

**UNIVERSITY OF PENNSYLVANIA  
THE WHARTON SCHOOL  
DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS  
LGST 101 SYLLABUS  
Fall 2007**

Professor: Dr. Ann Mayer

Office: 661 Jon M. Huntsman Hall

Office Hours: Tuesday 3:00-4:15 and by appointment. Do not hesitate to telephone or e-mail to make an appointment outside regular office hours.

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Assigned Readings: The readings are contained in photocopied, bound "bulk packs" available from Wharton Reprographics on the basement level of Steinberg-Dietrich Hall. The current plan is to cut the pack into three parts, the first part to be available at the outset of the semester. Many additional handouts, often reflecting recent developments, will be given out in class. Wharton Reprographics will assess a fee for these additional handouts at the end of the semester. If missing class, students are responsible for making arrangements with classmates to pick up the handouts for them.

Selections For Contracts (Foundation Press): This short book should be purchased at the Penn Bookstore. It will be used in the second half of the course. Do not wait till the last minute to try to purchase it; the bookstore does not wait till the end of the semester to return unsold copies.

Exams and grading: There is a separate handout describing examinations and grading. The midterm will be held during a regular class period in late October, and the final will be held on the day and time and in the location scheduled by the University. For the course grade, two quizzes prior to the midterm will count 5% each; the midterm will count 30%; the final exam 40%; the paper 10%; and participation 10%.

Webcafe: The professor will record what has been covered in class, announcements, and handouts distributed after every class in a file called class records.

Academic Integrity: All work done for this course must respect the principles outlined in Penn's Commitment to Academic Integrity. Failure to comply with these principles can lead to adverse consequences for students both in this course and in terms of their academic standing in the

University. Penn's motto is: "Law without morality is vain," a wise aphorism. Please re-read the principles of academic integrity and make sure that you understand them!

Topics to be covered: The numbered sessions below will be unlikely to correspond to individual class sessions and occasionally one session may spread over several class meetings. The topics listed will be covered in order, but the length of time that will be devoted to each topic could expand or contract, depending in part on the level of student interest and the length of class discussions. There will also be a mock jury trial in which students will participate.

Note: Unless our classes go unusually fast, most likely we shall not complete the full syllabus. No test questions will be asked on material not already covered in class.

## **ASSIGNMENTS**

### I. SESSIONS ON INTRODUCTION TO LAW AND LEGAL SYSTEMS

#### **1. Introduction: What is Law?**

Readings: Bulk Pack #1, #2, #3.

#### **2. Criminal Procedure: The Fourth and Fifth Amendments; Privacy and Due Process.**

Readings: Bulk Pack #4, #5, #6, #7, #8, #9, #10, #11,

#### **3. Civil Procedure**

Readings: Bulk Pack #12, #13, #14, #15, #16, #17

#### **4. Torts: Negligence and Intentional Torts**

Readings: Bulk Pack #18, #19, #20, #21, #22, #23, #24, #25

#### **5. Torts: Strict Liability and Products Liability**

Readings: Bulk Pack: #26, #27

#### **6. Property Law – Personal and Real**

Readings: Bulk Pack #28, #29, #30, #31, #32, #33, #34

**7. Property Law -- Intellectual**

Readings: Bulk Pack #35, #36, #37, #38, #39, #40

**8. The Role of Judges**

Readings: Bulk Pack #41, #42, #43

**9. International and Comparative Perspectives**

Readings: Bulk Pack # 44, #45, #46

*[Subsequent bulk pack readings to be indicated separately]*

**II. SESSIONS ON PRIVATE LAW: ENFORCING VOLUNTARY AGREEMENTS**

**10. Introduction to Contract Law**

Readings: Bulk Pack

**11. Terms of the Agreement and Need for Writing**

Readings: Bulk Pack

**12. The Bargain Theory: Consideration**

Readings: Bulk Pack

**13. The Bargain Theory -- Offer**

Readings: Bulk Pack

**14. The Bargain Theory -- Acceptance**

Readings: Bulk Pack

**15. Termination of Power of Acceptance**

Readings: Bulk Pack

**16. Legal Remedies for Breach**

Readings: Bulk Pack

**17. Equitable Remedies for Breach**

Readings: Bulk Pack

**III. SESSIONS ON INTERNATIONAL HUMAN RIGHTS**

**18. Human Rights and International Law**

Readings:

**19. Basic Features of the United Nations Human Rights System**

Readings:

**20. Cultural Relativism and International Human Rights Law**

Readings:

**21. Current Issues in International Human Rights Law**

Readings:

## **EXAMINATIONS AND GRADING:**

**Quizzes:** There will be two quizzes before the midterm, each worth 5% of the course grade. The quizzes will be held during class. They will be announced in class at least one week in advance. Students who miss both quizzes will be dropped from the course .

**Midterm:** The midterm exam will be worth 30% of the course grade. The professor proposes that the midterm be held on October 24. This date may be changed by class consensus if it turns out to be one that creates hardship for many students -- as in the event that it happens to coincide with the date of other major midterms that many class members must take.

**Final:** The final exam will be worth 40% of the course grade. It will be a two-hour exam held at the time scheduled by the University. (You can check the time and date in the front pages of the course timetable for this semester.) The final exam will emphasize material covered in the last half of the course. However, a weak grasp of the material covered in the first half of the course will be likely to lower the grade on the final.

**Paper:** All students must submit a paper in accordance with the instructions on the handout describing the paper requirements. The paper will account for 10% of the course grade.

**Class Participation:** The quality of class participation and preparedness will account for 10% of the course grade.

## **IMPORTANT INFORMATION ON MISSING EXAMS AND MAKEUP EXAMS:**

Makeup exams are **ONLY** offered to students who have received the professor's permission to miss regularly scheduled exams. Students will be given permission to miss exams or quizzes **ONLY** if they have urgent reasons for being absent **AND** if they have consulted the instructor in advance so that their request to be excused can be evaluated! Do NOT wait until AFTER you have been a no-show for a quiz or an exam to inform the professor that you had an excuse for your non-appearance! If you have a last minute emergency (a car accident, an emergency appendectomy, etc.) and you can't reach the professor in person prior to the exam, call in your excuse at (215) 898-5717 or send an e-mail before the exam to <mayer@wharton.upenn.edu>, explaining the emergency situation. If after evaluation of your case the professor agrees that the unusual circumstances justify your non-attendance, you may be retroactively excused.

**LGST 101**

**Dr. Mayer**

## **DESCRIPTION OF PAPER ASSIGNMENT:**

The purpose of the paper assignment is to launch students on a rewarding intellectual adventure. Students will be asked to offer their own informed judgments about how a contested legal problem should be decided. The most successful papers are ones in which students wrestle with questions in which they have a personal interest and/or that pertain their academic and career objectives. The realm of law covers a vast range of topics, so that students should be able to identify an issue that is meaningful to them.

Students might undertake projects like evaluating the Supreme Court's interpretation of eminent domain in the controversial Kelo case, critically assessing the merits of various proposals for laws to deal with illegal immigration, studying the pros and cons of legislation aimed at restricting children's consumption of unhealthy foods, examining debates about whether U.S. corporations should be exposed to liability in U.S. courts for conduct that harms people or the environment overseas, analyzing arguments for and against adopting stricter gun control regulations, or resolving how to balance Fourth Amendment protections against unreasonable searches and seizures against national security needs.

Writing this paper should provide students with the opportunity to practice assembling a thoughtful analysis of a legal problem leading to a conclusion that is supported by reasoned arguments. Mere description of the information available on a topic will not be sufficient. Students will be required define a problem and to examine in a careful and fair manner the competing views about how it should be resolved. If a problem is worth investigating, it must be one where there are at least two plausible points of view, and persuasive arguments will take into account claims made by the opposing side, even if only to point out their flaws. Papers that present biased preconceptions and carelessly formulated opinions will get poor grades.

If students realize that, after rigorous examination of a legal controversy, they still feel undecided as to what would constitute the better outcome, it is legitimate to submit a paper indicating why they have found that the equities on both sides are too evenly balanced to make a final judgment.

If doing this paper is not a rewarding project, it is probably because an inappropriate subject has been selected or because the student has waited too late to have sufficient time to get immersed in the subject. In the past, students who have not given themselves an adequate chance to master what a controversy involves and who dashed off papers without editing and reexamination of their analyses have done poorly on this assignment. Please do not cheat yourself out of a valuable learning experience by trying to concoct a paper in a hurried rush at the end of the semester!

## **PRACTICAL INFORMATION ABOUT PREPARING THE PAPER:**

Students must notify the professor in writing (this can be done by email) at the latest by the time of our class on October 3 about their proposed paper topic. This entails submitting an outline of at least one page clearly indicating what issues students intend to cover in their proposed papers, along with an indication of at least two sources that they intend to refer to. If there are subsequent changes to the paper proposal, these must be submitted to the professor for approval.

The professor is available for advice on the legal dimensions of the paper and can be consulted on issues like possible topics and appropriate sources. Consultations can be arranged during office hours or at other mutually convenient times. Call 215 898-5717 or email <mayera@wharton.upenn.edu>.

Penn has a staff of writing advisors, reachable by telephoning (215) 573 9235, who can assist students with the basics of paper writing. For example, students might seek help from them on how to prepare paper outlines or the fundamentals of critical essays.

A writing coach will be assigned to advise students on and evaluate their progress. The writing coach will review paper drafts, which must be at least six pages. These drafts must be sent to the coach – with a copy to the professor -- no later than November 9. These drafts do not need to be stylistically polished, but they should contain the gist of the papers so that the coach can assess whether the papers are on the right track. The drafts need to demonstrate that students have clearly defined the legal problem(s) that they are working on, that they are using appropriate sources, and that they are developing a coherent line of reasoning. That is, the drafts should contain the essential elements of the paper, even if more work needs to be done to flesh out the arguments and improve the presentation. Meetings with the coach will follow. The coach will be in contact with the professor regarding students' progress.

The final paper must be submitted in hard copy to the professor no later than our class meeting on December 3. Papers submitted after that time will be graded down one full grade.

The paper must be typewritten, double-spaced. Although quality of research and analysis will ultimately be more important than quantity of pages, students should aim for a paper the text of which totals at least twelve pages in a normal-sized font (approximately 2,000 words). This word total does not include words in the bibliography, and the footnotes/endnotes.

Papers must be documented with appropriate citations to the sources relied on. The footnotes/endnotes must be done according to standard styles like those of the University of Chicago or the MLA.

In preparing their analyses, students should consult articles and books written by scholars and knowledgeable experts. Law review articles available in the LEXIS or WESTLAW systems are likely to provide a solid research basis, and these also have the advantage of including extensive footnotes, providing helpful surveys of the relevant literature. Obviously, if the topic is a current one, the most recent sources must be investigated. Serious journalism, like reports in the Economist, the Financial Times, the New York Times, the New Yorker, or the Wall Street

Journal may also be used. Compilation of material from haphazardly harvested Internet sources will not constitute adequate research. Students are forewarned that, unless one already has background in a topic, using Internet sources will often lead to incorporating biased and/or defective material. Wikipedia entries are of very uneven quality and they should not be used as a basic source. At the most, students might refer to Wikipedia on a topic that they have already researched elsewhere to reconfirm some straightforward factual matters, such as what years Rehnquist served as Chief Justice or what states are in a particular federal circuit.

The paper must be completed in accordance with Penn's Code of Academic Integrity. Any failure to abide by this code will lead to the student's paper being turned over to Penn's Committee on Student Conduct.

### **SOURCES THAT YOU MAY FIND HELPFUL:**

<http://www.lib.berkeley.edu/TeachingLib/Guides/Internet/Style.html> -- guidelines on documenting papers.

<http://owl.english.purdue.edu> -- Purdue University's On-Line Writing Lab, with links to many useful "handouts" on a wide range of writing issues.

[http://www.columbia.edu/cu/cup/cgos/idx\\_basic.html](http://www.columbia.edu/cu/cup/cgos/idx_basic.html) -- The Columbia Guide to Online Style.

<http://nutsandbolts.washcoll.edu/nb-home.html> -- Michael Harvey, The Nuts and Bolts of College Writing, with coverage of most aspects of paper writing in a clear format.

### **PLEASE KEEP IN MIND THIS PAPER SCHEDULE:**



- Send/give paper proposal in outline form to professor by October 3 at noon
  - ✓ Proposal should be at least 1 page in length
  - ✓ Proposal should clearly indicate core issues and list at least two sources
  
- Send 6 page draft of paper to writing coach and copy professor no later than November 9
  - ✓ Draft should clearly define the legal problem(s) that the paper will address
  - ✓ Draft should demonstrate a coherent line of reasoning
  - ✓ Draft should demonstrate that appropriate sources are being used
  
- Schedule face-to-face meeting with writing coach
  - ✓ Writing coach will work with individual students to set up meetings to discuss the drafts
  - ✓ Coach will then advise professor on students' progress
  
- Submit paper to professor in hard copy no later than December 3 at noon