

**INTRODUCTION TO LAW AND THE LEGAL PROCESS**  
**LEGAL STUDIES 101 - Spring 2010**  
**The Wharton School, University of Pennsylvania**

**Professor: Galit Sarfaty**

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**OVERVIEW:** This course provides an introduction to the study of law and legal process. It 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.

**OFFICE HOURS:** By appointment (email to schedule).

**MATERIALS:** Course readings are available at [study.net](http://study.net), with an option to purchase a hard-copy coursepack. I may add occasional additional readings over the course of the semester. If you are not a Wharton student, go to <http://accounts.wharton.upenn.edu> to request a Wharton Computing Account so that you can access [study.net](http://study.net) and the WebCafe.

**COURSE FORMAT:** The course combines lecture, Socratic dialogue, and group discussion. Active class participation is expected, so please come prepared to discuss the readings.

**CLASS ETIQUETTE & COMPUTER POLICY:** Students are expected to arrive for class on time and to have read the assigned materials. Technology allows us to be connected almost anywhere and anytime. However, there are times when it is most productive *not* to be electronically connected. Class sessions are one such time. During class sessions, please turn off your laptops, cell phones, and other such equipment.

**GRADING:**

- Participation – 10% (attendance, preparation, and contribution to discussions)
- Quizzes – 20% (2 quizzes, one before the midterm and one after the midterm)
- Midterm exam – 30%
- Final exam – 40%

Note: I will be happy to re-grade quizzes and exams for any student who requests to do so. Send me an email request, and the *entire* exam will be re-graded. If there was a computational error in adding up the points for questions, I will alter the assigned grade immediately without re-grading the entire exam.

**INTRODUCTION TO LAW AND THE LEGAL PROCESS  
SYLLABUS AND READING ASSIGNMENTS**

- Jan. 13 Welcome and Course Overview; Discussion of *Sturges v. Bridgman*  
Readings: *Sturges v. Bridgman*
- Jan. 20 Introduction to Law  
Readings: Law and Language: a Preliminary Note  
Introduction to Law
- Jan. 25 Jurisprudence and Legal Reasoning  
Readings: Jurisprudence and Legal Reasoning  
There Are No Secret Books  
The Case of the Speluncean Explorers  
An Introductory Note on Jurisprudence
- Jan. 27 Property Law: Personal Property  
Readings: Property Law  
You Are What You Own  
Reading Legal Cases in Legal Studies 101  
*Popov v. Hayashi*  
*Swift v. Gifford*  
*Keron v. Cashman*  
Dispute over a Bonds Home Run Arises Again
- Feb. 1 Intellectual Property  
Readings: Intellectual Property  
Four Kinds of Intellectual Property in the U.S.  
Company Isn't Afraid to Take Copycats to Court  
*MGM v. Grokster*  
Suing Your Customers: A Winning Business Strategy?  
*DuPont deNemours v. Christopher*
- Feb. 3 Real Property and Constitutional Law  
Readings: Real Property  
*Sturges v. Bridgman*  
*Borton v. Forest Hills*  
*Nome 2000 v. Fagerstrom*  
Constitutional Law  
Constitutional Law for a Changing America
- Quiz #1 (take-home) distributed: due Feb. 8**
- Feb. 8 Privacy and the Fourth Amendment  
Readings: Privacy and the Fourth Amendment  
When Can the Police Conduct a Search and Seizure?  
Search and Seizure  
*Dow Chemical v. United States*  
*Kyllo v. United States*  
*Bond v. United States*

Feb. 10	Privacy in Daily Life	Readings:	Privacy in Daily Life <i>Washington v. Chrisman</i> <i>Smythe v. Pillsbury</i> <i>McLain v. Boise Cascade</i> <i>Falvo v. Owasso School</i> <i>Reno v. Condon</i> Barriers to the Constitutional Right to Privacy
Feb. 15	Torts	Readings:	Torts Negligence and Strict Liability Petition of Kinsman Transit Co.
Feb. 17	Legal Process and Civil Procedure	Readings:	Legal Process and Civil Procedure Your Day in Court – The Litigation Process Sue First, Ask Questions Later The Court System Old Law Bares Its Teeth
Feb. 22	The Jury	Readings:	The Jury What About the Jury? Jury Reform The American Jury
Feb. 24	Guest Lecture on Litigation by Eli Gabay, Esq.		
Mar. 1	<b>Review and discussion of material to date</b>		
Mar. 3	<b>MID-TERM EXAM (In-class; all material to date)</b>		
Mar. 15	Intro to Contracts and the Need for Writing	Readings:	Contracts: The Foundation of a Market Economy Introduction to Contracts <i>Steinberg v. Chicago Medical School</i> Contracts in Writing <i>Iacono v. Lyons</i>
Mar. 17	The Bargain Theory: Consideration	Readings:	Consideration: The Basic Concept
Mar. 22	The Bargain Theory: Offer	Readings:	Intent to Contract: Offer
Mar. 24	The Bargain Theory: Acceptance	Readings:	Acceptance

- Mar. 29 Termination of the Power of Acceptance  
Readings: Termination of the Power of Acceptance  
*Lyon v. Adgraphics*
- Mar. 31 **NO CLASS (Make-up on Apr. 1st)**
- \*Apr. 1 (Thurs) (MAKE-UP CLASS)** Remedies for Breach: Specific Performance  
Readings: Remedies (from Contracts in a Nutshell)  
*McAllister v. Patton*  
Equitable Remedies
- Apr. 5 **NO CLASS (Make-up will be the final review session scheduled after classes end)**
- Apr. 7 Remedies for Breach: Damages  
Readings: Remedies  
**Quiz #2 (in-class)**
- Apr. 12 Remedies under the Uniform Commercial Code  
Readings: Damages under the Uniform Commercial Code  
*Laredo Hides v. H & H Meat Products*  
Seller's Damages
- Apr. 14 Limitations to Contract Remedies  
Readings: A Note on Limitations to Contract Remedies  
*Ericson v. Playgirl*  
*Freund v. Washington Square Press*  
*Parker v. Twentieth Century Fox*
- Apr. 19 Beyond Contract: Promissory Liability Outside the Bargain Model; Unconscionability, Duress & Illegality  
Readings: A Note on Promissory Liability Outside the Bargain Model  
*Allegheny College v. National Chautauqua Bank*  
*Gorham v. Benson Optical*  
*Hoffman v. Red Owl Stores*  
*Drennan v. Star Paving*  
A Note on Unconscionability, Duress, and Illegality  
*Austin Instruments v. Loral Group*
- Apr. 21 Intro to International Law  
Readings: International Law and International Economic Relations
- Apr. 26 International and Foreign Law and the U.S. Constitution  
Readings: Proposed Constitutional Preservation Resolution  
International Human Rights in Context  
Foreign Law and the U.S. Constitution  
Scalia, Foreign Legal Authority in the Federal Courts  
Looking Beyond Our Borders
- TBA Course Wrap-up: Discussion & Review Session**
- FINAL EXAM: Date, time, and location to be announced. (In-Class; all material to date)**