

Syllabus [Revised]

**Legal Studies 101-301: Introduction to Law and Legal Process**

Honors Program

Prof. Eric Orts

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Texts: The following materials are required reading.

- Marvin A. Chirelstein, *Concepts and Case Analysis in the Law of Contracts* (Foundation Press, 5<sup>th</sup> ed. 2006).
- William L. Dwyer, *In the Hands of the People: The Trial Jury's Origins, Triumphs, Troubles, and Future in American Democracy* (St. Martins 2002).
- George P. Fletcher, *Basic Concepts of Legal Thought* (Oxford University Press, 1996).
- Geoffrey C. Hazard, Jr. & Michele Taruffo, *American Civil Procedure: An Introduction* (Yale University Press 1993).
- Lawrence Lessig, *Code and Other Laws of Cyberspace* (Basic Books 2000).

Handouts: Supplementary handouts provided in class are also considered part of required course materials.

Course description: Legal Studies 101-301 provides an introduction to the study of law and legal process. As an honors course, it provides a more conceptual, broad-ranging, and experimental approach than the ordinary Legal Studies 101 course. The course critically explores the role of law in modern society, providing an overview of basic functional areas, including the nature of law and competing values that inform legal decision-making, an overview of the American system of legal process, a brief "mini-course" in the substantive law of contracts, and coverage of other selected topics of current legal interest.

Papers and Grading: There will be three short required papers and one in-class midterm exam. Each paper and the midterm exam will count for approximately one-quarter of the final grade for the course. Students are required to discuss paper topics with the professor in advance during office hours, by appointment, by e-mail or phone, or before/after class sessions.

Citations and Plagiarism: Students must give adequate citations for all sources quoted or used in writing papers. No specific form of citations in footnotes is required, as long as the source is identified sufficiently for it to be found and checked. Every paper must be the student's own work. *Any incident of plagiarism will be fully prosecuted through the usual channels.*

Class Participation: In addition to formal requirements, students are expected to have read and be prepared to discuss the material assigned for each class. Consistently excellent participation in class may be taken into account to increase a student's grade by one step (e.g., B+ to A-). Poor attendance or failure to participate regularly and knowledgeably in class discussion may be taken into account to reduce a student's final grade by one step.

Quality circle: A small quality circle of student representatives may be used to provide mutual feedback on teaching, classroom issues, and class performance.

Office hours: Tuesdays and Thursdays, 1:30 to 2:30 p.m., and by appointment.

Important note: The following course outline is subject to change during the semester depending on current events, student interests, and professor's interests.

### Course Outline

#### Part One: Introduction to Law and Basic Legal Concepts

1. Introduction to the Study of Law [Sept. 7]

Fletcher, pp. 3-7.

2. What Is Law? "The Rule of Law" [Sept. 12]

Fletcher, pp. 11-42.

3. What Is Law (continued)?: Rules, Principles, and Discourse [Sept. 14]

Fletcher, pp. 43-78.

4. Law and Ultimate Values: Justice and Desert [Sept. 19]

Fletcher, pp. 79-108.

5. Law and Ultimate Values: Consent and Equality [Sept. 21]

Fletcher, pp. 109-38.

6. Law and Morality [Sept. 26]

Fletcher, pp. 139-54.

7. Law, Efficiency, and Loyalty [Sept. 28]

Fletcher, pp. 155-95.

**First paper due at beginning class on Thursday, Oct. 5 -- 4 to 7 pages, double-spaced (page limit inclusive of single-spaced footnotes or bibliography) -- on a topic covered or related to topics discussed in the Part One of the course.**

Part Two: Introduction to Legal Process in the United States

8. The History and Structure of the American Legal System [Oct. 3]

Hazard & Taruffo, pp. vii-50.

9. Special class: Field Trip to Eastern State Penitentiary [Oct. 5]

10. The Courts, Legal Proof, and the Adversary System [Oct. 10]

Hazard & Taruffo, pp. 51-149.

11. Litigation, Trial, Appeal, and Enforcement [Oct. 12]

Hazard & Taruffo, pp. 105-49.

12. Appellate Procedure: Moot Court Preparation [Oct. 17]

handout materials

13. Appellate Moot Court Exercise [Oct. 19]

Fall break

**Final written brief due in class on Thursday, Oct. 26 -- 4 to 7 pages, double-spaced (page limit inclusive of single-spaced footnotes)**

14. On the Merits and Flaws of the U.S. Jury System [Oct. 26]

Dwyer, pp. 1- 82.

15. On the Merits and Flaws of the U.S. Jury System (continued) [Oct. 31]

Dwyer, pp. 83-194.

Part Three: Introduction to the Substantive Law of Contracts

16. The Legal Enforceability of Agreements [Nov. 2]

Chirelstein, chs. 1 & 2, pp. 1-32.

17. Contract Formation: Offer and Acceptance, Revocation and Counter-Offer [Nov. 7]

Chirelstein, ch. 3, pp. 33-73.

18. Defenses to Contractual Obligation I: Unfairness and Unconscionability [Nov. 9]

Chirelstein, ch. 4, pp. 74-93.

19. Defenses to Contractual Obligation II: Interpretation [Nov. 14]

Chirelstein, ch. 5, pp. 94-114.

20. Defenses to Contractual Obligation III: Mistake and Impossibility [Nov. 16]

Chirelstein, ch. 7, pp. 155-73.

21. Contractual Remedies [Nov. 21]

Chirelstein, ch. 8, pp. 174-215.

22. **In-class exam covering Part Three of the course** [Nov. 28]

Part Four: Selected Contemporary Legal Issues in the United States

23. Guest Lecture [Aidan Synnott, Paul, Weiss, Rifkind, Wharton & Garrison] [invited: topic to be announced and date to be confirmed [Nov. 30]

24. Law in Cyberspace [Dec. 5]

Lessig, pp. 3-110.

25. Law in Cyberspace (continued) [Dec. 7]

Lessig, pp. 111- 236.

**Third paper due at the end of reading period – hard copy to be handed in to designated box in the Legal Studies and Business Ethics Department -- 4 to 6 pages, double-spaced (page limit inclusive of single-spaced footnotes or bibliography) -- on a topic covered or related to topics discussed in the Part Four of the course.**