

**UNIVERSITY OF PENNSYLVANIA  
WHARTON SCHOOL**

LGST 101-910 Introduction to Law & the Legal Process  
Summer 2005  
M/T/W 10:40-12:50; JMHH F60  
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**SYLLABUS**

**COURSE DESCRIPTION:**

This course presents law as an evolving social institution, with special emphasis on the legal regulation of business. It considers basic concepts of law and legal process, in the U.S. and other legal systems, and introduces the fundamentals of rigorous legal analysis. The first part of the course surveys a variety of topics, including the structure of the legal system, criminal law and criminal procedure, torts, and constitutional law. The second part of the course provides an in-depth examination of contract law.

**COURSE OBJECTIVES:**

Through classroom presentations, discussions, and completion of course assignments, the student will be acquainted with a varied but limited number of important concepts in the study of law in general and the application of these concepts to the business environment.

**REQUIRED MATERIALS:**

Smith & Roberson's Business Law, **12th ed. (2002)**, by Richard Mann & Barry Roberts (West - Thomson Learning). ISBN: 0-324-12184-9. **Do not buy the 13<sup>th</sup> edition!**

Course Materials distributed via class handouts and/or electronically, consisting primarily of case law and articles of current interest. Lecture slides for each class are posted on the course website at <http://download.wharton.upenn.edu/download/pub/lgst/Srosner/> and clicking on 'LGST 101 Lecture Slides.' You must have a Wharton account to access course materials distributed via the course website. A Wharton account can be established by going to Computer Services in the Forum of Huntsman Hall.

**COURSE METHOD OF INSTRUCTION:**

Class sessions will follow a lecture/discussion format. Experiential exercises and the case method may also be used, as will the Socratic Method.

**GRADING BASIS:**

PARTICIPATION/ATTENDANCE	100 points
MIDTERM EXAMINATION	350 points
FINAL EXAMINATION	450 points

**PARTICIPATION:**

Students are expected to be prepared for every class. Attendance is not participation! The quality of participation, as reflected in careful reading and thorough analysis of the assigned

materials, is important. It is also important to build upon other students' comments. This requires attentive listening. The Socratic Method will also be used, with students expected to respond immediately to directed questions from the professor about a particular case or issue. This requires the student to be adequately prepared and read the cases assigned before the beginning of class. Briefing of cases will aid the student greatly in this process. Class participation will be judged on the basis of quality and consistency upon a daily basis and the student's responses to Socratic questioning. In addition, the student's participation grade may be negatively impacted by deficient attendance. Students are encouraged to discuss the adequacy of their participation with the professor.

### **EXAM AND ASSIGNMENT POLICIES:**

All examinations must be taken during the scheduled examination time. No make-ups will be given. All examinations will be closed texts and notes.

### **ACADEMIC HONESTY POLICY**

The Wharton School and the University of Pennsylvania are committed to academic honesty. All cases of alleged plagiarism, cheating on examinations, undocumented copying of art, and similar forms of academic dishonesty will be reviewed by the appropriate disciplinary bodies. Please refer to the Student Handbook for guidelines relating to academic dishonesty.

Honesty in all academic work is expected of every student. This means giving one's own answers in all class work, papers, and examinations without help from sources not approved by the professor. Written material is to be the student's own original composition. It is expected that ideas that are taken from articles, books, the internet, etc. will be properly noted in all written papers submitted. It is important to remember that to copy or to paraphrase someone else's work, ideas, or language without proper reference is plagiarism.

### **BRIEFING CASES**

**Briefs are not handed in by the student.** However, briefing a case gives the student an organized approach to analyzing the case, as it forces the student to parse the facts and reasoning down to a reasonable size. It also allows the student to better compare and distinguish the case from others that are being studied. In addition, using a case brief will make it easier to recall the case in sufficient detail for class discussion and when called upon via the Socratic Method. Finally, a case brief provides a convenient study aid when reviewing for the quiz and examination.

### **THE BRIEF**

The following is a general guide to briefing cases, which should be approximately one page in length:

Facts: Concisely state those facts that are essential to the controversy in the case.

Decisions Below: State the decision made at the lower court level(s). This section is only necessary when reading an appellate court decision.

Issue(s): State the question before the court. It is best to list the issues for the court to decide in the form of a question.

Holding: State the decision of the court. Basically, the student should answer the questions posed in the Issue section above.

Rule of Law: The general principle of law should be stated rather than phrased in terms of the parties to a particular case.

Rationale: State the court's reasoning for the decision. This is the most detailed section of the brief, as the court's justification for its holding is being discussed.

Opinion: The student should provide his/her own opinion on the case. The student may discuss whether a particular decision is ethical and why, the effect that the decision will have on the general welfare of the public, and generally if s/he believes the decision to be fair.

### **COURSE OUTLINE/CALENDAR:**

The schedule below is a tentative one and is subject to change depending on the pace of the class. Any changes will be announced to class members.

<b>DATE</b>	<b>TOPIC</b>	<b>READING ASSIGNMENTS</b>
T 5/17	Course Introduction and Requirements Case: Ryan v. Friesenhan (1-1)	Textbook Chapter 1
M 5/23	Introduction to the Legal Process Court System	Textbook Chapters 2-3 Textbook Chapters 2-3
T 5/24	Court System Civil Procedure Cases: World-Wide Volkswagen; Parker v. 20 <sup>th</sup> C. Fox	Textbook Chapters 2-3 Textbook Chapter 3
W 5/25	Civil Procedure	Textbook Chapter 3
M 5/30	No Class – Memorial Day	
T 5/31	Criminal Law Case: People v. Olivo	Textbook Chapter 6
W 6/1	Criminal Law Criminal Procedure	Textbook Chapter 6 Textbook Chapter 6
M 6/6	Criminal Procedure	Textbook Chapter 6
<b>T 6/7</b>	<b>Midterm Examination – Class <u>will be held</u> after the midterm.</b> Torts: Intentional Torts Cases: BMW v. Gore; White v. Samsung	Textbook Chapter 7
W 6/8	Torts: Intentional Torts Constitutional Law	Textbook Chapter 7 Textbook Chapter 4

Cases: Silkwood (4-1)

M 6/13	Constitutional Law	Textbook Chapter 4
T 6/14	Constitutional Law Contract Law – Introduction Case: Steinberg (9-1) Contract Law – Offer	Textbook Chapter 4 Textbook Chapter 9 Textbook Chapters 9, 10
W 6/15	Contract Law – Offer Contract Law – Acceptance Case: Lefkowitz (10-2) Contract Law – Consideration Cases: Gorham (9-3); Pearsall (12-1)	Textbook Chapters 9, 10 Textbook Chapter 10 Textbook Chapter 12
M 6/20	Contract Law – Genuineness of Assent Cases: Vokes (11-3); Rea (11-2) Contract Law – Legality of Subject Matter Case: Williams (13-4)	Textbook Chapters 11 Textbook Chapters 13, 14
T 6/21	Contract Law – Writing and Form Contract Law – Liability Outside the Bargain Model Case: Reiser (16-1)	Textbook Chapter 15 Textbook Chapter 16
W 6/22	Contract Law – Performance and Discharge Case: Kohler (17-1) Contract Law – Remedies for Breach of Contract Cases: Merrit (18-1); Schonfeld (18-3); Carnera (18-5)	Textbook Chapter 17 Textbook Chapter 18

**Th 6/23 FINAL EXAMINATION 10:40 AM – 12:40 PM**

Time permitting, additional topics shall include negligence (chapter 8), products liability (chapter 24), structuring of business organizations (Textbook Chapters 31-34), antitrust law (Textbook Chapter 41), agency law (Textbook Chapters 19-20), and duties, liabilities and ethics of accounting (Textbook Chapter 45).