

The First Year. The work of the first year is prescribed. In addition to the required courses, all first-year students perform individual assignments in a tutorial program conducted under the direction of a member of the faculty. In this program each student is assigned to a tutor, who is one of the Bigelow Teaching Fellows. The tutorial work emphasizes training in research, in the preparation of legal memoranda and other forms of legal writing, and in oral argument. Several of the assignments each year are based upon problems currently presented in actual cases, both trial and appellate, which are heard in the Weymouth Kirkland Courtroom of the Law School by courts of Illinois. A final examination is given in each course at the end of the quarter in which the course is concluded, except that in Civil Procedure and in Property a final examination is given on each quarter's work in the course.

The Second and Third Years. The program of the second and third years is elective. The normal course load permits a student to plan a well-rounded program of studies and also to pursue some special interests beyond the basic level. The seminar offerings provide opportunities to explore developing areas of the law, to pursue interdisciplinary aspects of particular legal fields, and to work on individual problems involving research and drafting. In addition, students who wish to develop further their facility in research and writing, or to do intensive work on a particular topic not the subject of a regular seminar, are encouraged to call upon members of the faculty for supervision of individual research projects. Such work may be undertaken for credit (see Law 499 below).

Students are advised to give thought to the over-all plan of their studies for the second and third years before registering for the second year, although it is to be expected that any general plan may undergo considerable revision as the student's knowledge and interests in the law develop. Each student is assigned a faculty adviser when he enters the Law School, and students are encouraged to consult the faculty adviser or other members of the faculty in selecting their programs.

In order to achieve credit for 135 course hours in nine quarters, a student must take an average of 15 course hours per quarter. Except with the permission of the Dean, no student may take more than 17 course hours in any quarter. *Each student*

is responsible for keeping himself informed of the number of additional credits he requires for graduation.

In the course and seminar descriptions the number in parentheses at the end of the description represents the value of the course or seminar in terms of course hours per quarter.

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). *Miss Mentschikoff*.

302. CONTRACTS. The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach and justifiable excuses for non-performance. The nineteenth-century elaboration of such basic contract doctrines as that of consideration will be examined in the light of their decline and fall in our own century. The relationship between contract liability and tort liability, taken as twin halves of a general theory of civil obligation, will be stressed. Aut (4), Win (4). *Mr. Gilmore*.

NOTE: During the academic year 1967-68 (Autumn and Winter quarters) this course will be linked with the first-year Tutorial Program. Weekly lectures by the instructor will be followed by discussion classes which will be conducted by the Bigelow Fellows. For these discussion classes, the first-year class will be divided into ten groups of approximately fifteen students each. Problems introduced in the lectures and discussion classes will be assigned as subjects for memoranda of law to be prepared in connection with the first-year writing program. A conventional written examination will be given at the end of the Winter Quarter. The grade on the written examination will count for 8 units and the grade for work in the Tutorial Program (discussion classes and writing program) will count for 4 units. The one-volume (student) edition of Corbin on Contracts (1952) will be used as a text; this will be supplemented by mimeographed case material which will be distributed weekly. The Supplement to Jones, Farnsworth & Young, Cases on Contracts (Foundation Press, 1965), will also be used.

303. CRIMINAL LAW. This course relates the general doctrines of criminal liability to the moral and social problems of crime. The definitions of crimes against the person and against property (as they are at present and as they might be) are considered in the light of the purposes of punishment and of the role of the criminal justice system, including police and correctional agencies, in influencing behavior and protecting the community. Aut (4), Win (2). *Mr. Morris*.

304. CIVIL PROCEDURE. The first part of this course concerns the formulation and defense of legal claims in civil litigation, with special reference to the adversary system and the role of the lawyer in it. It includes an analysis of pleading and discovery procedures and the right and function of jury trial. The second part of the course is a study of jurisdiction and the scope and effect of judgments, with an emphasis upon the problems imposed by a federal system upon complete determination of disputes that cross state lines; state court jurisdiction from *Pennoyer v. Neff* to present-day "long-arm" statutes; principles of finality of judgments and their implementation through the Full Faith and Credit Clause; proceedings in rem and quasi in rem and interpleader and class actions as devices for extending judgments to the

rights of persons beyond the personal jurisdiction of the court; the role of the federal courts under the diversity jurisdiction. Aut (4), Spr (3). *Mr. Hazard, Mr. Lucas.*

305. PROPERTY. The course examines the present-day system of property law and the historical foundations necessary to its understanding. The two parts of the course deal with the following problems respectively: (1) Conveyances of real property *inter vivos* (land titles, modes of conveyancing, land contracts, easements, the Recording Acts, and related matters); adverse possession and the proof of title in litigation relating to the use and enjoyment of land and chattels. (2) The disposition of property on death or during life by means designed to control its transmission from one generation to another (including the creation of future interests, problems of construction, and the restrictions imposed by the Rule against Perpetuities); the nature and uses of joint tenancy and other forms of concurrent ownership; the relationship of landlord and tenant. Win (4), Spr (4). *Mr. Tefft, Mr. Dunham.*

306. TORTS. A detailed study of the Anglo-American system of redress for physical harm to persons or property. The core of the course is the study of inadvertent infliction of physical harm, with special attention being given to the legal theory of negligence and to such concepts as causation, standard of care, the reasonable man, duty, contributory negligence, assumption of risk, and proximate cause. There is also a concentration on the common-law rules of damages for death and personal injury. A central theme is the tension between the negligence system and the areas of strict liability, including the emerging law on products liability. The course concludes with a survey of the implications of insurance and risk-shifting theories for the allocation of liability and with a study of proposals for auto compensation plans. Win (2), Spr (4). *Mr. Kalven.*

307. AMERICAN CONSTITUTIONAL HISTORY. This course will be concerned with a study of the context, economic, social, and political, of the development of American constitutional law from 1789 to 1930. While the emphasis will be on Supreme Court cases, much of the time will be spent on nonjudicial development of constitutional doctrine. The objective will be an understanding of the changing allocation of power between the government and the governed, between the States and the Nation, and among the branches of the national government. Win (3), Spr (3). *Mr. Kurland.*

308. TUTORIAL WORK. Each first-year student is assigned to a tutor for individual and small-group work in legal analysis, research, and exposition, including an exercise in brief-writing and oral argument. During the Autumn and Winter quarters the work will be integrated with the course in Contracts (see description of that course). Aut (2), Win (2), Spr (1). *Mr. Gilmore, Mr. Currie, and Bigelow Teaching Fellows.*

SECOND- AND THIRD-YEAR COURSES

Courses marked with an asterisk are treated for scheduling purposes as courses that, if elected, are ordinarily taken during the second year; if postponed to the third year they are likely to be available only at the same hours as other courses more commonly elected in the third year.

400. EQUITY. The origin and development of equitable remedies and their role under present conditions. Aut (4). *Mr. 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. (3). *Mr. Tefft*. [Not offered in 1967-68.]

402. REDRESS OF CERTAIN HARMS. An intensive study of the roles of the tort system in protecting against dignitary harms and umpiring competitive practices in the market place. Emphasis will be placed on the variety of categories through which the law has given protection against insult and dignity and the infliction of emotional harm, intentionally or negligently. There will also be special concern with the law of defamation and with the law on the protection of the right of privacy, with attention being paid to the emerging constitutional developments in both areas. The final segment of the course reviews the tort approaches to unfair competition and emphasizes especially protection against fraud, disparagement, and the appropriation of contract benefits, ideas, effort, and good will. Spr. (3). *Mr. Kalven*.

403. TRUSTS.* This course concerns the creation, enforcement, administration, and termination of private and charitable trusts of real and personal property. It includes a consideration of trusts created by volition (express or resulting trusts), which are used for managing or transferring or holding title to property, and trusts created by operation of law (constructive trusts), which are used solely as remedial devices. Questions peculiar to the law of wills or to probate administration fall outside the scope of the course, as do the subjects of federal or state gift, estate, or inheritance taxation. The principal course material consists of court opinions, but some subjects are presented by text material. Regular consideration is also given to relevant trust legislation, and to provisions in trust instruments that commonly alter the normal rules of statutory or case law. Aut. (4). *Mr. Oaks*.

404. DECEDENTS' ESTATES. The course is an examination of the consequences of death with respect to the property and debts of the decedent, and of the problems of counseling and drafting pertinent to the disposition of one's estate. Topics studied include the law of intestacy, limitations upon testamentary power, execution and revocation of wills, interpretation of wills, will substitutes, and probate and administration. The question whether the present law meets the needs of modern America is emphasized and suggestions for revision, including ones derived from foreign experience, are examined and evaluated. Win (4). *Mr. Rheinstein*.

407. MODERN REAL ESTATE TRANSACTIONS. A study of contemporary problems in the development and marketing of urban land, with particular reference to the field of housing. The problems considered include land acquisition; governmental restrictions on land use; the relative advantages of mortgages, leases, and long-term contracts as financing devices; the exercise of governmental authority for urban redevelopment and rehabilitation; and the legal, economic, and social problems raised by such programs. Aut (4). *Mr. Dunham*.

408. OIL AND GAS. The nature and protection of interests in oil and gas; express and implied duties under leases; transfer of mineral interests; government regulation, pooling, and unitization. Aut (3). *Mr. Kaplan*.

409. MORTGAGES. A study of real estate and chattel mortgages and related types of security, with emphasis upon enforcement and liquidation. (4). *Mr. Tefft*. [Not offered in 1967-68.]

410. COMMERCIAL LAW I.* The course deals with sales, negotiable instruments, documents of title, and documentary collections, with special reference to the Uniform Commercial Code. Emphasis is placed on problem analysis, counseling, and statutory construc-

tion. Students who have taken the course in Negotiable Instruments or who plan to take the course in Sales concurrently with this course must receive the permission of the instructor to enrol in Commercial Law I. Aut (4). *Miss Mentschikoff*.

411. COMMERCIAL LAW II.* This course is a sequel to Commercial Law I. It deals with personal property security transactions, under the Uniform Commercial Code and under pre-Code law, and with letters of credit. The course emphasizes the techniques of setting up and implementing transactions involving security. It is open to students who have taken Commercial Law I or the courses in Negotiable Instruments and Sales. Students not meeting these prerequisites should consult the instructor before enrolling in this course. (Not open to students who took the course designated Commercial Law I in Winter Quarter, 1967.) Win (4). *Mr. Zimring*.

412. THE SALE OF GOODS. The nineteenth-century origins of sales law will be studied as a basis for the successive codifications of sales law in the Uniform Sales Act and in Article 2 of the Uniform Commercial Code. The role of codification in the law and the problem of statutory obsolescence following a codification will be considered. Exercises in statutory construction will be carried to a point that many students will find repulsive.

None of the other commercial law courses is either a prerequisite for, or a bar against taking, this course. The course extends over two quarters. Aut (2), Win (2). *Mr. Gilmore*.

413. NEGOTIABLE INSTRUMENTS. In general the course description for Course 412—The Sale of Goods—is applicable to this course. The law of negotiable instruments has often been described as a field in which form has triumphed over substance. The role of formalities in the law will be examined in this context in the light of the hypothesis that formalities work well with respect to highly professionalized transactions but break down when amateurs begin to play the game.

None of the other commercial law courses is either a prerequisite for, or a bar against taking, this course. (4). *Mr. Gilmore*. [Not offered in 1967-68.]

415. FAMILY LAW. This course considers legal regulation of sexual and parental relationships, including minimum standards and duties imposed by law in conventional family organization and dissolution and the civil and criminal consequences of deviant or substandard conduct. It will explore constitutional, statutory, and policy issues posed in specific areas such as marriage, divorce, allocation of property rights among family members, sexual relations, illegitimacy, paternity, abortion, artificial insemination, parental rights and duties, contested child custody, adoption, and state involvement with neglected and delinquent children. Study of these problems will be integrated with general consideration of the rationale of legal regulation in this field, the role of ideology in shaping the law, and the behavioral effects of present regulation and of proposals for change. Spr (4). *Mr. Zimring*.

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). *Mr. 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 plead-

ing, 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. Win (4). *Mr. Kitch*.

425. ECONOMIC ANALYSIS AND PUBLIC POLICY.* Fundamental economic concepts and relationships are developed and applied to an examination of the operation of markets and the effects of government policies. The economic analysis centers on the development of important technical concepts, such as opportunity costs, comparative advantage, demand, market clearing price, efficiency, competition, and monopoly. Attention is given to the role played by the private property system underlying the operation of markets. Public policy areas to which economic analysis is applied include conservation and pollution problems, minimum wage laws, and monopoly problems, including those emanating from restraint of trade, scale economies, and government protection; the operation of the market place as it affects minorities is discussed. Win (4). *Mr. Demsetz*.

426. ACCOUNTING.* The course is primarily concerned with a study of the major topics making up the body of "generally accepted accounting principles" and the manner in which they enter into legal problems. Introductory material on the record-keeping process and form of financial statements is followed by an analysis of major problem areas: revenue recognition, inventory accounting, depreciation, accounting for debt instruments and for corporate capital. The course is concluded with a section on analysis and interpretation of financial statements. Published corporate financial reports, Opinions of the Accounting Principles Board of the American Institute of CPA's, and Accounting Series Releases of the SEC are used as the basic accounting materials for analysis. Aut (3). *Mr. Davidson*.

429. CORPORATION LAW A.* The nature of the modern business corporation, including small privately-held or closed corporations and large publicly-held corporations; the role of the modern corporation in the collection and allocation of capital and the relation of the securities laws, corporation laws, and the institutionalized processes of distributing securities to that function; the promotion and organization of corporations; the distribution of power between managers and stockholders; the fiduciary obligations of managers to stockholders and of stockholders among themselves; the proxy device and its regulation, the control of insider trading and profit-taking; recapitalization and rearrangement of stockholders' rights (other than in bankruptcy); the combination of corporations; methods and machinery for protecting stockholders' rights, through derivative suits and otherwise. Win (5). *Mr. Kaplan*.

430. CORPORATION LAW B.* This course is an alternative to Law 429, Corporation Law A, and will be generally the same in scope. It is not open to students who have taken that course. Spr (5). *Mr. Kitch*.

431. SECURITIES REGULATION. Consideration of the American system of securities distribution and the regulation thereof pursuant to the Securities Act of 1933, as amended, and the Securities Exchange Act of 1934, with some consideration of the impact of state blue-sky laws thereon; examination of the disclosure philosophy and of the registration process; remedies under the federal securities laws; a further consideration, supplementing the course in corporation law, of the development of a federal common law by implication, of a federal law of corporations, and of the impact of securities regulation upon stockholder-management relationships. Spr (3). *Mr. Kaplan*.

432. **INSOLVENCY AND REORGANIZATION.** The central concern in this course is with the problems encountered in adjusting debt, especially in the face of financial stress. The problems are examined in a wide variety of debtor situations, ranging from the individual wage earner and small businessman to the large publicly-owned corporation. Attention is directed to the standards of fairness imposed by law on rearranging affairs between debtor and creditors and among creditors in these differing situations. The standards are contrasted with the rules of fairness applied where readjustment is compelled by something other than financial difficulty experienced by the debtor. Attention is also directed to the legal standards governing the capital structures of corporations undergoing reorganization. These standards are explored in the light of factors in our society that encourage use of debt rather than equity capital. Win (4). *Mr. Blum.*

435. **FEDERAL TAXATION I.*** A tax on the income of persons, with rates graduated upwards, is the most significant element in the tax system adopted by the federal government. This first course in federal taxation examines the structure of the current version of the income tax. It emphasizes the problems of determining what is to be treated as gross income for purposes of the tax, what offsets are to be allowed in arriving at the amount of net income upon which the tax is imposed, and who will be required to include various items in income or be allowed to claim various deductions. Particular attention is devoted to the treatment of gains and losses from changes in the value of property. Five central questions are continuously under examination: (1) To what extent do tax rules mean something other than they appear to mean? (2) What policies underlie the mass of technical detail which characterizes the law? (3) How much change in conduct is needed to alter the tax consequences involved in pursuing various goals? (4) What criteria can be found for choosing among alternative tax policies under a progressive income tax? (5) Can one discover any directions in which tax policies and tax law are developing? Aut (3). *Mr. Blum.*

436. **FEDERAL TAXATION II.*** This course builds upon the basic relationships and concepts looked at in Federal Taxation I. It deals primarily with the treatment of business profits under the income tax. Consideration is given to the importance of time in determining taxable income and to the impact of accounting methods on the time for reflecting income. The taxation of income generated by sole proprietorships and the problems of allocating the profits of a partnership to the partners for tax purposes are explored. The major part of the course is devoted to analyzing our dual system of taxing both the incomes of corporations and of their shareholders. Attention is particularly focused on the problems and consequences of taxing business income to an artificial entity as compared to taxing it directly to the owners of that entity; on the importance of tax considerations in business decisions; and on evaluating alternative policies for treating corporate profits under a tax system which subjects personal income to rates graduated upwards. Spr (3). *Mr. Blum.*

437. **FEDERAL TAXATION III.** This course considers the variety of income, gift, and estate tax problems involved in transfers of property that occur at death or during lifetime for non-commercial purposes, principally within the family unit. Income-tax subjects include the taxation of annuities and life insurance, alimony and property settlements, income in respect of a decedent, and the income taxation of trusts and estates. The major concern of the course is the structure and administration of the federal estate and gift taxes. The subject is organized according to various types of property interests (such as joint tenancy, life insurance, or

retained life interests), or familiar kinds of conduct (such as gifts in contemplation of death or transfers for inadequate consideration). The problems these alternatives pose for a transfer tax are explored, and the content of present statutory or decisional law is contrasted with alternatives suggested by prior law or emerging proposals for reform. Win (3). *Mr. 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). *Mr. 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). *Mr. Meltzer.*

445. LAW OF COMPETITION AND MONOPOLY. The course traces the evolution of the main lines of doctrine grafted by the courts upon the Sherman Act and supplemental legislation for controlling the structure and competitive practices of American industry. It explores the legal significance of such concepts as price-fixing, boycotts, monopoly and oligopoly, coercion, leverage, vertical integration and market foreclosure, and their application to important contemporary problems including corporate mergers and restrictive methods of distribution used by single firms. Parallel with the study of legal doctrine, the course examines whether the evidence and the judicial opinions in key cases provide satisfactory economic explanations for the observed business behavior and its assumed effects. Aut (5). *Mr. Neal, Mr. Director, Mr. E. Levi.*

446. REGULATION OF COMPETITION. This course is concerned with those laws, other than the antitrust laws, that govern the structure of industry and the competitive tactics of firms. The course is divided into two parts. One part examines the principles and rationale of comprehensive governmental regulation of individual industries, such as broadcasting, airlines, railroads, natural gas and electric power. Among the topics discussed are limitations on entry of new competitors, certificates of public convenience and necessity, transfer of operating rights, regulation of maximum and minimum rates, and competition between firms in different industries. A second part of the course deals with the regulation of price discrimination, both under comprehensive regulatory statutes and within the so-called unregulated sector of the economy. The Robinson-Patman Act will be discussed in detail. Win (4). *Mr. Dam.*

447. COPYRIGHT, PATENT, AND TRADEMARK LAW. A study of the legal protection accorded to interests in information and ideas having economic value, such as inventions, literary, musical and other artistic works, designs, commercial symbols, and trade secrets. The law of patents, copyrights, trademarks, and unfair competition is examined with a view to delineating the varying accommodations made between the competing goals of encouragement to innovation and creativity and protection of freedom of communication and trade. An aim of the course is to evaluate the law in this area, and proposals for its revision, in the light of

current economic thought about the impact of information costs on the operation of competitive markets. Spr (3). *Mr. Kitch*.

448. THE ANTI-TRUST LAWS. A study of the development and current content of the Sherman and Clayton Act rules on price fixing, price leadership, resale price maintenance, division of territories, refusals to deal, exclusive arrangements, tying arrangements, patent misuse, vertical integration, mergers, and reciprocity. Special attention will be given to the public and private enforcement of the antitrust laws and to problems involving foreign commerce and international cartels. The relevance to the administration of the antitrust laws of such mixed notions of economics and law as market power, market structure, entry barriers, predatory behavior, and efficiency will be examined. (Not open to students who have taken Law 445.) Spr (5). *Mr. Dam, Mr. Coase*.

450. ADMINISTRATIVE LAW.* Administrative law is the law that governs administrative agencies, including executive departments, in their complex tasks of carrying out governmental programs. Governmental control of private activities, especially of economic life, seems to be everywhere increasing. Legislative bodies determine the general programs, and agencies make them more specific through making rules, adjudicating cases, investigating, prosecuting, and supervising. The main focus of administrative law is on procedural safeguards and on the allocation and control of power, including the structuring, checking, and confining of discretion. A central inquiry repeated in many contexts is how to accommodate procedural fairness to the efficient accomplishment of legislative purposes. The constant quest is for understanding principles of exertion of governmental power and principles of justice that cut across functions of federal, state, and local agencies and their relations with reviewing courts and with legislative and executive authorities. Spr (5). *Mr. Davis*.

451. CONSTITUTIONAL LAW I.* The course deals with judicial review of state and federal legislation and with problems of the allocation of powers between the federal government and the states. It explores the role of the Supreme Court in historical and political perspective, examining the development and present status of the political question doctrine and other traditional limits on the judicial function. In considering the allocation of governmental powers the course gives particular attention to economic regulation and fiscal matters, and considers the extent to which federalism remains a viable principle of the American constitutional system. The study of cases will be supplemented by extensive required readings. Win (4). *Mr. Casper*.

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). *Mr. Kurland*.

453. STATE AND LOCAL GOVERNMENT. An examination of selected provisions of state constitutions, general laws providing for the formation and regulation of public corporations, and legislative and freehold charters, with an emphasis on the role of defining the voting public in the design and operation of democratic institutions. (4). *Mr. Lucas*. [Not offered 1967-68.]

454. STATE AND LOCAL TAXATION. A study of government finance in a federal state with an emphasis upon apportionment of tax resources among governmental units and including an examination of federal and state constitutional provisions, efforts at interstate co-operation, and proposed federal legislative solutions, together with a brief canvass of problems in the administration of typical state-local tax systems. Aut (4). *Mr. 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. Spr (4). *Mr. Currie*.

456. ADMIRALTY. Historical developments of "cases of admiralty and maritime jurisdiction" as an element of the jurisdiction of the federal district courts; the role of the Supreme Court in the "common law" development of the substantive law of the admiralty; a brief introduction to the main elements of the substantive maritime law: the maritime lien, maritime torts and contracts, salvage, general average, and limitation of liability. Win (4). *Mr. Lucas*.

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

458. THE LEGAL PROCESS. An inquiry into the functions of various institutions in the process of making and applying law: legislatures, courts, administrative agencies, the executive, and the role of private parties. Win (4). *Mr. Currie*.

459. JURISPRUDENCE. The course will deal with selected nineteenth- and twentieth-century attempts on the Continent, in England, and in the United States to develop a comprehensive theory of law and society. It will be comparative in nature in order to examine the relationship between legal theory and the political and legal system. The conflict between legal positivism and natural law will be considered from this comparative vantage point as distinguished from that of epistemology. No text will be assigned but extensive reading of source materials will be required. The course will place equal emphasis on lecture and discussion. Spr (4). *Mr. Casper*.

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). (*Instructor to be announced.*)

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 II is a prerequisite, except with special permission of the instructor. (4). *Miss Menschikoff*. [Not offered in 1967-68.]

462. INTERNATIONAL INVESTMENT PROBLEMS. This course deals with the legal factors influencing the international flow of capital, particularly in the forms of direct investment in foreign subsidiaries and the licensing of patents and "know-how." The perspective is twofold: the problems faced by American lawyers in advising corporations doing business abroad, and the problems faced by the United States and foreign governments in regulating

the investment process. Substantial attention will be given to the environment—legal, economic, and institutional—in which international investment occurs. Among the topics discussed are the problems of organizing, financing, and operating foreign companies and the national and international law on competition, concessions, licensing, expropriation, patents, and taxation of foreign income. (4). *Mr. Dam*. [Not offered in 1967–68. See Law 448, which will deal with certain of the problems usually considered in this course.]

463. REGIONAL AND INTERNATIONAL INSTITUTIONS. This course is concerned with new forms of international organization that have developed since World War II. A large portion of the course is devoted to regional institutions that have sought to integrate the economies of groups of countries, often with a view to later political integration. Another portion of the course will be devoted to the institutions that have sought, within a broader framework, to deal with the problems of the less-developed countries. To permit more detailed examination of particular institutions and of the problems they face, attention is concentrated on those institutions dealing primarily with economic issues. The European Economic Community, the General Agreement on Tariffs and Trade, and the United Nations Trade and Development Conference will be examined in depth. Aut (4). *Mr. Dam*.

470, 471, 472. CIVIL LAW. Contracts, torts, property, and family relations law under the systems of the French or German civil code. In 1967–68 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). *Mr. Schlechtriem*.

473. PROBLEMS OF AMERICAN LAW FOR FOREIGN STUDENTS. This course is an 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. It includes an effort to familiarize the student with aspects of the political and social structure of the United States essential for an understanding of American law. Special emphasis is placed upon American civil procedure, especially jury trial, upon the understanding of judicial opinions, and upon the various types of American legal writings and their uses. Aut (2), Win (2). *Mr. Rheinstein*.

INDEPENDENT STUDY

499. INDIVIDUAL RESEARCH. In addition to the opportunities for writing of research papers afforded in many of the seminars listed below, second- and third-year students may earn course credit by independent research under the supervision of a member of the faculty. Such projects (commonly known as “499 papers”) are arranged by consultation between the student and the particular member of the faculty in whose field the proposed topic falls. Special rules regarding credit, permission, and requirements for submission of written work are set forth in the regulations of the Law School. Students wishing to register for 499 credit should consult the Dean of Students.

Written work is not a formal requirement for the J.D. degree, but students are encouraged to include some such work in their programs and most students do so, either through participation in a seminar or through 499 credit. Students are encouraged to submit outstanding papers for publication in the *Law Review* or in other legal periodicals. (See statement concerning the policy of *The University of Chicago Law Review* under Student Activities, *infra*.)

Before being granted permission to register for 499 work the student must submit a *précis*

of his proposed study to the supervising faculty member. In considering possible fields or topics for such projects, students may wish to consider seminars described below but listed as not offered in the current year and to consult the instructors concerned as to the possibility of independent work in those fields.

SEMINARS

No more than twenty 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 to sign tentative registration lists for seminars. Selection of enrolment where necessary will be by lot or by a method to be determined by the instructor.

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

503. SEMINAR: LEGAL HISTORY. The seminar will be a study of German constitutional history in the nineteenth and twentieth centuries, considering problems in the law and politics of German constitutions under the Confederation, the Empire, the Republic, and the Nazi regime. The seminar will be offered jointly for law students and graduate students in history. Permission of the instructor is required. Aut (3). *Mr. Krieger.*

504. SEMINAR: COMPARATIVE LAW. The seminar is an intensive study of a particular legal problem or topic as treated under different legal systems, using the topic under study as a basis for the exploration of differences and similarities in historical origins, institutional techniques, attitudes, and legal theory of the legal systems under consideration. The topic to be studied in 1967-68 will be problems of judicial review under different constitutional systems. In selecting the legal systems to be compared, consideration will be given to the language and other background of the participants in the seminar. Students interested in enrolling in the seminar should consult with the instructor. A paper will be required. Aut (3). *Mr. Casper.*

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). *Mr. Blum.* [Not offered in 1967-68.]

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

511. SEMINAR: STATE AND MUNICIPAL LEGISLATION. This seminar is devoted to research and drafting of statutory provisions and other instruments on selected topics in the field of urban problems that may be amenable to solution by model legislation and model forms of agreement. In 1967-68 attention will be given to the drafting of municipal ordinances to implement enabling legislation on housing problems drafted in the previous year's seminar and recently enacted by the Illinois General Assembly. The seminar will also undertake the development of a model form of residential lease with special attention to problems affecting low-income tenants. Aut (3). *Mr. J. Levi.*

512. SEMINAR: LEGAL PROBLEMS OF WELFARE LEGISLATION. Study of the theoretical and practical content of state and federal welfare laws and the legal and practical problems associated with their administration. (3). *Mr. Blum, Mr. Oaks.* [Not offered in 1967-68.]

513. SEMINAR: PUBLIC REGULATION OF LAND AND OTHER URBAN PROBLEMS. The seminar examines existing and proposed legal devices for the solution of various urban problems, with emphasis upon laws regulating land use, housing and building codes, urban renewal and redevelopment programs, metropolitan services and government, and legal aspects of racial integration. Spr (3). *Mr. J. Levi.*

514. SEMINAR: LOCAL GOVERNMENT. Selected topics in local government law and administration. (3). *Mr. Lucas.* [Not offered in 1967-68.]

515. SEMINAR: LAW AND CRIMINOLOGY. This seminar will explore a variety of criminological issues in the criminal justice system. It will be built around the recent Report of the President's Commission on Law Enforcement and the Administration of Justice, "The Challenge of Crime in a Free Society," and the supporting Task Force Reports on the police, the courts, corrections, juvenile delinquency and youth crime, organized crime, science and technology, assessment of crime, narcotics and drugs, and drunkenness. Spr (3). *Mr. Morris.*

516. SEMINAR: LAW AND PSYCHIATRY. The seminar will run through two quarters. The Winter Quarter will be devoted to a study of basic psychiatric disorders, their etiology and treatment. In addition to class discussions, students will visit mental hospitals and outpatient clinics, attend a case demonstration, and observe interviewing methods. In the Spring Quarter the focus of attention will shift 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 third-year students. Win (2), Spr (2). *Mr. Morris, Dr. Peszke.*

517. SEMINAR: PROBLEMS OF THE LAW OF DIVORCE IN THE UNITED STATES AND ABROAD. The seminar will examine such questions as the relationship between the state of a country's laws on divorce and its state of marriage stability, the extent to which the law can provide protection against marriage breakdown, and the means by which law can mitigate the consequences of marriage breakdown upon the parties, their children, and other interested persons. In considering these problems, the experience of foreign countries will be studied with a view to appraising its significance for reform of the law of divorce. Aut (3). *Mr. Rheinstein.*

518. SEMINAR: LAW AND THE PROTECTION OF PRIVACY IN MODERN SOCIETY. A careful look at individual privacy as a norm and at the pressures in contemporary society tending to impair privacy. The seminar will give special emphasis to the role of law in invading and protecting privacy. Emphasis will also be placed on the historical, sociological, and psychological dimensions of the problem. Aut (3). *Mr. Shils, Mr. Blum, Mr. Casper, Mr. Kalven.*

520. SEMINAR: TRIAL PRACTICE. An introduction to the techniques of advocacy in civil and criminal trials. In civil cases, pleading and discovery and their relationship to trial will be addressed. In criminal cases, the seminar will consider pre-trial proceedings such as commissioner's hearings, preliminary hearings, arraignments, and motions, and post-trial pro-

ceedings such as motions for a new trial and sentencing hearings. Experienced trial lawyers will participate by instruction and demonstration. Members of the seminar will be responsible for either the preparation and trial of simulated civil cases or, in so far as permitted by court rules, actual criminal cases, or both. Students in the seminar should have taken Evidence; those with special interest in criminal trials should have taken or be currently enrolled in Criminal Procedure. Enrolment will be limited to thirty-five students. Permission of the instructor is required. Preference will be given to third-year students. The seminar will extend over two quarters. Win (2), Spr (2). *Mr. Hazard, Mr. Oaks, Mr. Kitch.*

521. SEMINAR: CIVIL PROCEDURE. In 1967-68 the seminar will consider the 1966 amendments to Federal Rules 19 and 23 (joinder and class actions) and their impact upon procedure in multi-party litigation. Win (3). *Mr. Lucas.*

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; and (3) the conditions which determine the size distribution of property rights. (3). *Mr. Director, Mr. Kitch, Mr. Demsetz.* [Not offered in 1967-68.]

530. SEMINAR: CURRENT CORPORATION PROBLEMS. An intensive consideration (more than is possible in the course in corporations) of certain specialized problems in corporations and corporate finance which are current and in flux as, for example: concepts of corporate control; problems of convertible securities; restrictions upon the sale of corporate control; use and character of stock options; special problems of mutual funds; and the allowable extent of exculpatory clauses in charters. Spr (3). *Mr. Kaplan.*

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

541. SEMINAR: LABOR LAW. An examination of selected problems in labor relations, including problems involved in the representation of public employees; the contemporary role of strikes and lockouts; and the suitability of mechanisms for avoiding and dealing with critical stoppages in transportation and other industries. The basic course in labor law is usually a prerequisite. Spr (3). *Mr. Meltzer.*

543. SEMINAR: OCEAN RESOURCES. This seminar will explore the legal obstacles to the economic exploitation of undersea resources. (3). *Mr. Coase.* [Not offered in 1967-68.]

544. SEMINAR: ANTITRUST LAW. The subject of the seminar this year will be the restrictions placed by the Sherman Act on the exploitation and licensing of patents. An assessment will be made of the necessity and desirability of these restrictions in the light of the practices of patent owners. The work of the seminar will be based primarily upon a study of the records of litigated cases. Aut (3). *Mr. Dam, Mr. Director.*

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 the Dean of Students is required. Aut (3), Win (3), Spr (3). *Mr. Stigler, Mr. Coase, Mr. 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 Aero-

navitics 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. (3). *Mr. Dam.* [Not offered in 1967-68.]

547. SEMINAR: ADMINISTRATIVE REGULATION. A broad inquiry into the principles, policies, procedures, and problems of a comprehensive regulatory program, with illustrations drawn from air transportation in the 1968 seminar. Specific subjects include control of entry, planning of routes, monopoly and competition, maximum fares, subsidies, air mail. Win (3). *Mr. Davis.*

550. SEMINAR: ADMINISTRATIVE LAW. This seminar is focused on the confining and structuring of administrative discretion exercised without hearing safeguards and without judicial review. Such discretion accounts for more than 80 per cent of all administrative action. The inquiry is from the point of view of both practitioners and officials. State and local agencies are included, as well as federal. Aut (3). *Mr. 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 concept of Separation of Powers. Discussion will center on reading assignments and student papers. Aut (3). *Mr. 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). *Mr. Currie, Mr. Neal.*

553. SEMINAR: PROBLEMS OF THE FIRST AMENDMENT. An intensive study of classic and contemporary problems of free speech, association, and political action. (3). *Mr. Kalven.* [Not offered in 1967-68.]

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

561. SEMINAR: TAXATION OF FOREIGN INCOME. A study of selected problems concerning the taxation of foreign income. (3). *Mr. Blum, Mr. Dam.* [Not offered in 1967-68.]

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. Open only with the permission of the instructor. *Miss Mentschikoff.* [Not offered in 1967-68.]