

FIRST YEAR

201. Elements of the Law.—Analysis of ideas basic to the law: the natural law, corrective and distributive justice, equity, legal acts; the structure and methods of the legal system: court and legislature, precedent, logic, and social policy; the growth and evolution of legal concepts: types of concepts, analytical concepts of the law, the relationship of law to the social sciences; some fundamental institutions: property, contract, the state, custom, and liberty; rhetoric and the law. Steffen and Levi, *Elements of the Law*. Autumn (3 hours), Winter (3 hours, first half), LEVI.

202. Psychology.—Analysis of problems of individual and social psychology relevant to the study of substantive and procedural law. Mimeographed materials. Winter (3 hours, second half), Spring (3 hours), ADLER.

203. Torts.—Protection of personal integrity, including freedom from contact, defamation, etc.; compensation for personal injuries; protection against injuries to property interests; protection of consumers, purchasers, and investors; protection of business and other interests from wilful invasion, including relationship between employers and workmen; protection of political and civil rights. Gregory and Borchardt, *Cases and Materials on Torts*. Autumn (2 hours), Winter (3 hours, first half; 5 hours, second half), Spring (2 hours), GREGORY.

205. **English Constitutional and Legal History.**—Study of the growth of English legal and governmental institutions. Autumn (3 hours), Winter (2 hours, first half), JORDAN, TEFFT.

220. **Contract, Quasi-Contract, and Suretyship.**—Tort and contract; promises; restitution, damages and specific performance; limits on enforcement: consideration, mistake, basic expectation, policy, legislation; contract in the economic and legal order; multiple party contract relations, including suretyship and assignment. Sharp, *Cases on Contract and Quasi-Contract*. Autumn (4 hours), Winter (4 hours), Spring (2 hours), SHARP, KESSLER.

260. **Civil Procedure.**—Jurisdiction of the person and of the subject matter; English and American court structure; common law and equitable remedies and the union of law and equity; the framing and presentation of triable issues; preparation for trial and trial practice, with emphasis on the function of judges, juries, masters, and referees; the conclusiveness and effect of judgments and decrees. James, *Cases and Materials on Civil Procedure*. Autumn (2 hours), Winter (2 hours), Spring (5 hours), JAMES.

299. **Individual and Group Work.**—Members of the first-year class are assigned to tutors for the supervision of written work and individual research.

SECOND YEAR

202. **Psychology.**—Analysis of problems of individual and social psychology relevant to the study of substantive and procedural law. Mimeographed materials. Winter (3 hours, second half), Spring (3 hours), ADLER. (For second-year students in 1940-41 only.)

303. **The Problem of Crime.**—Social and legal problems in the substantive law of crime; the administration of the criminal law; detailed study of particular crimes. Keedy, *Cases on Administration of Criminal Law*, and supplementary material. Autumn (2 hours), Winter (2 hours), PUTTKAMMER.

304. **Family Relations.**—Marriage and the family as social and legal institutions; legal relations between members of the family and between the family and outsiders; dissolution of the family. Rheinstein, *Cases and Materials on Family Relations*. RHEINSTEIN. [Not given in 1940-41.]

310. **Economics.**—The pricing process and the allocation of resources in a free-market system; monopoly and restraint of trade; monetary theory and the credit system; industrial fluctuations; economic analysis and economic policy. Winter (4 hours, first half; 2 hours, second half), Spring (2 hours, first half), SIMONS.

311. **Accounting.**—An introduction to accounting techniques and to the interpretation of financial statements. Graham and Katz, *Accounting in Law Practice* (2d ed.). Autumn (4 hours), GRAHAM.

312. **Risk and the Business Enterprise.**—The employee relation, workmen's compensation, limited liability and the structure of the business organization. Steffen, *Cases on Agency*. Winter (2 hours, second half), Spring (2 hours), LEVI.

320. **Sales.**—Elementary problems of contract and conveyancing law relating peculiarly to transfers of the general property in goods and documents of title. Bogert and Britton, *Cases on Sales*. Autumn (3 hours), BOGERT.

330. **Property.**—Interests in land and chattels and their transfer; conveyances *inter vivos*, including land contracts; wills. Bigelow and Tefft, *Cases on Property* (rev. ed.); Rheinstein, *Materials on Wills*. Autumn (4 hours), Winter (2 hours), Spring (4 hours), BIGELOW, RHEINSTEIN, TEFFT.

340. **Government.**—Political theory; judicial interpretation and enforcement of written constitutions; the three departments of government; general nature and function of administrative tribunals; examples of them in operation; the federal system; powers of the national government; interstate and foreign commerce; due process and equal protection—to whom applicable; procedure and jurisdiction; application of due process and equal protection to substantive law; impairment of obligations of contracts; and eminent domain. Sears, *Cases on Administrative Law*; Dodd, *Cases on Constitutional Law*, shorter selection (2d ed.). Winter (4 hours), Spring (4 hours), SEARS, KERWIN.

361. **Moot Court.**—Preparation of cases and argument. Winter.

THIRD YEAR

401. The Framing of the Constitution.—A study of the Federal Convention of 1787, based primarily on Farrand's *Records*. Spring (4 hours), CROSSKEY.

402. Moral and Political Philosophy.—The norms regulating private and public conduct, and a solution of the problem, what is good for the individual and for society, in terms of a determination of the ends of conduct and an ordering of the means thereto. The nature of justice, the principles of natural law, and the role of legality in the political order, will be discussed. The readings will be, in order: John Stuart Mill, *Utilitarianism*; Aristotle, *Ethics*; John Stuart Mill, *Representative Government*; Aristotle, *Politics*. Autumn (4 hours), HUTCHINS, ADLER.

412. Corporate Management and Finance.—Allocation of control; application of the fiduciary principle to agents, partners, directors, shareholders, and promoters; the procuring and maintaining of corporate capital. Katz, *Syllabus and Materials on Business Corporations* (2d ed., 1939). Autumn (3 hours), Winter (3 hours), KATZ.

420. Negotiable Instruments.—Comparative study of the different types of commercial and investment instruments, their different functions and legal incidents. Steffen, *Cases on Commercial and Investment Paper*. Spring (4 hours), KESSLER.

430. Trusts.—The more elementary problems relating to the creation and administration of trusts. Bogert, *Cases on Trusts*. Spring (4 hours), BOGERT.

460. Evidence.—The proof of facts in issue, including burden of proof and presumptions, competence, privilege and examination of witnesses, logic in relation to problems of circumstantial evidence and relevance, and the exclusionary rules of evidence. Casebook to be announced. Autumn (3 hours), Winter (3 hours), JAMES.

470. Conflict of Laws.—The problems arising when important facts of a case occur in states or countries having different rules of law. Cheatham, Dowling, and Goodrich, *Cases on Conflict of Laws*. Autumn (4 hours), RHEINSTEIN.

Work in Fields of Specialization.—Students will devote approximately four-sevenths of their time in the Winter Quarter of the third year to work in the fields of specialization outlined below.

FOURTH YEAR

510. Law and Economic Organization.—I. The effect of industrial and labor organization on the processes determining prices and wages, and the legal devices and institutions designed to control or implement the various types of organization considered: the federal antitrust laws and state laws against price-cutting; the legal status of unions and of typical self-help activities of labor; union organization and collective bargaining under federal and state labor-relations acts; wages-and-hours legislation. Special attention will be directed to the marketing and employment problems of one or two important industries, such as steel, bituminous coal, and meat packing, in the study of which not only the relevant legal measures but also the economic pattern of the industries will be considered.

II. Fluctuation in business activity, employment, and the general price level; critical examination of current views as to "the business cycle." The effect of legal institutions in promoting or retarding business fluctuations or in ameliorating their effects: control of currency and credit; types of mercantile finance paper and security devices; corporate capital structures; "debtor relief"; corporate reorganization.

Materials to be announced. Autumn (6 hours), Winter (6 hours), Spring (6 hours), CAVERS, GREGORY, KATZ, KESSLER, LEVI, SHARP, SIMONS.

Work in Fields of Specialization.—Students will devote approximately one-half of their time in the fourth year to work in the fields of specialization outlined below.

WORK IN FIELDS OF SPECIALIZATION

As noted above, in the third year of the four-year program approximately one-fifth of the work, and in the fourth year approximately one-half, is to be done in elected fields through individual or seminar work or in specialized courses. Students will nor-

mally be required to concentrate this work in two of the general fields listed below and to divide it substantially equally between the two fields. In the third year, this work will be done in the Winter Quarter and will occupy about four-sevenths of the student's time during that quarter, the equivalent of two courses of four class hours a week. The units of work suggested for third-year students are listed below with numbers between 400 and 499. Students may suggest individual research projects in substitution for part of this work, subject to the requirements stated below in the case of certain of the fields. Work on such projects may be arranged so as to constitute compliance with requirements in both of the student's fields. Announcement of the seminars and courses listed below is also subject to changes which may be occasioned by the number of students electing the respective fields.

FIELD I. CIVIL PROCEDURE

Students electing the field of Civil Procedure in 1940-41 will be required to take the course and seminars listed below, except that in his last year a student who has formulated a program for individual research in procedure will be permitted to substitute such work for the seminar 562.

461. Federal Jurisdiction.—The constitutional and statutory jurisdiction of the federal courts, both trial and appellate, including the relation of the federal courts to federal and state administrative agencies. Materials to be announced. Winter, JAMES, KATZ.

561. Seminar on Logic in Relation to Pleading and Proof.—A study of special problems in procedural law, including fundamental logical conceptions in the statement of issues, argument and proof, and psychological aspects of specific evidentiary rules. Investigation, reports, and informal discussion.

562. Seminar on the Determination of Issues of Fact.—This seminar will be conducted primarily upon the basis of individual research on related topics. Suggested topics are the function and operation of the judge and jury, the chancellor and master in chancery, administrative commissions, arbitration and award, statutory pre-trial investigation in the United States, the investigative function of the continental judge, and the employment of expert testimony. Group meetings will be held for reports and discussion, in an effort to develop opinion on the extent to which various systems of pleading and of evidence may be suited to various methods of factual determination, and on the extent to which the various methods of determination may be suited to various types of factual issues.

FIELD II. CRIME

Students electing this field will normally be required to take the courses in Substantive Criminal Law and Forensic Medicine and to investigate intensively some important problem in criminal law. For the remainder of their work in the field they may elect one of the other courses listed below.

403. Substantive Criminal Law.—The criminal act; criminal intent; circumstances affecting intent; consent; justification; parties in crime: agency, joint principles, accessories; crimes against the person, especially murder and manslaughter; larceny and kindred offenses. Derby, *Cases on Criminal Law* (3d ed.). Winter, PUTTKAMMER.

503. Forensic Medicine (identical with Pharmacology 310).—Medical legal problems arising from physical injuries due to violence; identification problems; forensic psychiatry, the use of scientific crime-detection devices. Spring, DR. CLARENCE W. MUEHLBERGER and STAFF.

504. Medical Psychology (identical with Psychiatry 301).—A general survey of the field of abnormal psychology and of the various neuroses. Autumn, Winter, DR. DAVID SLIGHT.

505. **Criminology** (identical with Sociology 371).—Methods and theories of punishment. Theories regarding the origin, objectives, and values of punitive and nonpunitive methods of treatment of offenders. Winter, ERNEST W. BURGESS.

506. **Collective Behavior** (identical with Sociology 226).—The mental mechanisms of groups. Winter, HERBERT BLUMER.

FIELD III. ECONOMIC AND BUSINESS ORGANIZATION AND REGULATION

422. **Seminar on Insurance**.—The different types of insurance, forms of policies and their construction, the role of insurance companies in the economic system, public control of insurance. Patterson, *Cases and Other Materials on the Law of Insurance*. Winter, KESSLER.

423. **Seminar in Advertising Control**.—A study of the problems of preventing false and misleading advertising and labeling and of assuring to the consumer adequate information for intelligent purchasing. Emphasis will be placed upon controls being developed under the Federal Trade Commission Act and the Federal Food, Drug, and Cosmetic Act. Winter, CAVERS.

512. **Seminar on Public Utility Finance and Regulation**.—Recognized "monopoly," particularly in the light and power industry, and its regulation. Rate bases, rates of return, accounting problems, interest charges, holding-company structures, and their control by state and federal agencies. The reorganization of holding-company systems. Public competition and operation. Autumn, SHARP.

521. **Seminar on Securities Markets**.—Securities exchanges and the regulation of trading; the "over-the-counter" market; the function of stockbrokers and their risks in handling securities; stockbrokerage bankruptcies and the protection of customers. Spring, KATZ, KESSLER.

FIELD IV. GOVERNMENT

441. **Administrative Law**.—Selection and responsibility of public officials; responsibility of local, state, and national governments; relief from administrative action by the use of extraordinary remedies. Sears, *Cases on Administrative Law*. Winter, SEARS. (For third-year students in both programs.)

443. **Taxation**.—Income, estate, and inheritance taxes. Case discussion and individual research. Magill and Maguire, *Cases on the Law of Taxation*. Winter, CROSSKEY. (This course, which is identical with the second half of Course 545, is available to students in the third year of the four-year program. If they wish further work in taxation, however, they are advised not to take Course 443 and to postpone their study of taxation to their fourth year. The work in taxation may be rearranged for the year 1941-42.)

541. **Administrative Law**.—Growth through the extraordinary remedies; general considerations; administrative finality; functioning of administrative tribunals; responsibility of public officials; responsibility of local, state, and national governments. Sears, *Cases on Administrative Law*. Autumn, SEARS. (For students in the last year of the four-year program.)

542. **Legislation**.—Individual work in techniques of legislative draftsmanship, statutory interpretation, and constitutional restrictions upon the enactment of laws and the method of legislative bodies. SEARS.

543. **Municipal Corporations**.—Individual investigation and reports on selected topics. SEARS.

544. **Seminar in Constitutional Law**.—Selected problems in constitutional interpretation. Spring, CROSSKEY.

545. **Taxation**.—Property taxes; excises, with special reference to the taxation of corporations; taxpayers' remedies; income, estate, and inheritance taxes. Magill and Maguire, *Cases on the Law of Taxation*. Autumn, Winter, CROSSKEY.

546. **Research in Federal Taxation**.—CROSSKEY.

Work in political theory in the Division of the Social Sciences may be taken as part of the work in this field of specialization.

FIELD V. HISTORY AND THEORY OF LAW

401. **Readings in Philosophy of Law.**—Readings in general problems of the philosophy of law under supervision of members of the Faculty. Winter, LEVI, ADLER, SHARP, AND OTHER MEMBERS OF THE FACULTY.

406. **Comparative Law.**—I. Survey of the History of Civil Law. II. Sociology of the Law: The role of law in society; the forces behind the law (political and economic power, ethics, religion, tradition, personalities, etc.); the influence of law upon society. Winter, RHEINSTEIN.

501. **Seminar in Philosophy and History of Law.**—Three pairs of philosophers chosen from different epochs, such as the modern realists and their critics, Bentham and Kant, Grotius and Hobbes, St. Thomas and Suarez, Cicero and St. Augustine, Plato and Aristotle; their position in their respective times and their significance today. Autumn, Winter, Spring, ADLER, HUTCHINS, KESSLER, LEVI, MCKEON, RHEINSTEIN, SHARP.

502. **General Seminar.**—A survey of a number of fields of private law for the purpose of ascertaining the problems of current social and economic significance therein and of analyzing and comparing the various methods of dealing with those problems which are being developed or proposed. A student may elect this seminar in substitution for work in any field of specialization, with the understanding that his research will be directed along lines related to the field of specialization for which this seminar is to be substituted. Winter (second half), Spring, CAVERS.

507. **Research in Comparative Law.**—Individual research work under supervision of members of the Faculty; may be combined with work in other fields of specialization. Autumn, Winter, Spring, KESSLER, RHEINSTEIN, AND OTHER MEMBERS OF THE FACULTY.

508. **Research in History of Law.**—Individual research work under supervision of members of the Faculty; may be combined with work in other fields of specialization. Autumn, Winter, Spring, RHEINSTEIN AND OTHER MEMBERS OF THE FACULTY.

509. **Research in Conflict of Laws.**—Individual research work under supervision of members of the Faculty; may be combined with work in other fields of specialization. Autumn, Winter, Spring, BIGELOW AND OTHER MEMBERS OF THE FACULTY.

510. **International Law of Peace** (identical with Political Science 361, International Law).—Autumn, QUINCY WRIGHT.

511. **International Law of War and Neutrality** (identical with Political Science 362, Pacific Settlement, War, and Neutrality).—Winter, QUINCY WRIGHT.

FIELD VI. MARKETING AND CREDIT

422. **Seminar on Insurance.**—The different types of insurance, forms of policies and their construction, the role of insurance companies in the economic system, public control of insurance. Patterson, *Cases and Other Materials on the Law of Insurance*, Winter, KESSLER.

423. **Seminar in Advertising Control.**—A study of the problems of preventing false and misleading advertising and labeling and of assuring to the consumer adequate information for intelligent purchasing. Emphasis will be placed upon controls being developed under the Federal Trade Commission Act and the Federal Food, Drug, and Cosmetic Act. Winter, CAVERS.

520. **Seminar on Commercial Bank Credit.**—The role of commercial banks in the economic system; public control of commercial banking. Selected problems such as creation of balances by loans and discounts, collection, and clearing of checks. Autumn, KESSLER.

521. **Seminar on Securities Markets.**—Securities exchanges and the regulation of trading; the "over-the-counter" market; the function of stockbrokers and their risks in handling securities; stockbrokerage bankruptcies and the protection of customers. Spring, KATZ, KESSLER.

FIELD VII. PROPERTY

Participation in each of the following courses and seminars will normally be required of all students electing the field of Property. Special arrangements may, however, be made to accommodate students who desire to investigate a special topic in the field of Property.

431. Real Security.—A study of real estate and chattel mortgages and related types of security, with emphasis upon enforcement and liquidation. Winter, BOGERT.

530. Seminar on Management and Distribution of Family Estates.—Problems arising in the creation, administration, and public control of family settlements, including aspects of the law of future interests, trusts, and taxation. Winter, Spring, BIGELOW, BOGERT, JAMES, RHEINSTEIN.

531. Seminar on Governmental and Contractual Regulation of the Use of Land.—The use and conservation of natural resources: restrictive covenants, urban and rural zoning, eminent domain, and police power. Autumn, TEFFT.

THE THREE-YEAR PROGRAM

FIRST YEAR

201. Elements of the Law.—Analysis of ideas basic to the law: the natural law, corrective and distributive justice, equity, legal acts; the structure and methods of the legal system: court and legislature, precedent, logic, and social policy; the growth and evolution of legal concepts: types of concepts, analytical concepts of the law, the relationship of law to the social sciences; some fundamental institutions: property, contract, the state, custom, and liberty; rhetoric and the law. Steffen and Levi, *Elements of the Law*. Autumn (3 hours), Winter (3 hours, first half), LEVI.

203. Torts.—Protection of personal integrity, including freedom from contact, defamation, etc.; compensation for personal injuries; protection against injuries to property interests; protection of consumers, purchasers, and investors; protection of business and other interests from wilful invasion, including relationship between employers and workmen; protection of political and civil rights. Gregory and Borchardt, *Cases and Materials on Torts*. Autumn (2 hours), Winter (3 hours, first half; 5 hours, second half), Spring (2 hours), GREGORY.

220. Contract, Quasi-Contract, and Suretyship.—Tort and contract; promises; restitution, damages and specific performance; limits on enforcement: consideration, mistake, basic expectation, policy, legislation; contract in the economic and legal order; multiple party contract relations, including suretyship and assignment. Sharp, *Cases on Contract and Quasi-Contract*. Autumn (4 hours), Winter (4 hours), Spring (2 hours), SHARP, KESSLER.

260. Civil Procedure.—Jurisdiction of the person and of the subject matter; English and American court structure; common law and equitable remedies and the union of law and equity; the framing and presentation of triable issues; preparation for trial and trial practice, with emphasis on the function of judges, juries, masters, and referees; the conclusiveness and effect of judgments and decrees. James, *Cases and Materials on Civil Procedure*. Autumn (2 hours), Winter (2 hours), Spring (5 hours), JAMES.

330. Property.—Interests in land and chattels and their transfer; conveyances *inter vivos*, including land contracts; wills. Bigelow and Tefft, *Cases on Property*; Rheinsein, *Materials on Wills*. Autumn (4 hours), Winter (2 hours), Spring (4 hours), BIGELOW, RHEINSTEIN, TEFFT.

299. Individual and Group Work.—Members of the first-year class are assigned to tutors for the supervision of written work and individual research.

SECOND YEAR

303. The Problem of Crime.—Social and legal problems in the substantive law of crime; the administration of the criminal law; detailed study of particular crimes.

Keedy, *Cases on Administration of Criminal Law*, and supplementary material. Autumn (2 hours), Winter (2 hours), PUTTKAMMER.

312. **Risk and the Business Enterprise.**—The employee relation, workmen's compensation, limited liability and the structure of the business organization. Steffen, *Cases on Agency*. Winter (2 hours, second half), Spring (2 hours), LEVI.

320. **Sales.**—Elementary problems of contract and conveyancing law relating peculiarly to transfers of the general property in goods and documents of title. Bogert and Britton, *Cases on Sales*. Autumn (3 hours), BOGERT.

340. **Government.**—Political theory; judicial interpretation and enforcement of written constitutions; the three departments of government; general nature and function of administrative tribunals; examples of them in operation; the federal system; powers of the national government; interstate and foreign commerce; due process and equal protection—to whom applicable; procedure and jurisdiction; application of due process and equal protection to substantive law; impairment of obligations of contracts; and eminent domain. Sears, *Cases on Administrative Law*; Dodd, *Cases on Constitutional Law*, shorter selection (2d ed.). Winter (4 hours), Spring (4 hours), SEARS, KERWIN.

412. **Corporate Management and Finance.**—Allocation of control; application of the fiduciary principle to agents, partners, directors, shareholders, and promoters; the procuring and maintaining of corporate capital. Katz, *Syllabus and Materials on Business Corporations* (2d ed., 1939). Autumn (3 hours), Winter (3 hours), KATZ.

420. **Negotiable Instruments.**—Comparative study of the different types of commercial and investment instruments, their different functions and legal incidents. Steffen, *Cases on Commercial and Investment Paper*. Spring (4 hours), KESSLER.

430. **Trusts.**—The more elementary problems relating to the creation and administration of trusts. BOGERT, *Cases on Trusts*. Spring (4 hours), BOGERT.

460. **Evidence.**—The proof of facts in issue, including burden of proof and presumptions, competence, privilege and examination of witnesses, logic in relation to problems of circumstantial evidence and relevance, and the exclusionary rules of evidence. Casebook to be announced. Autumn (3 hours), Winter (3 hours), JAMES.

470. **Conflict of Laws.**—The problems arising when important facts of a case occur in states or countries having different rules of law. Cheatham, Dowling, and Goodrich, *Cases on Conflict of Laws*. Autumn (4 hours), RHEINSTEIN.

361. **Moot Court.**—Preparation of cases and argument. Winter.

THIRD YEAR

510. **Law and Economic Organization.**—I. The effect of industrial and labor organization on the processes determining prices and wages, and the legal devices and institutions designed to control or implement the various types of organization considered: the federal antitrust laws and state laws against price-cutting; the legal status of unions and of typical self-help activities of labor; union organization and collective bargaining under federal and state labor-relations acts; wages-and-hours legislation. Special attention will be directed to the marketing and employment problems of one or two important industries, such as steel, bituminous coal, and meat packing, in the study of which not only the relevant legal measures but also the economic pattern of the industries will be considered.

II. Fluctuation in business activity, employment, and the general price level; critical examination of current views as to "the business cycle." The effect of legal institutions in promoting or retarding business fluctuations or in ameliorating their effects: control of currency and credit; types of mercantile finance paper and security devices; corporate capital structures; "debtor relief"; corporate reorganization.

Materials to be announced. Autumn (6 hours), Winter (6 hours), Spring (6 hours), CAVERS, GREGORY, KATZ, KESSLER, LEVI, SHARP, SIMONS.

Work in Fields of Specialization.—Students will devote approximately one-half of their time in the third year to work in the fields outlined on pages 9-13.

VI. LECTURES

During the year 1940–41 two series of public lectures will be given in the Law School by members of the Law Faculty.

Autumn Quarter, PROFESSOR ERNST W. PUTTKAMMER

Problems of Administrative Policy in Criminal Law Enforcement

1. The Apprehending Procedure
2. The Trial of Criminal Charges
3. The Correctional Procedures

Winter Quarter, PROFESSOR SHELDON TEFFT

The Contribution of the Law to the Conservation of Land Values

1. The Conservation Problem at Common Law
2. Conservation of Urban Values under Modern Statutes
3. Conservation of Rural Values under Modern Statutes