

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), *Mentschikoff*.

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), Spr (2), *Gilmore*.

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), *Morris*.

304. CIVIL PROCEDURE. (1) The basic concepts of jurisdiction and scope of adjudication. Jurisdiction of state and federal courts; venue; joinder of claims and parties; the rules of *res judicata* and collateral estoppel. (2) The elements of civil litigation, including the presentation and the trial of legal claims and defenses. Pleading and related procedures; the fundamental rules of discovery and other pre-trial procedures; an introduction to trials and appeals. Aut (4),¹ Spr (4), *Lucas, Hazard*.

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),² 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), *Kitch*.

308. TUTORIAL WORK. Intensive training in analysis, research, and exposition. (*The Joseph Henry Beale Prize*, named in honor of the first Dean of the Law School, is awarded to the first-year student whose work in the first-year tutorial program is judged by the faculty to be most worthy of special recognition.) Aut (1), Win (2), Spr (2), *Currie and Bigelow Teaching Fellows*.

SECOND- AND THIRD-YEAR COURSES

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

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. Win (3), *Tefft*.

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

² An examination will be given at the end of the Winter Quarter.

402. REDRESS OF CERTAIN HARMS. A detailed study of injury to relational interests with special emphasis on defamation, disparagement, invasions of 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. Aut (4), *Oaks*.

404. DECEDENTS' ESTATES.* Intestate succession; limitations upon testamentary power; execution and revocation of wills; interpretation of wills; will substitutes; probate and administration. (4), *Rheinstein*. [Not offered in 1965-66.]

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. (3), *Oaks*. [Not offered in 1965-66.]

409. MORTGAGES. A study of real estate and chattel mortgages and related types of security, with emphasis upon enforcement and liquidation. (4), *Teffi*. [Not offered in 1965-66.]

411. COMMERCIAL LAW I. Personal property security transactions. Article 9 of the Uniform Commercial Code and pre-Code security law. Win (4), *Oaks*.

412. COMMERCIAL LAW II. The sale of goods. Both the formulation of sales law in the Uniform Commercial Code and the pre-Code state of law will be considered. Commercial Law I is *not* a prerequisite. Spr (4), *Gilmore*.

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 (3), *Currie*.

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 (5), *Meltzer*.

421. CRIMINAL PROCEDURE. Study of the legal problems arising from the operation of the criminal process, including those associated with the investigation of crime and the detention of suspected persons, the acquisition of evidence, bail, formal accusation and criminal pleading, prosecution and defense of criminal charges, sentencing practices, appeal, and the administration of corrections. Emphasis is given to the development of constitutional doctrine in the field and to modern efforts for procedural reform. Aut (4), *Allen*.

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), *Coase*.

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

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.

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*.

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 antimonopoly 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; interunion relations. Labor Law I (or the consent of the instructor, which will be given only in unusual situations) is a prerequisite. 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), *Neal, 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 antitrust aspects of government regulation of industry. State fair-trade legislation and state statutes prohibiting sales below cost will also be studied. Aut (4), *Kitch*.

447. COPYRIGHT, PATENT, AND TRADEMARK LAW. Selected problems designed to illuminate the development and background of federal laws creating commercial monopolies and their relation to policies of unfair competition and the stimulation of technological and cultural progress. Win (3), *Kitch*.

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. Win (4), *Neal*.

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; 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. Spr (4), *Kirland*.

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 1965-66.]

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

457. CONFLICT OF LAWS. The problems arising when significant aspects of a case relate to more than one state or country. Aut (4), *Currie*.

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 (4), *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 (3), *Mentschikoff*.

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. Aut (4), *Dam*.

470, 471, 472. CIVIL LAW. Contracts, torts, property, and family relations law under the systems of the French or German civil code. In 1965-66 the course will deal with the 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), *Scharpf, Lüke*.

INDEPENDENT STUDY

498. THIRD-YEAR WRITING PROGRAM. Students in their third year in law school who are not members of the *Law Review* staff but who are in the top half of the class may register for the preparation of a paper under the supervision of the instructor. Topics will be assigned by the instructor. The student will be expected to report at least once every other week to the instructor for a conference on his paper and its progress. The work will continue through the Autumn, Winter, and Spring quarters, with one credit hour assigned for each quarter. It is anticipated that the papers will be published and distributed by the Law School. Registration will be limited to twenty students. Aut (1), Win (1), Spr (1), *Kurland*.

499. INDIVIDUAL RESEARCH. Individual research projects under the supervision of members of the faculty may be undertaken for credit by arrangement with the instructor concerned and with the permission of the Dean.

SEMINARS

No more than fifteen students will ordinarily be admitted to a seminar, and in some seminars enrolment is limited to a smaller number. Students will be given an opportunity at the beginning of the academic year to sign tentative registration lists for the seminars to be offered during the year and to indicate the order of their preference among seminars chosen. Reduction in enrolment where necessary will be made on the basis of such preferences.

Students are not permitted to register for more than one seminar in a quarter except with the permission of the Dean.

501. SEMINAR: JURISPRUDENCE. Ideals of a legal system; role of procedure; the function of logic; law and political action. Aut (3), *E. Levi*.

502. SEMINAR: HISTORICAL FOUNDATIONS OF THE COMMON LAW. Study of selected features of the medieval English legal system, primarily through the uses made of medieval law in the 16th and 17th centuries. Emphasis will fall on the nature and valuation of legal tradition in the "classical" common law. Such topics as the use of authority, interpretation of statutes, and the jurisprudential implications of traditionalism will be considered. Background on the funda-

mentals of early English law—property, procedure, and constitutional history—will be supplied. Win (3), *Gray*.

503. SEMINAR: LAW AND PHILOSOPHY. An analysis of the concept of law, and of the nature of legal reasoning. The nature and role of legal rules and principles, validity and justice, adjudication and judicial discretion. Particular attention will be paid to the relations of law and morals. Readings in the classics of natural law, positivism, and realism as well as in such contemporary writers as Kelsen, Hart, Ross, Devlin, and Dworkin. Spr (3), *Cohen*.

507. SEMINAR: FINANCIAL AND INVESTMENT ASPECTS OF LIFE INSURANCE AND ANNUITIES. An analysis of the cost of life insurance and annuities, their use as investment media, and their role in business and family planning today. (3), *Blum*. [Not offered in 1965-66.]

509. SEMINAR: LAND USE. A survey of legal aspects of the pollution of air and water in modern urban and rural areas. Win (3), *J. Levi, Teffi*.

511. SEMINAR: LEGAL PROBLEMS OF THE POOR I. The seminar will consider group participation in legal and administrative proceedings. The law of landlord and tenant and of consumer credit will be used as the main base for the problems to be considered. The technique of private enforcement by voluntary groups will be compared with enforcement by administrative agencies. Aut (3), *Dunham, J. Levi*.

512. SEMINAR: LEGAL PROBLEMS OF THE POOR II. Study of the theoretical and practical content of state and federal welfare laws, and the legal and practical problems associated with their administration. Students will enrol, with the permission of the instructor, in the Autumn, and complete fieldwork prior to commencement of seminar sessions in the Winter. Win (3), *Blum, Oaks*.

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. (3), *Allen, Morris*. [Not offered in 1965-66.]

516. SEMINAR: LAW AND PSYCHIATRY. The seminar will run through two quarters. In the Winter Quarter the seminar will meet for two hours weekly at the Psychiatry Department, Billings Hospital. This quarter will be devoted to a study of basic psychiatric disorders, their etiology and treatment. In addition to lecture-discussions, students will visit mental hospitals and out-patient clinics, attend a case demonstration and observe interviewing methods. In the Spring Quarter the seminar will meet for two hours weekly in the Law School. The focus of attention will shift in this quarter to selected legal-psychiatric problems in the criminal law and in the hospitalization of the insane and retarded. Various further special topics such as addiction (alcohol and narcotic), juvenile delinquency, and sexual psychopathy will be discussed. Visits to several correctional institutions, to treatment facilities and agencies, and to courts responsible for committing the mentally ill will be arranged. Comparisons between prison and hospital will be drawn, and the conflict between individual freedom and social responsibility will be delineated. In the Winter Quarter each student will be required to write a brief summary and critique of a selected psychiatric text. A paper or research report will be required in the Spring Quarter. Preparatory reading will include text references and mimeographed material. Enrolment will be limited to twelve students. Win (2), Spr (2), *Morris, Margolis*.

525. SEMINAR: JUSTICE AND EFFICIENCY. An effort to explore the differences in criteria which law and economics bring to bear on policy issues which they face in common. The purpose is to test what the law's notions of equity, fairness, and justice add to the economist's notion of efficiency and proper allocation of resources. A selected series of legal problems will be examined in detail within this framework. Spr (3), *Blum, Director, Kalven*.

526. SEMINAR: PRICE DISCRIMINATION. The treatment of price discrimination in economics and its legal regulation. (3), *Coase*. [Not offered in 1965-66.]

527. SEMINAR: THE NATURE AND FUNCTION OF PROPERTY RIGHTS IN SOCIAL ORGANIZATION. Review of the classical justification for property rights and the relation of such rights to freedom and efficiency. Three specific topics will be studied with a view to formulating a general theory of property rights: (1) the origin of property rights in resources; (2) the evolution of rights to specific resources; (3) the conditions which determine the size distribution of property rights. (3), *Director, Currie, Demsetz*. [Not offered in 1965-66.]

530. SEMINAR: CURRENT CORPORATION PROBLEMS. A more intensive consideration than is possible in the course in corporations of current corporation problems, such as stock options, convertible securities, mutual funds, and exculpatory clauses. Corporation Law is a prerequisite. Spr (3), *Kaplan*.

535. SEMINAR: TAXATION. A study of selected tax problems. Limited to students who have taken Federal Taxation I and II. Aut (3), *Blum*.

540. SEMINAR: "AUTOMATION" AND TECHNOLOGICAL CHANGE: PUBLIC AND PRIVATE POLICIES. A consideration of issues raised by technological change, anti-"featherbedding" regulation, and other public and private measures, including collective bargaining and arbitration, designed to promote, regulate, or cushion the effects of such change. Win (3), *Meltzer and members of the faculty of the Graduate School of Business and the Department of Economics*.

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, Coase, 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. The seminar this year will be concerned with the broadcasting industry and the Federal Communications Commission. Spr (3), *Coase*.

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. (3), *Davis*. [Not offered in 1965-66.]

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. The constitutional law seminar each year explores a particular area of constitutional problems. The seminar this year will be concerned with the amendment process. Discussion will center on reading assignments and student papers. (*The*

Robert H. Jackson Prize is awarded for the best paper written for the seminar.) Aut (3), *Kurland*.

552. SEMINAR: THE SUPREME COURT. An analysis of cases on the docket of the Supreme Court in the current term. The members of the seminar prepare draft opinions after studying the briefs filed in the Supreme Court. The opinions are circulated and then discussed in the seminar, usually in advance of the actual decision of the particular case by the Court. The required written work consists of the several opinions which each student must prepare. Enrolment is by permission of the instructor and limited to eight students. Win (3), *Currie*.

553. SEMINAR: PROBLEMS OF THE FIRST AMENDMENT. An intensive study of classic and contemporary problems of free speech, association, and political action. (3), *Kalven*. [Not offered in 1965-66.]

555. SEMINAR: LOCAL GOVERNMENT. Selected topics in local government law and administration. The seminar this year will be devoted to a critical examination of the 1965 proposed new revenue article of the Illinois constitution against a background of the present article, its interpretation by the Illinois Supreme Court, and the efforts to amend it since it was written in 1870. Aut (3), *Lucas*.

556. 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), *J. Levi*.

557. SEMINAR: LAW REVISION. The problem of the seminar this year will be to prepare a legislative drafting manual. The students will read several existing manuals as models, including the manual of the Canadian and American Commissions on Uniform Laws, as a basis for preparing the manual. Aut (3), *Dunham*.

558. SEMINAR: LEGISLATIVE POLICY. The seminar will use the examination of a particular problem area as a means of gaining insight into the difficulties encountered in the legislative process of translating policy into law. This year the seminar will study the area of Criminal Discovery. Numerous short papers will be required. Enrolment will be limited to ten students. Win (1), Spr (2), *Kitch*.

559. SEMINAR: THE LEGISLATIVE PROCESS. A seminar in which the current work of the House and Senate Judiciary Committees will be subjected to intensive studies. Readings will be assigned and one or more papers will be required from each student. Win (3), *Kurland*.

561. SEMINAR: TAXATION OF FOREIGN INCOME. A study of selected problems concerning the taxation of foreign income. (3), *Blum, Dam*. [Not offered in 1965-66.]

565. SEMINAR: INTERNATIONAL TRADE AND DEVELOPMENT. A research seminar, exclusively for graduate students in the International Trade and Development Program, devoted to the analysis of national, regional, and international programs and institutions affecting trade among nations and economic development. The seminar will run through the year. Open only with the permission of the instructor. Aut (2), Win (2), Spr (2), *Dam, Mentschikoff*.

568. SEMINAR: DISPUTE SETTLEMENT MECHANISMS. A theoretical and empirical study of dispute settlement machinery in selected private national and international groups. (3), *Mentschikoff*. [Not offered in 1965-66.]

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), *Members of the faculty*.