

**UNIVERSITY OF PENNSYLVANIA  
THE WHARTON SCHOOL  
DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS  
LGST 101 SYLLABUS  
SPRING 2009**

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 two 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 before spring break, and the final will be held on the day and time and in the location scheduled by the University.

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 rarely correspond to individual class meetings 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.

Depending on departmental arrangements, there might be a mock jury trial in which students would be expected to participate.

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

## **ASSIGNMENTS – “SESSIONS” REFERRING TO TOPICS, THE DISCUSSION OF WHICH MIGHT TAKE SEVERAL CLASS MEETINGS**

### **I. SESSIONS ON THE 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

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

## **10. Introduction to Contract Law**

Readings: Bulk Pack #1

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

Readings: Bulk Pack #2, #3

## **12. The Bargain Theory: Consideration**

Readings: Bulk Pack #4

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

Readings: Bulk Pack #5, #6

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

Readings: Bulk Pack #7, #8

**15. Termination of Power of Acceptance**

Readings: Bulk Pack #9, #10, #11

**16. Legal Remedies for Breach**

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

**17. Equitable Remedies for Breach**

Readings: Bulk Pack #16, #17

**III. POSSIBLE SESSIONS ON INTERNATIONAL HUMAN RIGHTS LAW**

*[ If classes go particularly fast, we will have a few sessions on human rights law, with the bulk pack to be printed after the need for extra assignments is established]*

## **EXAMINATIONS AND GRADING:**

**Quizzes and writing assignment:** 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 of these quizzes will be dropped from the course. After the midterm there will be one quiz worth 5% and a short writing assignment worth 5%.

**Midterm:** The midterm exam will be worth 30% of the course grade. The professor proposes that the midterm be held before the spring break. 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.

**Class Participation:** Students are expected to come to class having read the assigned materials and being ready to discuss issues that are raised. 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 in advance 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 cannot 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.

### **STYLE OF EXAMINATIONS:**

Exams in this course will tend to be problem-oriented. That means that they will be designed to

test students on whether they can apply their knowledge intelligently to solve legal problems and present informed, coherent legal arguments.

Questions will often involve a factual scenario containing a legal issue that students will be asked to analyze with a view to identifying and applying the appropriate legal principles, explaining how the issue should be resolved. For example, students might see a summary of a hypothetical case and be asked to play the role of a judge or a lawyer who was responsible for deciding how the law would apply to it and with what results. They might be asked whether they judged that the majority or the dissenting opinion in a case was better reasoned, accompanied by an explanation of their assessment. Or, they might be given a hypothetical statement about a case or a legal problem and be asked to assess whether or not it was correct or incorrect in whole or in part – with an explanation of why.

On many questions, there could be more than one justifiable point of view; in such cases students will not be graded lower or higher because of the particular outcome that they reach as long as they show a sound knowledge of the relevant legal principles and present logical arguments.

If students have questions about whether an exam question MIGHT be asked on a particular topic or if a certain type of exam question MIGHT be asked, they are encouraged to address their questions to the professor. Although the professor will not be able to tell students what will actually be tested, the professor can advise students whether or not certain generic types of questions that they envisage MIGHT appear on an exam.

#### **ADDITIONAL ADVISORIES:**

Experience over the years has established that missing class directly correlates with lower grades.

Careful reading of the assignments is important, but exam questions will not address material in the readings that has not been covered in class lectures and discussions. Students with complete and accurate class notes will have useful study outlines. Students concerned about whether their notes are sufficient are encouraged to consult other class members who are keeping good records of what is covered in class and compare their notes with a view to learning what their notes should contain.

All exams and course work must be done in accordance with Penn's code of academic integrity. Should cases of non-compliance with the code surface, these will be referred to the Committee on Student Conduct.

Exams can be written in pencil, but no grades on exams written in pencil can be challenged after they have been handed back to students. If students are taking exams while wearing hats or caps with visors, these must be worn with visors turned to the BACK of the head.

