

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

203. Criminal Law and Administration. General doctrines of criminal liability, crimes against persons and property, legislative problems of criminal-law revision; selected problems of procedure, administration, and constitutional rights. Aut (3), Win (3), *Allen*.

204. Civil Procedure I: Jurisdiction and Judgments. 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; kinds of judgments, *res iudicata* and collateral estoppel; full faith and credit. Spr (4), *Kurland*.

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. Aut (2), Win (3), Spr (4), *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), 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 (5), *Steffen*.

248. Tutorial Work I. Aut (2), Win (2), Spr (1). Intensive training in analysis research and exposition of legal and related material. *Katz and Bigelow Teaching Fellows*. Seminar discussion of ethical problems of the profession. *Mackinnon*.

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.

300. Equity.* The origin and development of equitable remedies and their role under present conditions.¹ Win (4), *Tefft*.

¹ Available also to first-year students who entered in the Summer Quarter, 1957.

301. Administrative Law.* Right to be heard; 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), *Cramton*.

302a-1. Constitutional Law.* Judicial review; problems of federalism; the Commerce Clause; intergovernmental immunities.² Win (4), *Kurland*.

302a-2. Constitutional Law.* Due process and equal protection of the laws; civil liberties; political and social rights; military powers.² Spr (4), *Allen*.

302b. Constitutional Law.* The Constitution of the United States. A developmental presentation of the usual topics of constitutional law. Attention is 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.² Win (4), Spr (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.³ Aut (5), *Steffen*.

304. Accounting.* Introduction to accounting techniques and the interpretation of financial statements.⁴ 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.⁵ 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), *Llewellyn*.

307. English Legal History. Significant aspects of the growth of the main concepts and institutions of the Common Law.⁶ Aut (4), *Jolowicz*.

309. Civil Procedure II: Trial Practice. Pleading; parties; deposition and discovery; pretrial hearings; trial motion practice; division of function between judge and jury; verdicts. Aut (4), *Cramton*.

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, counseling, and statutory construction.⁷ Win (3), Spr (3), *Mentschikoff*.

344. Mortgages. A study of real estate and chattel mortgages and related types of security, with emphasis upon enforcement and liquidation. Win (4), *Reeve*.

350. Tutorial Work II. Analyses of problems of legislation and administrative regulation from the perspective of preparing and drafting policy papers, statutes and regulations, and materials in support thereof. Techniques for improving professional standards of drafting and the limitations imposed by the nature of the legislative process will be explored. Actual drafting, under supervision, of statutes and related materials will be required.⁸ Aut (2), Win (2), Spr (2), *Katzenbach and Bigelow Teaching Fellows*.

² Students taking Constitutional Law may elect 302a-1 or 302a-2 or both, or may take 302b.

³ May be taken with Law 311.

⁴ 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.

⁵ Recommended as preparation for Law 401, 403, 404, and 405.

⁶ Available to first-year students who entered in the Summer Quarter, 1957.

⁷ May be taken with Law 303.

⁸ Required of second-year law students who may take Tutorial Work II either in the Autumn and Winter Quarters or in the Winter and Spring Quarters.

402. **Trusts.** Problems relating to the creation and administration of trusts; temporary use of the trust device. Aut (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, lockouts, and other forms of 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. 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 (4), *Director, Levi*.

406. **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 (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. Spr (4), *Dunham*.

408. **Conflict of Laws.** The problems arising when significant facts of a case relate to states or countries having different rules of law. Aut (4), *Katzenbach*.

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

410. **Jurisprudence: Law in Our Society.** A common-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. Aut (4), *Llewellyn*.

412. **Insurance.** A study of the insurance contract, with some reference to the peculiar responsibilities of the insurance company. Spr (4), *Sharp*.

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. Spr (4), *Rheinstein*.

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. Win (4), *Lucas*.

416. **State and Local Taxation.** A study of selected problems dealing with the power to tax and limitations placed upon such power by the federal and state constitutions; the chief sources of state and local tax revenues; and problems of conflict between tax systems in a federal state. Spr (4), *Lucas*.

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. Aut (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. Win (4), *Currie*. [Offered in alternate years. Not offered in 1957-58.]

419. International Law. A study of the role and utility of legal practices and doctrine in the world-power process. Emphasis will be upon contemporary problems of national and international economic regulation and development. Win (4), *Katzenbach*.

420. Federal Taxation I. Income taxation of individuals: the rate structure; the definition of income; the exclusions and deductions; the treatment of gains and losses from property; the taxable unit and the attribution of income. Aut (3), *Blum*.

421. Federal Taxation II. Income taxation of partnerships, corporations, and other business entities: the corporate income tax; the taxation of shareholders; the comparative tax treatment of partnerships and corporations; the accounting aspects of income taxation; the relationship of taxation to monetary and fiscal policy. Federal Taxation I is a prerequisite. Win (3), *Blum*.

422. Federal Taxation III. Estate planning; the income taxation of trusts and estates; the estate and gift taxes; the conservation of family estates from a tax point of view; the social and economic implications of progressive taxation. Federal Taxation I is a prerequisite. Spr (3), *Blum*.

426. International Commercial Problems. A study of international sales transactions with emphasis upon methods of remittance; financing; cartelization; governmental controls over currency and commodities, such as exchange controls, quotas, licenses, and tariffs; state trading; and taxation of income from foreign sales. Aut (3), *Katzenbach, Llewellyn, Mentschikoff, Steffen*.

427. International Investment Problems. A study of legal and economic factors influencing the international flow of capital, particularly in the form of direct investment in foreign subsidiaries. Problems of organizing, financing, and operating foreign companies will be examined with particular emphasis upon national and international law regarding concessions, subsidies, licensing, monopoly and competition; expropriation and protection of property abroad; copyright and patent protection; taxation of foreign business; and related problems. Win (3), *Katzenbach, Llewellyn, Mentschikoff, Steffen*.

SEMINARS

452. Seminar on International Commercial Business Problems. A seminar in which students explore independently in more detail problems raised or suggested by the discussion in Law 426 or Law 427. Limited to students who have taken Law 426 or Law 427. Spr (3), *Katzenbach, Llewellyn, Mentschikoff, Steffen*.

453. Seminar on Reasoning and Law. The functions of logic and other experiences in the law. Win (3), *Sharp*.

456. Seminar on Securities Regulation. A study of the problems in the issuance of corporate securities. Win (3), *Kaplan*.

462, 463, 464. Seminar on 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), *Lucas*; Spr (3), *Lucas*.

466. Seminar on Money, Banking, and Employment. Discussion of past and proposed plans for dealing with the problem of economic instability. Win (3), *Director*.

467. Seminar on Law and Criminology. An examination of a variety of issues of criminal-law administration including juvenile delinquency, probation, parole, and the organization of correctional systems. Emphasis is given to the evaluation of relevant criminological materials. Win (3), *Allen*.

469. Seminar on the Ratification of the Constitution. Attention is focused on what occurred in New York, and an attempt is made to evaluate the famous *Federalist* papers read in the context in which they originally appeared. Spr (3), *Crosskey*.

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*.

472. Seminar in Tort, Risk-Bearing, and Insurance. A study of (1) the institution of liability insurance and of other devices for risk and loss distribution; (2) the impact of insurance and risk theory on the current law of torts; and (3) the possibilities of large-scale legislative changes, with emphasis on workmen's compensation and social insurance analogies. Spr (3), *Blum, Kalven*.

474. Seminar on Comparative Law: Sociology of Law. The function of law in society; its rise in primitive society and its forms in archaic and developed societies; its role in the international community of nations. Win (3), *Rheinstein*.

476. Seminar on Urban Land Planning. Discussion of selected problems of zoning, planning, building, urban redevelopment, and urban conservation legislation. Spr (3), *Dunham*.

480. Seminar on Jurisprudence. An analysis of selected writings relating to the methods of investigation, the understanding, and the appraisal of the operations of legal institutions. Aut (3), Win (3), *Shils, Levi*.

481. Seminar on American Legal History. Selected problems in American legal history with emphasis on the historical development of American public law, federalism, the Bill of Rights, and related matters. Attention is given to the techniques and uses of historical research in the law. Spr (3), *Allen*.

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. Aut (3), *G. E. Hale, R. D. Hale*.

483. Seminar on Investment Banking. An examination of Securities and Exchange Commission procedures in the light of current investment banking house practices. Win (3), *Steffen*.

485. Seminar on Patents. Theory and operation of the patent system; patentable subject matter; acquisition, enforcement, licensing, and assignment of patent rights; common-law and statutory protection of other forms of industrial property. Spr (3), *Director, Levi*.

488. Seminar on Problems of American Law for Foreign Students. Introduction to the study of American law for foreign students through discussion of fundamental problems and through comparison with institutions of the civil-law countries. Aut (2), Win (2), *Rheinstein*.

491, 492, 493. Seminar on Civil Law. Contracts, torts, property, and family law under the systems of the French and German civil code. Aut (5), Win (5), Spr (5), *Rheinstein, Naef*.

494. Land and the United States Supreme Court. A historical survey with particular emphasis on police power and condemnation cases. First quarter will examine cases through 1860. Second quarter, 1860-1900. Third quarter, 1900 to date. Students may take any or all of the three seminars. Win 1958 (3), Spr 1958 (3), Win 1959 (3), *Dunham*.

495. Seminar on the Supreme Court. An analysis of work of the United States Supreme Court and its opinions for the current term. Aut (3), Win (3), *Dunham, Kurland, Cramton*.

496. Seminar on Church and State in American Constitutional Law. A historical and contemporary analysis of the judicial application of the relevant portions of the First Amendment of the Federal Constitution. Win (3), *Kurland*.

497. Seminar on Jurisdiction of the Supreme Court of the United States. An analysis of the power of the Supreme Court of the United States to review decisions of state and lower federal courts. Spr (3), *Kurland*.

498. Seminar on Oil in the World Community. A study of the legal, economic, and political problems raised by the international structure and operation of the oil industry. Spr (3), *Katzenbach*. [Offered in alternate years. Not offered in 1958-59.]

499. Seminar on the International Control of Atomic Energy. An inquiry into the problems of controlling atomic resources in the trans-national community. The seminar will explore problems both of weapons control and of development of industrial usage. Spr (3), *Katzenbach*. [Offered in alternate years. Not offered in 1957-58.]

COURSES FOR THE SUMMER SESSION, 1957

- 202. **Contracts.** (8) *Nicholas deBelleville Katzenbach*.
- 204. **Civil Procedure I: Jurisdiction and Judgments.** (4) *Brainerd Currie*.
- 302b. **Constitutional Law.** (6) *William Winslow Crosskey*.
- 304. **Accounting.** (4) *Wilber G. Katz*.
- 403. **Bankruptcy.** (4) *Grant Gilmore*.
- 406. **Evidence.** (6) *John T. McNaughton*.
- 408. **Conflict of Laws.** (4) *The Honorable Roger Traynor*.
- 491. **Economic Analysis of Antitrust Cases.** (4) *Aaron Director*.
- 495. **Future Interests.** (4) *Lewis Simes*.
- 498. **Seminar in Estate Planning.** (3) *Walter J. Blum*.