

## FIRST-YEAR COURSES

**301. Elements of the Law.** Analysis of ideas basic to the law. The structure of justice and analytical concepts of the law; the theory and practice of American case-law with particular reference to the doctrine of precedent and the relationship between court and legislature; analysis of some of the fundamental institutions of the law. Aut (2), Win (1), *Kalven, Levi*.

**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),<sup>1</sup> Spr (3), *Sharp*.

**303. Criminal Law and Administration.** An introduction to key problems for decision in the promulgation, invocation, and administration of a law of crimes. Aut (4), Win (2), *Solomon*.

**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. Win (4),<sup>1</sup> Spr (4), *Kurland, Lucas*.

**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 (2), Win (3),<sup>1</sup> 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), *Trelease*.

**307. 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 (3), *Kalven*.

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

<sup>1</sup> An examination will be given at the end of the Winter Quarter.

## SECOND- AND THIRD-YEAR 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.

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

**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.<sup>1</sup> Aut (4), *Neal*.

**402a-2. Constitutional Law.\*** Due process and equal protection of the laws; civil liberties; political and social rights; military powers.<sup>1</sup> Win (4), *Dam*.

**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.<sup>1</sup> 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. Aut (4), *Currie*.

**404. Accounting.\*** Introduction to accounting techniques and the interpretation of financial statements.<sup>2</sup> Aut (3), *Davidson*.

**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.<sup>3</sup> Aut (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. Win (4), *Rheinstein*.

**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. Aut (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. Win (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 dignitary torts, as well as tortious interference with contract rights. Win (3), *Kalven*.

**418. Restitution.** As an alternative remedy for tort; remedies in contracts induced by fraud or mistake, and in contracts unenforceable because of impossibility of performance, and statute of frauds, or plaintiff's breach; rescission for defendant's breach and duress. Win (3), *Evans*.

**420. Oil and Gas.** Nature of interests in oil and gas, trespassers and adverse claimants, rights and duties under leases, unitization, pooling, and other problems arising from exploration, ownership and production of petroleum. Win (4), *Oaks*. [Offered in alternate years. Not offered in 1962-63.]

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

**502. Decedents' Estates.\*** Intestate succession; limitations upon testamentary power; execution and revocation of wills; interpretation of wills; will substitutes; probate and administration. Spr (4), *Rheinstein*.

<sup>1</sup> 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.

<sup>2</sup> Recommended in connection with Law 410 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.

<sup>3</sup> Recommended as preparation for Law 504, 505, and 525.

**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. Spr (5), *Levi, Director, Neal*.

**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), *Currie*; Sum (4), *Kaplan*.

**510. Jurisprudence: Law in 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. Win (4), *Cowen*.

**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 structure. Spr (4), *Blum*.

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

**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*. [Not offered in 1962-63.]

**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. Spr (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. Aut (4), *Lucas*. [Offered in alternate years.]

**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. Spr (4), *Mentschikoff*.

**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), *Oaks*.

**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 trademark infringement, and antitrust aspects of government regulations 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 government controls over currency and commodities, such as exchange controls, quotas, licenses, tariffs, and the common market state trading. Commercial Law I is a prerequisite, except with special permission of the Instructor. 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. Aut (4), *Cowen*.

530, 531, 532. **Civil Law.** Contracts, torts, property, and family relations law under the systems of the French and German civil code. This course 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, Blanc-Jouvan, Rey*.

535. **Securities Regulation.** A study of the problems in the issuance of corporate securities. Corporation Law is a prerequisite. Spr (3), *Kaplan*.

542. **Legal Problems in the Nations of Africa.** 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. Spr (4), *Cowen, Bentsi-Enchill*.

545. **Community Property.** A survey of community property laws of the United States and a comparison with common-law marital property rules. Students will be required to prepare a detailed paper on one subject. Win (3), *Oaks*. [Offered in alternate years.]

546. **Water Resources Law.** Allocation and control of water resources, western prior appropriation, eastern riparian rights and modern modifications, drainage and flood control, problems of interstate and federal-state relations. Spr (3), *Trelease*.

## SEMINARS

551. **Seminar: Contracts.** Problems illustrated principally by questions of suretyship and insurance. Permission of the instructor is required. Win (3), *Sharp*.

552. **Seminar: International Business Problems.** Students explore independently in more detail problems raised or suggested by the discussion in Law 526 or Law 527. Spr (3), *Mentschikoff*.

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

555. **Seminar: Taxation.** A study of selected tax problems. Limited to students who have taken Law 520. Aut (3), *Blum*.

557. **Seminar: Current Corporation Problems.** A more intensive consideration, than is possible in the course in corporations, of current corporation problems, such as matters relating to stock options, convertible securities, mutual funds, exculpatory clauses or other matters of a similar nature. Corporation Law is a prerequisite. Spr (3), *Kaplan*.

558. **Seminar in Jurisprudence: The Judicial Process.** An intensive analysis of the common law tradition, particularly in appellate courts, with special emphasis on precedent techniques, situation sense, and the arts of advocacy. Spr (3), *Jones*.

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 of Foreign Income.** A study of selected problems concerning the taxation of foreign income. Win (3), *Blum*.

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

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*.

**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 part-wall statutes, water regulation, etc. Spr (3), *Dunham, J. Levi*.

**577. Seminar: Public Prosecution.** The prosecutor's office, its structure, organization, and policies; the roles which the prosecutor performs; the criteria by which he functions; an evaluation of the goals and results of the existing system. Win (3), *Solomon*.

**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. Law 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. Law 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*.

**586. Seminar: The Supreme Court.** An analysis of work of the Supreme Court and its opinions for the current term. Enrolment is limited and by permission of the instructor. Win (3), *Currie, Dam, Dunham*.

**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*.

**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 1962-63.]

**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 1962-63.]

**599. Seminar: Law, Religion, and the State in India.** A combined seminar and course of lectures on Hindu law, including a study of the effects of Western scholarship, British administration and common-law procedures on Hindu Law; problems of adapting a system of religious law to a secular state; Hindu law and Hebrew law; codification and reform of Hindu law.<sup>1</sup> Spr (3), *Derrett*.

## COURSES FOR THE SUMMER SESSION, 1962

**404a-2. Constitutional Law.** (4) *Thomas P. Lewis*.

**508. Conflict of Laws.** (4) *Stanley A. Kaplan*.

**519. International Law.** (4) *Covey Oliver*.

**577. Seminar: Economic Analysis of Antitrust Cases.** (3) *Aaron Director*.

**600. Seminar: The Common Market.** (3) *Kenneth W. Dam*.

## SUMMER SESSION, 1963

The Law School will be in regular session in the Summer Quarter of 1963. A special announcement will be made at a later date concerning the courses to be offered.

<sup>1</sup> Open to law students for auditing; may be taken for credit with the permission of the Dean.