskey*.
304. ACCOUNTING. (4), *Katz*.
309. TRIAL PRACTICE. (4), *Kurland*.
329. RESTITUTION. (4), *Barrett*.
404. LABOR LAW. (4), *Mann*.
412. INSURANCE. (4), *Blum, Katz*.
415. STATE AND LOCAL GOVERNMENT. (4), *Lucas*.
491. SEMINAR ON PROBLEMS IN ANTITRUST LAWS AND LAWS RELATING TO UNFAIR COMPETITION. (4), *Levi*.