

FIRST-YEAR COURSES

301. 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*.

302. Contracts. Promises and consideration—the bargain; fairness, duress, mistake, supervening events, default as an excuse, damages; an introduction to multiple-party transactions. Aut (3), Win (2),¹ Spr (3), *Sharp*.

303. 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. Win (3), Spr (3), *Allen*.

304. Civil Procedure. (1) Introduction to adjective law; division of business and function between state and federal courts; choice of forum; jurisdiction over persons and things; venue. (2) Pleading; parties; pretrial motions. (3) Deposition and discovery; pretrial hearings; trial motion practice; division of function between judge and jury; verdicts. Aut (2), Win (2),¹ Spr (5), *Kurland*.

305. 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 (3), Win (2),¹ Spr (4), *Dunham, Tefft*.

306. 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*.

348. Tutorial Work. Intensive training in analysis, research, and exposition. Aut (2), Win (2), Spr (1), *Lucas and Bigelow Teaching Fellows*.

¹ An examination will be given at the end of the Winter quarter.

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.

400. Equity.* The origin and development of equitable remedies and their role under present conditions. Aut (4), *Teffi*.

401. Administrative Law.* Constitutional law, statutory law, common law, and agency-made law concerning the powers and procedures of administrative agencies, including problems of adjudication, rule making, and judicial review. Aut (5), *Davis*.

402a-1. Constitutional Law.* Judicial review; problems of federalism; the Commerce Clause; intergovernmental immunities.¹ Win (4), *Neal*.

402a-2. Constitutional Law.* Due process and equal protection of the laws; civil liberties; political and social rights; military powers.¹ Spr (4), *Allen*.

402b. 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.¹ Win (4), Spr (4), *Crosskey*.

403. Agency.* A study of that pervasive device by which one person (association, trust, or corporation) may employ others to do his work, construct his factory, acquire property, or sell and deliver goods, as if he were present and acting—with particular attention to the social basis for vicarious liability and the procedures for allocating risks. Spr (5). [Not offered in 1961–62.]

404. Accounting.* Introduction to accounting techniques and the interpretation of financial statements.² Aut (3), *Oaks*.

405. 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.³ Spr (4), *Director*.

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

409. 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), *Kurland*. [Offered in 1961 only.]

410. 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), *Kaplan*.

411. Commercial Law I.* Problems in the law of sales, negotiable instruments, letters of credit and documentary collections. Win (5), *Mentschikoff*.

412. Commercial Law II. Chattel security, with special emphasis on the techniques of problem analysis, counseling and statutory construction. Commercial Law I is a prerequisite. Spr (3), *Mentschikoff*.

413. Redress of Certain Harms. A detailed study of injury to relational interests with special emphasis on defamation, disparagement, invasions on the right of privacy, and other dignity torts, as well as tortious interference with contract rights. Spr (3), *Kalven*.

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

¹ Students taking Constitutional Law may elect 402a-1 or 402a-2 or both, or may take 402b. Students electing to take all three Constitutional Law courses must secure the permission of the Dean.

² Recommended in connection with Law 410a and 520. Students who have had as much as a year of college accounting must secure permission of the instructor prior to registering for Law 404.

³ Recommended as preparation for Law 504, 505, and 525.

502. Decedent's Estates.* Intestate succession; limitations upon testamentary power; execution and revocation of wills; interpretation of wills; will substitutes; probate and administration. Aut (2), *Dunham*.

504. 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 and 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*.

505. Law of Competition and Monopoly. The structure of American industry; the theory of competition and monopoly; the growth and application of basic antitrust doctrines in the area of restraints and monopoly; antitrust aspects of the misuse of patents; international cartels. Win (5), *Levi, Director*.

506. 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*.

507. Modern Real Estate Transactions. A study of land marketing transactions emphasizing 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*.

508. Conflict of Laws. The problems arising when significant aspects of a case relate to more than one state or country. Spr (4), *Kaplan*.

510. 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*.

511. 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*.

512. Comparative Law: The Rule of Law. Methods of dispute settlement in primitive, archaic, and developed societies; the role of law in the international community of nations. (4), *Rheinstein*. [Not offered in 1961-62.]

513. Insolvency 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*.

514. Trusts.* The creation and termination of trusts; contemporary use of the trust device; constructional problems of trusts. Win (4), *Dunham*.

515. 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*.

516. 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. Federal Taxation I is a prerequisite. Spr (4), *Lucas*.

517. 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. Win (4), *Kurland*.

518. Admiralty. Admiralty and maritime jurisdiction; marine insurance; carriage of goods; charter parties; general average; rights of seamen and other maritime workers; collision; salvage; maritime liens and ship mortgages; limitation of liability. (4), *Lucas*. [Offered in alternate years. Not offered in 1961-62.]

519. International Law. Nature, source, and application of international law; international agreements; membership in the international community; territory of states; nationality; jurisdiction and jurisdictional immunities; state responsibility and international claims; the law of war; and an introduction to international organization law. Win (4), *Dam*.

520. 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*.

521. 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*.

522. 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*.

525. Regulation of Competition. A study of governmental limitations upon methods of competition and the right to compete, with emphasis on the Robinson-Patman Act, the law of unfair competition and trade-mark infringement, and antitrust aspects of government regulation of industry. State fair-trade legislation, state statutes prohibiting sales below cost and unfair competition aspects of patent and copyright infringement also will be studied. Spr (4), *Dam*.

526. 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. Win (3), *Mentschikoff*.

527. 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 about concessions, subsidies, licensing, monopoly, and competition; expropriation and protection of property abroad; copyright and patent protection; taxation of foreign business; and related problems. Aut (4), *Dam*.

528. Comparative Constitutional Law. Comparative treatment of the following topics: the vocabulary of constitutional law; the establishment of constitutions; the efficacy of constitutions; the content, development, and amendment of constitutions; the protection of fundamental human rights and freedoms (with reference also to International Law); problems of federalism. Spr (4), *Cowen*.

536. The Philosophy of Law (\equiv Philosophy 356). An examination of the variety of philosophic bases employed in the philosophy of law and of the problems to which they are relevant, and an analysis of the philosophic implications of the problems raised by pluralism and consensus in the development of traditions of law and the emergence of world law. Spr (4), *McKeon*.

553. Seminar: Reasoning and Law. The functions of logic and other experiences in the law. Permission of the instructor is required. Spr (3), *Sharp*.

555. Seminar: Taxation. A study of selected tax problems. Limited to students who have taken Law 521. Aut (3), *Blum*.

556. Seminar: Securities Regulation. A study of the problems in the issuance of corporate securities. It is a prerequisite to have taken, or to be taking, Corporation Law. Win (3), *Kaplan*.

562, 563. Seminar: 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. Two separate seminars. Win (3), Spr (3), *Lucas*.

564. Seminar: Taxation. A study of selected problems concerning the taxation of foreign income. Win (3), *Blum, Dam*.

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

567. Seminar: 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*.

569. Seminar: 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*.

571. Seminar: Labor Law. An examination of selected problems of labor law, including 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*.

572. Seminar: 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. (3), *Blum, Kalven*. [Not offered in 1961-62.]

575. Seminar: Criminal Procedure. A critical study of the criminal-law processes at various stages from arrest to appeal. Primary attention will be given to the Illinois practices, but consideration will also be given to the Federal Rules of Criminal Procedure, model legislation, and proposals for procedural reform. Aut (3), *Allen*.

576. Seminar: Public Regulation of Land. A survey of various regulatory laws controlling land use, such as housing and building codes, zoning and planning, antinuisance statutes, fencing and party-wall statutes, water regulation, etc. Spr (3), *Dunham*.

577. Seminar: Economic Analysis of Antitrust Cases. An examination of topics related to the theory of monopolizing, with special emphasis on mergers, tying arrangements, and price discrimination. Aut (3), *Director*.

580. Seminar: Administrative Law. Research problems on the frontier of rapidly developing Administrative Law; that is, the law about powers and procedures of administrative agencies. 401 is a prerequisite. Win (3), *Davis*.

581. Seminar: Administrative Regulation. Problems in a substantive field of administrative regulation, such as transportation, radio and television, or natural gas; emphasis on individual research. 401 is a prerequisite. Spr (3), *Davis*.

584. Seminar: Workshop in Industrial Organization. Studies in the structure and behavior of industries, with special emphasis on the role of government regulation. Permission of the instructor and Dean is required. Aut (3), Win (3), Spr (3), *Stigler, Director, and other members of the faculty*.

585. Seminar: 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), *McDougall*.

586. Seminar: The Supreme Court. An analysis of work of the United States Supreme Court and its opinions for the current term. Enrolment is limited and by permission of the instructor. Aut (3), *Dunham, Oaks, Kurland*.

587. Seminar: Legal Problems in the Nations of Africa and Asia. Constitutional developments; indigenous and non-indigenous legal systems; contact between them, and the problem of inter-personal conflict of laws; land tenure; family organization; legal profession, legal education, and methods of law reform. Win (3), *Cowen, Rheinstein*.

588. Seminar: 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*.

591, 592, 593. Seminar: Civil Law. Contracts, torts, property, and family relations law under the systems of the French and German civil code. This seminar constitutes a part of the Foreign Law Program; properly qualified students who are not in the Foreign Law Program may be admitted for one quarter. Aut (6), Win (6), Spr (6), *Rheinstein, de Croo*.

597. Seminar: 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. (3), *Katzenbach*. [Not offered in 1961-62.]

598. Seminar: 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 of weapons control and of development of industrial usage. (3), *Katzenbach*. [Not offered in 1961-62.]

COURSES FOR THE SUMMER SESSION, 1961

406. **Family Law.** (4) *Homer H. Clark, Jr.*

502. **Decedents' Estates.** (4) *Thomas L. Waterbury*.

504. **Labor Law.** (4) *Jerre S. Williams*.

528. **Creditors' Rights.** (4) *Stanley A. Kaplan*.

530. **Foundations and Limitations of Federal Judicial Power.** (4) *William W. Crosskey*.

557. **Seminar: The Robinson-Patman Act.** (3) *Edward H. Levi*.

599. **Seminar in Jurisprudence: The Growth of the Law.** (3) *The Honorable Walter V. Schaefer and David P. Derham*.

COURSES FOR THE SUMMER SESSION, 1962

The Law School will be in regular session in the Summer Quarter of 1962. A special announcement will be made at a later date concerning the courses to be offered.