

FIRST-YEAR COURSES

301. Elements of the Law. A course designed to give beginning law students an understanding of the skills necessary in the professional use of case law and legislation. The principal subjects considered are: the sources and forms of American law, the analysis and synthesis of judicial precedents, the role of the advocate in the administration of justice, the interpretation of statutes, and the co-ordination of judge-made and statute law. Aut (3), *Jones*.

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 (3),¹ Spr (2), *Sharp, Treitel*.

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

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), *Currie*.

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

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

² An examination will be given at the end of the Autumn 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), *Treitel*.

401. 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. Spr (3), *Treitel*.

402. 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. Spr (3), *Kalven*.

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

404. Decedents' Estates.* Intestate succession; limitations upon testamentary power; execution and revocation of wills; interpretation of wills; will substitutes; probate and administration. Spr (3), *Fatouros*.

405. 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. (3), *Currie*. [Not offered in 1963-64.]

407. 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*.

408. 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. Aut (3), *Oaks*.

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

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

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*.

415. 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), *Allen*.

420. 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*.

425. 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.¹ Aut (4), *Director*.

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

430. 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*.

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

432. 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*.

¹ Recommended as preparation for Law 440, 445, and 446.

² Recommended in connection with Law 430 and 435. Students who have had as much as a year of college accounting must secure permission of the instructor prior to registering for Law 426.

435. 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*.

436. 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*.

437. 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*.

440. Labor Law I. The legal framework for collective bargaining, strikes, picketing, lock-outs and other forms of pressure; the relationship between that framework and a general anti-monopoly policy; the selection of the collective bargaining representative and the representative's authority and responsibility with respect to the individual employee; the negotiation, administration, and enforcement of collective bargaining arrangements. Win (4), *Meltzer*.

441. Labor Law II. A more intensive examination of the grievance-arbitration process and of individual rights in the enforcement of the agreement; the regulation of union internal affairs, including admission, discipline, elections, fiduciary obligations and related requirements; inter-union relations. Labor Law I (or the consent of the instructor, which will be given only in unusual situations) is a prerequisite for Labor Law II. Spr (3), *Meltzer*.

445. 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), *E. Levi, Director*.

446. 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. Aut (4), *Dam*.

450. 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*.

451. Constitutional Law I.* The first part of this course will be devoted to an evaluation of the history and role of the judiciary in a federal constitutional democracy, including such questions as the proper scope of judicial review and the propriety of judicial participation in such political matters as legislative districting. The second part will treat of the distribution of powers between the state and national governments primarily in the area of economic regulation. There will be special concern with the question whether federalism, at least in the realm of economic affairs, has been destroyed by the subjugation of the states. Aut (4), *Kurland*.

452. Constitutional Law II.* This course is concerned with the rights of the members of the American community, non-citizens as well as citizens, vis-à-vis the state and national governments. Emphasis will be placed on the rights of freedom of speech, assembly, and press and the religion clauses of the First Amendment; on the rights to fair trial in criminal cases; and on the equal protection clause of the Fourteenth Amendment especially as it is concerned with the constitutional problems of the claims of Negroes to governmental action. Inherent in most of these problems is the question of the proper role of the judiciary in their resolution. Win (4), *Kurland*.

453. 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. (4), *Lucas*. [Not offered in 1963-64.]

454. 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*.

455. 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), *Currie*.

456. 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. Win (4), *Lucas*.

457. **Conflict of Laws.** The problems arising from significant aspects of a case relate to more than one state or country. Aut (4), *Cirrie*; Sum (4), *Kaplan*.

460. **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*.

461. **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. Aut (3), *Mentschikoff*.

462. **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, subsidiaries, licensing, monopoly, and competition; expropriation and protection of property abroad; copyright and patent protection; taxation of foreign business; and related problems. Win (4), *Dam*.

463. **Regional and International Institutions.** A study of the substantive and procedural rules governing the activities of regional and international political, economic, and military institutions. Primary attention will be devoted to the European Economic Community and the United Nations. Spr (4), *Dam*.

470, 471, 472. **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, Drobnig, Laubinger*.

473. **Comparative Law.** A general introduction and a brief examination of the historical background and the structure of civil law systems will be followed by an intensive study of selected fields of law. Aut (4), *Fatouros*.

474. **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. Win (4), *Cowen*.

475. **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. (4), *Cowen*. [Not offered in 1963-64.]

SEMINARS

501. **Seminar: Contracts.** Selected problems. Permission of the instructor is required. Win (3), *Treitel*.

505. **Seminar: Insurance.** A study of the insurance contract, with some reference to the peculiar responsibilities of the insurance company. Permission of the instructor is required. Aut (3), *Sharp*.

515. **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*.

516. **Seminar: The Child and the State.** A study of the uses of state power to advance the welfare of minors. Among the problems considered are those of neglect and dependency, termination of parental rights, custody, and adoption. Legal and other relevant materials are employed. A research paper is required. Spr (3), *Allen*.

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

530. **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*.

535. **Seminar: Taxation.** A study of selected tax problems. Limited to students who have taken Law 435. Win (3), *Blum*.

540. **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. (3), *Meltzer*. [Not offered in 1963-64; individual research may be arranged with the consent of the instructor.]

545. 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.*

546. Seminar: Regulated Industries. A study of comprehensive regulation of individual industries by such federal agencies as the Interstate Commerce Commission, Civil Aeronautics Board, Federal Power Commission, and Federal Communications Commission. Primary emphasis will be on substantive rather than procedural issues. A different industry will be studied each year. Prerequisite: Law 446 or consent of instructor. Win (3), *Dam.*

547. 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 450 is a prerequisite. Spr (3), *Davis.*

550. 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 450 is a prerequisite. Win (3), *Davis.*

551. Seminar: Constitutional Law. Each year the seminar concerns itself with an intensive study of a comparatively narrow area of constitutional law. Last time it was given the subject was the religion clauses of the First Amendment. This year the subject will be the Eleventh Amendment and sovereign immunity of the states from suit. Students will be expected to prepare papers on the history and function of the Eleventh Amendment with special emphasis on Supreme Court decisions and their success or failure in evolving appropriate doctrine. Materials prepared by the instructor will be used as a basis for class discussion. Aut (3), *Kurland.*

552. Seminar: The Supreme Court. An analysis of work of the Supreme Court and its opinions for the current term. Enrollment is limited and by permission of the instructor. Win (3), *Currie, Neal, Oaks.*

553. Seminar: Local Government. Selected topics in local government law and administration, with emphasis upon the design of units for general government, services, representation, and taxation. Aut (3), *Lucas.*

554. 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), *J. Levi.*

560. Seminar: International Business Problems. An intensive study of selected problems in international commercial and financial relations. Either Law 461 or 462 is a prerequisite except with the consent of the instructor. Spr (3), *Fatouros.*

561. Seminar: Taxation of Foreign Income. A study of selected problems concerning the taxation of foreign income. Aut (3), *Blum, Dam.*

562. 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 1963–64.]

563. 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 1963–64.]

570. Seminar: Problems of Law and Government in Contemporary Africa. Constitutional developments; the building of national legal systems; legislative drafting and land tenure. Win (2), *Cowen.*

571. Seminar: Land and Credit Laws and Economic Development in New Nations. Attention will be focused on those aspects of customary land tenure systems in Africa and elsewhere which it is said affect economic development. Several African land tenure systems and developments will be considered and compared with Israel, Puerto Rico, and the Anglo-American systems. Spr (3), *Dunham, Fallers.*

572. 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.*

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

576. Seminar: Jurisprudence. An examination of certain recurrent themes in the legal philosophy of the Western world. Each member of the seminar will be required to select a major jurisprudential writer (e.g., Aquinas, Bentham, Austin, Geny, Llewellyn) and to lead group discussion of that writer's essential views. Enrollment is limited and by permission of the instructor. Win (3), *Jones.*

578. 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. (3), *Dunham*. [Not offered in 1963-64.]

COURSES IN THE SUMMER SESSION, 1963

Corporation Law. (5) *Stanley A. Kaplan*.

Mortgages. (4) *William D. Warren*.

Decedents' Estates. (2) *Allison Dunham*.

State and Local Taxation. (3) *Walter J. Blum*.

Comparative Law. (4) *Hans W. Baade*.

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

SUMMER SESSION, 1964

The Law School will be in regular session in the Summer Quarter of 1964. A special announcement will be made at a later date concerning the courses to be offered.