Problems in Commercial Law

A seminar for members of the bar on the subject "Problems in Commercial Law" was launched on February 14 in co-operation with University College. Meeting at the University's downtown center, the seminar is being conducted by Soia Mentschikoff, Karl N. Llewellyn, and Roscoe T. Steffen.

Nine major topics in the field of commercial law are being covered in the successive late-afternoon meetings. The topics under consideration are: "Planning and Drafting of Sales Forms," "Sales Disputes: Negotiation and Remedies," "Letters of Credit," "Inventory Finance," "Consumer Financing," "Bank Discount of Commercial Paper," "Bank Collections," "Investment Securities and Their Brokerage," and "Investment Banking."

The attention of the participants is being focused on legal questions which have been and are most troublesome to courts and businessmen, with reference to possible legislative solutions and the proposed Uniform Commercial Code.

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ods of dispute "settlement" between kinship groups which, in their internal structure, on the other hand, constitute peace units. What was the way from this primitive state of affairs to the great peace areas of the modern nations: How did there develop the way stations of mediation, arbitration, adjudication, federation? In our seminar we have been trying to trace these processes in antiquity or the Middle Ages, then to study the spheres of violence still existing in present society, such as the duel, lynching, gang warfare, and permissible self-help. Upon this basis we then proceeded to discuss the possible ways in which the rule of law might be achieved in the last great spheres of force left today—labor relations and the international scene. Necessary expert information has been provided in this seminar by members of the faculties of other departments of the University of Chicago, especially the Oriental Institute and the Department of Sociology. Additional stimulus has been injected by the participation of students of sociology, political science, theology, oriental studies, and other fields.

In the second group of courses in comparative law we have been trying to give to our students an introduction to the so-called civil law, that is, that group of legal systems which prevails in the Western world outside the common-law countries—the United States and the countries of the British Commonwealth. Obviously we cannot even try to "teach" French, German, Swiss, or Mexican law in forty hours. We are an American law school, and within it courses of introduction to foreign law are justified only in so far as they help to make our students better American lawyers. Our instruction is thus to be geared toward practical ends, which can be formulated as follows:

1. Contact with foreign law should make our students aware of the fact that our institutions, laws, and methods are not the only possible ones in the world.
2. Studying some institutions and methods of a highly developed foreign law should deepen our students' understanding of the corresponding institutions and methods of our own law.
3. Our students should be made aware of the fact that when they have to deal with foreign lawyers in business matters, in diplomatic negotiations, or in litigation, they cannot expect these foreign lawyers to think and to argue in the ways we do.
4. Our students should be induced on their own initiative to broaden and deepen their acquaintance with the treasure house of stimulating or useful ideas and experiences which foreign countries have accumulated and from which we may profit for our own purposes.

These aims can be pursued in various ways. In our opinion the best way is that of resorting to the incisive treatment of one or several fairly narrow but important sets of problems which present themselves in all modern countries and which are placed before the students in that way with which they are familiar, i.e., through cases. This method requires that there be placed in the hands of the students a collection of cases, taken from representative foreign systems, and dealing with issues which come up for decision both here and there. They must be centered around problems which are significant in themselves and the treatment of which in the several systems concerned is apt to throw light upon their characteristic methods of legal thought.

In our courses at the University of Chicago Law School we have used materials from various fields of private law. For several years we have concentrated upon problems of the law of torts, especially those which are connected with the treatment of negligence cases and with the protection of privacy. In other years we took certain problems of the law of contract (duress, mistake, impossibility), of sales (warranty for quality, risk), or conflict of laws (characterization, substance and procedure, renvoi, personal status). The preparation of the materials, especially the translation of the foreign cases, was, of course, a cumbersome and time-consuming job.

In recent years young foreign lawyers have been coming to American law schools, not to obtain a full train-