

FIRST-YEAR COURSES

301. **ELEMENTS OF THE LAW.** A course designed to give beginning law students an understanding of ideas basic to the law and of fundamental institutions of the law. 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 coordination of judge-made and statute law. Aut (3). *Mr. Neal.*

302. **CONTRACTS.** The course will deal with the historical development of the enforceability of contractual arrangements, sanctions for their breach, and justification or excuses for nonperformance. 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. Epstein.*

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 (3), Win (3). *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;

the enforcement of judgments. For the first half of the course, the class will be divided into four equal sections. For the second half the course will be divided into two sections. Aut (4). *Mr. Currie, Mr. Katz, Mr. Kitch, Mr. Stone.* Spr (4). *Mr. Lucas, Mr. Dam.*

305. PROPERTY. This course is an introduction to the legal problems relating to and arising out of the ownership and use of land. The first half will focus on the concept of "ownership" by exploring the restrictions imposed or permitted by the law on the owner's use of his land. The second half will focus on problems relating to the commercial transfer of ownership of land, with particular emphasis on the legal problems relating to financing the sale of land. The course will be divided into two sections. Win (4), Spr (4). *Mr. Dunham, Mr. Ellickson.*

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

ELECTIVE. In the Spring Quarter first-year students will elect one course from among the following: Economic Analysis of Law, American Legal History, Development of Legal Institutions, Roman Law, Constitutional Law I. Preferences will be indicated in an advance registration during the Winter Quarter. Where necessary in order to limit these courses to a reasonable size, enrollment by first-year students will be limited by lot.

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. Aut, Win, Spr (5). *Mr. Epstein and Bigelow Teaching Fellows.*

SECOND- AND THIRD-YEAR COURSES

400. INJUNCTIONS. A study of the distinctive characteristics, powers, and problems of a court of equity, with emphasis upon contemporary uses of the injunction as an instrument of social control and reform. The injunction is examined in a wide variety of litigative contexts—nuisance, labor, antitrust, First Amendment, racial discrimination cases—with the hope of formulating some general principles, both substantive and procedural, that govern their issuance and enforcement. Win (4). *Mr. Lucas.*

401. RESTITUTION. The course is concerned with the legal and equitable remedies for redressing unjust enrichment, and with the principles determining the availability of such relief in the varied contexts in which a claim of unjust enrichment may plausibly be asserted. The problems examined cut across, but are not limited to, contracts and torts: they include receipt of unsolicited benefits; gains obtained through the use of ideas originated by others; restitution as an alternative remedy in consensual transactions affected by fraud, mistake, and part performance; and restitution of gains obtained through conduct that is independently tortious. (4). *Mr. Kimball.* [Not offered in 1974-75.]

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 indignity 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. (4). *Mr. Katz.* [Not offered in 1974-75.]

404. THE LAW OF SUCCESSION. This course deals with the characterization of wealth at common law and with the various means by which wealth is transferred gratuitously—by operation of statute upon intestacy, by *inter vivos* transfer, and by will. A substantial introductory section treats estates in land and future interests, including the rule against perpetuities. The suitability of some of the more common “will substitutes” is considered: gift, joint ownership, *inter vivos* trust, annuity, life insurance. The final segment of the course deals with testamentary capacity and with the formalities of drafting and revoking wills (but not with probate and estate administration; see Law 405, Trusts and Estates). Each student will be asked to draft a will and to submit an accompanying memorandum explaining its purposes. Aut (4). *Mr. Langbein.*

405. TRUSTS AND ESTATES. This course continues the material studied in Law 404, The Law of Succession; that course, while not a formal prerequisite, is strongly recommended. The present course considers at the outset the nature of the trust as distinguished from other legal relations of property and contract. After examining the rules concerning the creation of trusts, express and “constructive,” the course deals with the administration of *inter vivos* and testamentary trusts. There is a unit on spendthrift trusts, and another on the special problems of termination of trusts. The duties of trustees, executors, and other fiduciaries are particularly emphasized. The concluding segment of the course studies the law of charitable trusts and foundations, including the developing constitutional law concerning racially restrictive charitable trusts. Spr (4). *Mr. Langbein.*

406. LAND DEVELOPMENT. This is an advanced real estate course, in which primary attention will be given to the various legal forms for raising capital for real estate ventures, alternative standards for measuring the rate of return on real estate investments, the impact of the tax laws on investment decisions, the problem of syndication, the strategies for dealing with use restrictions, and the role of government subsidies in the development of low-rent housing. The material for the course will consist primarily of prospectuses and case histories of various development projects, rather than judicial opinions. Spr (4). *Mr. Epstein.*

408. NATURAL RESOURCES: OIL AND GAS. Systems of property rights in petroleum, water, and other mobile natural resources; legal problems of the oil and gas lease; the content and economic impact of government regulation and taxation of petroleum products. Aut (4). *Mr. Ellickson.*

409. POLLUTION. An examination of government's response to pollution. Common-law nuisance; administrative mechanisms at local, state, and federal levels; the role of the private citizen; rule-making, enforcement, and variances; economic theory and alternatives. (4). *Mr. Currie.* [Not offered in 1974-75.]

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 construction. Aut (4). *Mr. Beardsley.*

411. COMMERCIAL LAW II. This course continues consideration of the Uniform Commercial Code. Particular stress will be placed on Article 9 of the Uniform Commercial Code, which deals with the method by which a consumer or business unable to obtain credit solely on the strength of a promise to pay may acquire goods or credit by giving a lien on personal property. Consideration will also be given to the use of letters of credit in both domestic and international trade. Commercial Law I is not a prerequisite. Win (4). *Mr. Kitch*.

412. INSURANCE LAW. The law of the insurance enterprise: its institutional and regulatory framework, the relationship of insurance to the evolution of legal doctrine in torts and other areas, the uses of insurance, the law of the insurance contract. Win (4). *Mr. Kimball*.

415. FAMILY LAW. The course will consider state regulation of sexual and family relationships, including entry into marriage, divorce, child custody, and the property incidents of formation and dissolution of marriage. The course will also survey the relationship between the state, parents, and children in the ongoing family, examining the legally unique roles of "parent" and "child" in constitutional, statutory, and common law. Win (4). *Mr. Zimring*.

417. SOCIAL WELFARE LEGISLATION AND ADMINISTRATION. This course emphasizes policy perspectives, not analytical details. The main educational goal is not to analyze concrete and particular issues in individual cases but to gain experience in thinking about major policy problems in the perspectives of the entire society, practices and attitudes of former centuries, and experience over the world in advanced and developing nations. The focus is on (a) what the overall legislative policies should be and (b) the gap between legislative objectives and the realities of administration. The materials of the course are reports of investigations, excerpts from books, and articles. The factual background comes largely from the 1969 report of the President's commission on income maintenance programs. Appellate opinions are only incidental—not more than a dozen of them. The subject matter includes such insurance programs as old age and survivors, disability, unemployment compensation, medicare, and workmen's compensation; such assistance programs as aid to families of dependent children, the blind, the old, general assistance, and medicaid; such social programs as civil rights legislation; and such proposals as the rejected Family Assistance Plan and the various current plans for national health insurance. Spr (3). *Mr. Davis*.

419. EVIDENCE (a). The content and reform of the law governing proof of disputed propositions of fact in criminal and civil trials, with incidental treatment of other adjudicative processes, including burdens of proof, presumptions and judicial notice; the function of judge and jury and the preservation of errors for review; the hearsay "rule" and other rules of exclusion; the competency, examination, and privileges of witnesses. Aut (5). *Mr. Meltzer*.

420. EVIDENCE (b). (This is a repeat offering of Law 419.) Win (5). *Mr. Stone*.

421. CRIMINAL PROCEDURE. Study of the legal rules governing the operation of the criminal justice system, a multistage screening process by which society selects those to be punished for criminal behavior. Subjects include investigation of crime and acquisition of evidence by such means as electronic surveillance, search warrants, searches incident to arrest, and interrogation; custody of the defendant, including arrest, detention, release on bail; criminal pleadings, including complaint, information, indictment and plea; counsel and other defense resources for the indigent; function of screening devices, such as prosecutor discretion, preliminary hearing, grand jury, and guilty plea; motion practice and discovery in criminal cases; the criminal trial; post-trial motions and sentencing procedures; appeal and post-conviction proceedings. Spr (4). *Mr. Stone*.

422. THE CRIMINAL JUSTICE SYSTEM. A study of the operation of the criminal justice system. The primary purpose is to study the operation of the criminal justice system as a whole and to understand its interrelationships; a subsidiary pur-

pose is to train the student in the critical assessment of research data bearing on that system. Topics will include the organization and functioning of the police, the organization of prosecution and defense and the exercise of their respective charging and pleading discretions, bailing, jailing, sentencing, and corrections. Attention will also be given to the administration of the courts of criminal justice and the relationship between judicial administration and policing, sentencing and corrections. In addition to an examination, students will be required to submit an evaluation of a research project in the criminal justice system, discussing its methodology, validity, and utility. The course in Criminal Procedure is a prerequisite. Spr (4). *Mr. Zimring.*

423. **ECONOMIC ANALYSIS.** A systematic treatment of the economic theory of resource allocation. The topics covered are the theory of choice, the theory of the firm, the organization of firms under competitive and noncompetitive conditions, externalities, and the theory of factor markets. The course emphasizes the usefulness of economic theory as a tool for understanding real-world problems, and the relevance of economic theory to legal analysis. To this end, economic theory is applied to questions of the effects of laws, government regulation of the market, and conservation and pollution. Successful completion of this course will equip the student to take any other course or seminar offered as part of the Law and Economics Program. The course also provides useful background for courses not formally a part of the program—such as antitrust law, taxation, pollution, and labor law—to which economics is relevant. Aut (4). *Mr. Landes.*

424. **ECONOMIC ANALYSIS OF LAW.** A survey of the many applications of economic reasoning to problems in the law. The major topics covered are property rights and liability rules, tort and contract damages, civil and criminal procedure, public and private law enforcement, the regulation of business organizations and capital markets, taxation, the distribution of income and wealth, and the Constitution. No prior acquaintance with economics is required; the relevant economic concepts are developed in the context of particular legal questions. The text is Posner, *Economic Analysis of Law* (1973). Spr (4). *Mr. Posner.*

425. **ECONOMIC ANALYSIS AND PUBLIC POLICY.** The application of economic analysis to public policy issues in the fields of antitrust, regulated industries, social cost, and property rights. The course is open to students who have taken Law 423, Economic Analysis, or who have had comparable prior work in economics. Students who have not taken Law 423 must obtain the permission of the instructor before enrolling in the course. Win (4). *Mr. Coase.*

426. **PERSONAL LIBERTIES AND THE MARKET FOR IDEAS.** An examination of policy toward areas of conduct in which it is commonly thought that government regulation should be severely restricted if not indeed prohibited, in particular, conduct covered by the First Amendment. The problems will be illustrated by considering the regulation of programming (including commercials) in radio and television. (4). *Mr. Coase.* [Not offered in 1974-75.]

427. **STATISTICS AND THE LAW.** An introductory course on the theory and methods of statistical analysis and its applications in law. Both descriptive and inferential statistical methods will be treated, with emphasis on applications such as the weighing of uncertain evidence, the evaluation of social innovations, and the role and ethical limitations of controlled experiments in medicine. Topics will include estimation, hypothesis testing, and regression analysis and its interpretation. There will be a laboratory on applications to experimental and observational data in which interactive computation resources (remote consoles) will be provided. A year of college level mathematics would be helpful but is not essential. No prior experience with computational methods is expected. Spr (4). *Mr. Meier, Mr. Zabell, Mr. Dam.*

428. 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. (4). [Not offered in 1974-75.]

429. CORPORATION LAW (a). This course considers 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; the combination of corporations; methods and machinery for protecting stockholders' rights, through derivative suits and otherwise. Aut (5). *Mr. Kaplan.*

430. CORPORATION LAW (b). (This is a repeat offering of Law 429.) Win (5). *Mr. Beardsley.*

431. FEDERAL REGULATION OF SECURITIES. This course deals with federal regulation of selling, trading, and dealing in securities in accordance with the provisions of the Securities Act of 1933 and the Securities Exchange Act of 1934, together with a consideration of the effect of such laws upon the law of corporations, except to the extent that such matters are considered in the course in Corporation Law. The latter course is a prerequisite. Win (4). *Mr. Kaplan.*

432. REORGANIZATION, RECAPITALIZATION, AND INSOLVENCY. This course considers the adjustment of the rights of shareholders in connection with mergers and also by charter amendment and voluntary exchanges of securities, including the rights of dissenting shareholders through appraisal evaluation proceedings. It then deals with the problems encountered in adjusting debt, especially in the face of financial stress, and in rearranging the rights of shareholders in distress situations. The problems of debt adjustment are examined in a wide variety of contexts, 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 modification of shareholders' rights and rearrangement of relationships between debtor and creditors and among creditors in these various situations. The standards for reorganization in a bankruptcy proceeding are contrasted with the rules of fairness applied where readjustment is voluntary or is compelled by something other than the debtor's financial difficulties. Attention is also directed to the factors in our society which encourage the use of debt or equity capital. Law 429 is a prerequisite. Spr (4). *Mr. Blum.*

433. BUSINESS PLANNING. The aim of this course is to apply the student's knowledge of taxation and corporation law to the solution of a series of transactional problems involving typical steps in corporate formation and rearrangement. The problems include the formation of a closely held corporation, the formation of a publicly owned corporation, stock redemption, the sale of a business, merger and other types of combination transactions, and recapitalization, division, and dissolution of corporations. Both small-group discussions and lectures will be employed. Students will be assigned to represent the interests of particular parties, negotiate transactions, and prepare the necessary documents. The student must have taken Corporation Law and Federal Taxation II. Spr (4). *Mr. Krane, Mr. Hess.*

434. FIDUCIARY AND PROFESSIONAL RESPONSIBILITY. This course will deal with various aspects of the concept of fiduciary obligation in the manifold forms in which it is found in American law: agent-principal, employer-employee, partnership, corporate director, majority stockholder, trustee-beneficiary, investment adviser-advisee, lawyer-client, etc. In exploring the effect of the concept in the lawyer-client relationship, extended attention will be given to the many manifestations of the lawyer's obligation to his client and to the requirements and ethical aspirations in recognized principles of legal ethics expressed in the Code of Professional Responsibility of the American Bar Association. Spr (4). *Mr. Kaplan*.

435. FEDERAL TAXATION I. A tax on the income of persons, with rates graduated upward, 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, who will be required to include various items in income or be allowed to claim various deductions, and when these factors are to be reflected in computing income. 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 (4). *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. 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 the incomes both 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 upward. Win (4). *Mr. Blum*.

437. FEDERAL TAXATION III. 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. Spr (4). *Mr. Kitch*.

438. 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. (4). *Mr. Lucas*. [Not offered in 1974-75.]

439. LABOR LAW I. The legal framework for collective bargaining, strikes, picketing, boycotts, lockouts, and other forms of self-help, examined in the context of pertinent historical, social, and economic considerations; regulation of the organizational process, selection of representatives for collective bargaining,

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. Aut (5). *Mr. Davis*.

448. ADMINISTRATIVE LAW (b). (This is a repeat offering of Law 447.) Win (4). *Mr. Currie*.

449. CONSTITUTIONAL LAW I (a). An examination, in the context of selected contemporary problems, of the functions of the Constitution, the relationships among the several branches of the federal government and between state and federal governments, and the role of judicial review. Major topics to be studied include the case-or-controversy requirement and other aspects of constitutional adjudication, especially in federal and state regulation of the electoral process; the commerce, taxing and spending powers of Congress; and the powers of the President. Aut (4). *Mr. Dam*.

450. CONSTITUTIONAL LAW I (b). (This is a repeat offering of Law 449.) Spr (4). *Mr. Casper*.

451. CONSTITUTIONAL LAW II: FREEDOM OF EXPRESSION. A detailed study of problems of freedom of speech that have a constitutional dimension, including such topics as prior restraints, obscenity, the right of privacy, libel, group libel, fair trial and free press, congressional investigating committees, loyalty oaths, compulsory disclosure laws, sedition, public-issue picketing, symbolic conduct, and protest in public places. (4). *Mr. Kalven*. [Not offered in 1974-75.]

452. CONSTITUTIONAL LAW III: THE CONSTITUTION AND EQUALITY. The course will focus on the development of the equal protection clause and, especially, on the recent emergence of the concept of "substantive" equal protection. Particular attention will be paid to the legacy of the Reconstruction Amendments for non-whites, the poor, and women, in education, voting, legislative reapportionment, housing, employment, and the criminal process. Win (4). *Mr. Kurland*.

453. URBAN GOVERNMENT. The course is concerned with the legal problems of administration of a local government. Special emphasis is given to the problems of supervision by the judiciary and by higher levels of government. The course also considers the issues raised by proposals for greater decentralization (community participation) and for greater centralization (metropolitan government) of local government structures. Aut (4). *Mr. Dunham*.

455. FEDERAL JURISDICTION. An examination of the jurisdiction and powers of the federal courts as defined largely by the Judiciary Code and by the Constitution. Subjects emphasized include the diversity, federal-question, and admiralty jurisdictions; Supreme Court review and habeas corpus; governmental immunity, abstention, three-judge courts, and injunctions against suit. Class discussions will focus in large part upon recent decisions in the light of casebook readings. Spr (4). *Mr. Currie*.

456. ADMIRALTY. Historical development 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. Aut (4). *Mr. Lucas*.

457. CONFLICT OF LAWS. An inquiry into the division of lawmaking and judging authority among the several states and between the states and the federal government, principally through consideration of choice of law, personal jurisdiction,

and respect for prior judgments in cases connected with more than one state. (4). [Not offered in 1974-75.]

460. 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. Emphasis will be placed on sociological approaches toward the relationship between law and the political system. Questions concerning authority and legitimacy will be analyzed. (4). *Mr. Casper*. [Not offered in 1974-75.]

463. DEVELOPMENT OF LEGAL INSTITUTIONS. An introductory course in the historical background of the modern Anglo-American common law, focusing on the principal structural elements which developed during the Middle Ages and the Renaissance: the jury system; common law criminal procedure; the forms of action; the bar, the yearbooks, and the treatises; illustrative doctrinal development: trespass, case, and assumpsit; the rise of equity; prerogative justice in Council, Admiralty, and Star Chamber; the battle of the courts; the transformation of the juries and the development of the law of evidence; the recasting of criminal procedure: investigation, prosecution, and defense; the origins of the privilege against self-incrimination; the deterioration of Chancery procedure and the fusion of law and equity; and the early history of judicial review of administrative action. Spr (4). *Mr. Langbein*.

465. AMERICAN LEGAL HISTORY. This course deals with selected problems in the development of private and public law in the United States. Among the topics studied are: the Salem witch trials of 1692-93; the emergence and disappearance of the law of seditious libel in early American history; the growth of tort law and the emergence of the negligence doctrine in the early nineteenth century; the Americanization of the doctrine of conspiracy and its application to labor law; the desegregation of public high schools and the South after 1954. Emphasis is on law as a product of socioeconomic change rather than as a system of reasoning. Course work centers upon intensive examination of judicial and legislative source materials. A paper is required of all students. Spr (4). *Mr. Katz*.

466. LAW OF THE EUROPEAN COMMUNITY. The course will examine the history of the European communities, the nature of community lawmaking, and the relationship between community law and the law of the member countries, as well as questions concerning harmonization of laws. In addition to studying the legal, political, and economic development of this new type of international (supranational? federal?) organization, the course will attempt to analyze its impact on the "outside" world. Aut (4). *Mr. Casper*.

467. REGIONAL AND INTERNATIONAL INSTITUTIONS. Since World War II a large number of regional and international organizations have been created. In the economic arena these institutions have been particularly influential. The course will focus on the interaction between long-standing, constantly evolving international economic problems and these new institutions. Emphasis will be placed on the ways in which legal rules and institutional forms can influence economic outcomes. The principal institutions examined will be the International Monetary Fund, the General Agreement on Tariffs and Trade, and the European Community. (4). *Mr. Dam*. [Not offered in 1974-75.]

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.

Before being granted permission to register for 499 work the student must submit a précis of his or her 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 enrollment is limited to a smaller number. Students will be given an opportunity to sign tentative registration lists for seminars. Selection of enrollment 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.

500. SEMINAR: CLASS ACTIONS. The seminar will be devoted to a study of the contemporary use of the class action in federal and state courts, with special attention to problems arising under Federal Rule 23 and the possible need for its revision in the light of the Supreme Court's recent decision in the *Eisen* case. Aut (4). *Mr. Lucas*.

506. SEMINAR: REAL ESTATE DEVELOPMENT. The seminar will explore selected current problems in real estate development, including financial and tax aspects. The courses in Land Development and Federal Taxation II are prerequisites. Aut (4). *Mr. Blum*.

507. SEMINAR: LAND-USE PLANNING. The seminar will consider land-use planning from the legislative viewpoint. It will explore problems of framing and implementing statutory provisions to control the development or nondevelopment of land, with special attention to the American Law Institute's Model Land Development Code. Win (4). *Mr. Dunham*.

508. SEMINAR: HOUSING POLICY. Analysis of government programs that affect (for better or worse) the quality of urban housing and urban neighborhoods. Student papers might investigate such topics as housing credit programs (e.g., FHA, FNMA), public housing and other subsidy programs, housing allowances, urban renewal, urban homesteading, urban development corporations, rent control, housing code enforcement, exclusionary zoning, fair housing legislation, and the impact of tax laws on housing. Spr (4). *Mr. Ellickson*.

510. SEMINAR: LEGAL PROBLEMS OF CITY PLANNING. This seminar will examine selected legal problems encountered in the work of the municipal Plan Commission, such as coordination of various public programs with a comprehensive city plan; administration and determination of planned development issues; creation

of multi-land use, special zoning districts; collaboration of the comprehensive plan and the annual city capital budget; and the role of the city Plan Commission in the environmental impact field. Aut (4). *Mr. J. Levi.*

515. SEMINAR: JUVENILE JUSTICE. This seminar will examine the principles and institutions of juvenile justice in the United States. Topics will include jurisdiction of juvenile courts in delinquency, child neglect and neglected children, and minors in need of supervision (e.g., truancy cases, runaways, etc.). Major emphasis will be placed on the institutions of juvenile justice: the courts, intake facilities, probation, detention, clinical services, community service agencies and correctional institutions. Enrollment will be limited to fifteen students from the Law School and fifteen students from the School of Social Service Administration. Win (4). *Mr. Zimring, Mrs. Rosenheim.*

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. Students will be required to live and work in a state mental hospital for one weekend, from Friday night through Sunday night. 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. Visits to correctional institutions 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. A paper or research report will be required. Preparatory reading will include text references and mimeographed material. Enrollment will be limited to twelve third-year students. Win (2), Spr (2). *Mr. Morris, Dr. Rubin.*

520. SEMINAR: TRIAL PRACTICE (a). 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 proceedings 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, insofar 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. Enrollment 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. Fuller, Mr. Horan.*

521. SEMINAR: TRIAL PRACTICE (b). A two-quarter seminar, beginning in the Spring Quarter and concluding in the following Autumn Quarter. The seminar introduces and develops techniques of trial advocacy, with special emphasis on representation of the poor. During the Spring Quarter members of the seminar make written and oral presentations for critique by the seminar and experienced trial lawyers. In civil cases, seminar topics include investigation, pleading, motions, and discovery and their relationship to trial and possible appeal. In criminal cases, seminar topics include pre-trial hearings and motions, *voir dire*, trial, post-trial proceedings, and the special problems incident to representation of the incarcerated defendant. During the Autumn Quarter students will prepare and present actual cases in court under the supervision of the instructor and clinic staff attorneys. Preference in enrollment is given to second-year participants in the Mandel Legal Aid Clinic who will be eligible for certification under Illinois Supreme Court Rule 711 to practice with the Clinic during their third

year. Students in the seminar should have taken Evidence and Criminal Procedure. Students taking Trial Practice (b) are not eligible to enroll in Trial Practice (a). Spr (2), Aut (2). *Mr. Palm.*

523. SEMINAR: WORKSHOP IN INDUSTRIAL ORGANIZATION. Studies in the structure and behavior of industries, with special emphasis on the role of government regulation. Law students wishing to participate in the workshop may do so by registering for 499 credit, with the permission of the Dean. Aut, Win, Spr. *Mr. Becker, Mr. Stigler.*

524. SEMINAR: WORKSHOP IN LAW AND ECONOMICS. This workshop is devoted to the intensive examination of selected problems in the application of economic reasoning to legal questions in such fields as property law, criminal procedure, accident law, and antitrust law. Workshop sessions will be devoted to the presentation and discussion of papers by students and by members of the faculty of the University of Chicago and of other institutions. The workshop will meet every other week throughout the academic year. Students enrolled in the workshop will receive six credits for satisfactory completion of a substantial paper. Aut (2), Win (2), Spr (2). *Mr. Landes, Mr. Posner.*

525. SEMINAR: REGULATION OF ORGANIZED MARKETS. The seminar will examine the economic, legal, and regulatory aspects of organized stock exchanges and commodities exchanges. Aut (4). *Mr. Coase, Mr. Dam, Mr. Lorie.*

529. 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. Win (4). *Mr. Kaplan.*

536. SEMINAR: U.S. TAXATION OF FOREIGN AND INTERNATIONAL TRANSACTIONS. A study of selected problems concerning the taxation of foreign and international transactions. Federal Taxation II is a prerequisite. Spr (4). *Mr. Blum.*

539. SEMINAR: LABOR-MANAGEMENT RELATIONS. This seminar will deal with selected current labor-management problems in the private and public sectors. Early in the Winter Quarter, students interested in enrolling will be encouraged to propose topics for this seminar. Thereafter, proposed topics for student papers and presentations will be announced, and assignments will be made. The basic course in Labor Law or the consent of the instructor is a prerequisite for enrollment. Spr (4). *Mr. Meltzer.*

540. SEMINAR: ANTITRUST LAW. The seminar will explore selected problems in antitrust litigation, with emphasis on private actions for treble damages. Students must have taken one of the courses in Antitrust Law. Enrollment is limited to ten students. Win (4). *Mr. Neal.*

548. SEMINAR: DISCRETIONARY JUSTICE. Most injustice in the legal system results from discretion, not from application of rules and principles. The strongest need and the greatest promise for improving the quality of justice to individual parties in the entire legal and governmental system are in the areas where decisions necessarily depend more upon discretion than upon rules and principles and where formal hearings and judicial review are mostly irrelevant. The seminar demonstrates that discretionary power is susceptible of meaningful study; it focuses on problems that are common to discretionary power of judges, police, prosecutors, regulatory agencies, welfare agencies, and other administrators, with a view to understanding what is done and what can be done to confine, to structure, and to check discretionary power. To some extent, thinking is stimulated by contrasting European systems and attitudes. Win (4). *Mr. Davis.*

551. SEMINAR: EQUAL PROTECTION OF THE LAWS. This seminar will examine standards of judicial review under the Equal Protection Clause of the Fourteenth Amendment. At the outset, the seminar will attempt to isolate the various considerations that might properly be taken into account in formulating a workable definition of the phrase "equal protection of the laws." The seminar will then turn to an analysis of the constantly shifting standards of equal protection review actually employed by the Supreme Court throughout the history of the clause. We will explore the historical, philosophical, and institutional origins and justifications of these standards; the consistency with which they have been applied; and alternative formulations that might better reflect the considerations identified at the outset of our inquiry. Aut (4). *Mr. Stone*.

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. Enrollment is by permission of the instructor and is limited to approximately nine students. Aut (4). *Mr. Currie, Mr. Kitch*.

553. SEMINAR: THE ELECTORAL PROCESS. The seminar will deal with constitutional and statutory regulation of the political franchise. Special attention will be paid to voter and candidate qualifications, candidate selection by political party, campaign financing, and the control of campaigns by such strategies as the Hatch Act, equal broadcast time, and the Federal Electoral Campaign Act of 1971. The seminar will study these control mechanisms in their relation to empirical and normative theories about the democratic process. Win (4). *Mr. Casper, Mr. Kalven*.

554. SEMINAR: THE LEGISLATIVE PROCESS. The seminar will be concerned with the current work of the Congress. Each student will be required to prepare a paper on one major piece of legislation. The paper will take the form of a report setting out the problem addressed by the legislation, the cures suggested, the political forces on each side, the prognosis for passage, the legal and conditional questions involved, and a conclusion recommending approval or disapproval in whole or in part. Students admitted with the permission of the instructor only. Aut (4). *Mr. Kurland*.

555. SEMINAR: COMPARATIVE LAW: FRENCH COMPANY LAW. The seminar is intended to provide an introduction to the sources and techniques of a major Continental legal system through the intensive study of selected topics relating to the organization, financing, and functioning of the *société anonyme* and the *société à responsabilité limitée*. The effects in French company law of Common Market harmonization measures will be examined. Comparison with the treatment of analogous problems in American and English corporation law will be emphasized. A reading knowledge of French will be essential for members of the seminar. Spr (4). *Mr. Beardsley*.

556. SEMINAR: FRENCH ADMINISTRATIVE LAW. An examination of the classical Continental system of administrative law, intended to provide a comparative basis for common lawyers. We will begin with the historical origins of the Conseil d'Etat. We will examine the organization, staffing, procedure, and jurisdiction of the Conseil and of the lesser administrative courts. We will conclude with a study of certain of the fields of substantive law which the administrative courts have produced, especially the law of public contracts. The course in Administrative Law is an essential prerequisite for this seminar; it will in no case be waived. All assigned materials for the seminar will be in English although optional reading in French will be suggested; knowledge of the French language will be required

only of students who wish to substitute a research paper for what will otherwise be a 48-hour take-home examination. (4) *Mr. Langbein*. [Not offered in 1974-75.]

557. SEMINAR: ROMAN LAW. An examination of selected topics in the Roman law of contracts, torts (delict), property, and procedure. Topics will be selected in order to shed light on the relationship between common-law and Roman law treatment of certain problems of current interest. The seminar is not designed to provide a comprehensive knowledge of all the detailed workings of Roman law. No knowledge of Latin will be required for the seminar. Spr (4). *Mr. Epstein*.

559. SEMINAR: ENGLISH LEGAL HISTORY: THE LAW OF EVIDENCE. The seminar will examine the formation of the common law of evidence in the seventeenth and early eighteenth centuries, a subject on which there exists little secondary literature. Among the topics appropriate for research papers are the English witchcraft trials, mainly from 1556 to 1645; the political trials of the later Stuarts and the Treason Act of 1696; the Statute of Frauds of 1677; the development of appellate review for insufficiency of the evidence following the abolition of prerogative review in 1641; the growth of the several judicial controls upon submissions to the jury; the expansion of the lawyer's role from pleading to trial advocacy; the origins of the common-law treatise on evidence. (Prerequisite: Law 463, Development of Legal Institutions, or the permission of the instructor.) Aut (4). *Mr. Langbein*.

560. SEMINAR: EUROPEAN LEGAL HISTORY. A reading seminar designed to provide students of Anglo-American legal history with a basis for comparative study. Part I: The sources of European law in the Middle Ages—canon law, vulgar Roman law, Germanic law, feudal law, urban law. Part II: The revival of Roman law in Italy and the differentiation of the national legal systems in the North. Part III: The "reception of Roman law" in the Renaissance. Part IV: The assimilation of Roman law and the origins of the codification movement. (Prerequisites: Law 463, Development of Legal Institutions, and Law 557, Seminar: Roman Law. Students with adequate command of German, French, Italian, or Dutch may substitute a paper for the examination.) (4). *Mr. Langbein*. [Not offered in 1974-75.]

561. SEMINAR: AMERICAN LEGAL HISTORY: PHILANTHROPY, PUBLIC POLICY, AND SOCIAL REFORM, 1865-1969. The seminar will concern itself with the transformation from the private to the public sector in the management of American social reform. We are interested in the process by which private reform and philanthropic organizations became public institutions or had their functions amalgamated into government. Seminar meetings will be devoted to intensive discussion of prepared materials on a series of topics designed to illustrate the private-public tension in reform management: the emergence of the modern foundation; conservation of natural resources; public health; social welfare; Indian Americanization; Black integration; the consumer movement; federal involvement in education. The assigned materials will be drawn from both legal and historical sources. This seminar is open to law students and graduate students in the social sciences. Graduate students may enroll for a second quarter in the spring. A research paper will be required of all students. *Mr. Katz, Mr. Karl*. [Not offered in 1974-75.]

562. SEMINAR: SLAVERY AND THE LAW. This is the fourth phase of a sequence devoted to the study of slavery. In the first year we studied the use of law to create and maintain the institution of slavery. In the second year we examined the role of law in attempting to terminate slavery through prohibitions on the slave trade, manumission, and emancipation. Last year we studied abolitionism. The current seminar will focus on the interstate problems created by the institution of slavery: the status of slaves who crossed voluntarily or escaped into

free jurisdictions; complications created by the interstate slave trade and other forms of interstate commerce; the impact of regionalism on the question of slavery in the territories. In general, we will consider the significance of federalism in the history of slavery in the United States. A series of short papers (or, alternatively, a long research paper) will be required of each student. In addition, there will be weekly reading assignments in prepared course materials. The aim of the seminar is both historical and jurisprudential, to get a better understanding of slavery and the nature of American law. Spr (4). *Mr. Kalven, Mr. Katz.*