

**INTRODUCTION TO LAW AND THE LEGAL PROCESS**  
**LEGAL STUDIES 101 - Spring 2011**  
**The Wharton School, University of Pennsylvania**

**Professor:** Galit Sarfaty  
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**Office Hours:** Wednesdays, 3:00 - 4:00pm, JMHH 650. You may also email me with questions or to schedule another time to meet.

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

**MATERIALS:** Course readings are available at study.net, with an option to purchase a hard-copy coursepack. I may add 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 and the webCafe. Slides will be posted on webCafe prior to each class.

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

**EMAIL CORRESPONDENCE:** I am often, not always, on email. Therefore, to make sure that you get any information you need well before deadlines, please email me at least *24 hours* before you need an answer, want to set up a meeting, etc.

**CLASS ETIQUETTE & COMPUTER POLICY:** Students are expected to arrive to 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 electronic devices. Please print out all assigned materials and notes before coming to class.

**JURY SIMULATION:** On Feb. 23<sup>rd</sup> from 6-8pm, you will be required to attend and participate in an exciting jury simulation. More details will be provided in class.

**GRADING:**

- Participation – 20%
- Midterm exam – 35%
- Final exam – 45%

**CLASS PARTICIPATION:** Informed class participation is an important part of the class. Your grade will be based on attendance, preparation, quality contributions to discussions, and participation in the Jury Simulation. I will use the Socratic method (used in most law school courses) and call on students at random to discuss assigned readings. Multiple absences will hurt your participation grade by preventing you from participating in class.

**MIDTERM:** The midterm exam will take place during class on Feb. 28<sup>th</sup>. There will be no makeup exams offered, so make sure that you have no conflicts with this date before you commit to the course. The exam will be closed notes and consist of true/false questions, short answers, and essay questions. Questions will often involve a factual scenario where you will be asked to identify and apply the appropriate legal principles and explain how the issue should be resolved.

The exam will cover all assigned readings and class discussions up to Feb. 28<sup>th</sup>. I will pass out practice midterm questions and review them prior to the exam. Answers to the practice problems will also be posted on webCafe.

**FINAL:** The final has been tentatively scheduled by the registrar for May 5<sup>th</sup> at 6-8pm. It will be closed notes and consist of short answers, problems, and essay questions. It will emphasize material covered since the midterm. We will review practice problems in contracts throughout the second half of the class.

If you cannot attend an exam, then you must contact me *in advance* and provide documentation as to why you will not be able to attend. In general, excused absences are given only for serious health issues or family emergencies. If you are granted an excused absence from the midterm, then the final exam will count for 80% of your final grade. If you are granted an excused absence from the final exam, then you will take a make-up exam during the university's scheduled make-up exam period in early September 2011.

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

Jan. 12	Welcome and Course Overview; Discussion of <i>Sturges v. Bridgman</i> Readings: <i>Sturges v. Bridgman</i>
Jan. 19	Introduction to Law Readings: Law and Language: a Preliminary Note Introduction to Law
Jan. 24	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. 26	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
Jan. 31	The Jury Readings: The Jury What About the Jury? Jury Reform The American Jury
Feb. 2	Property Law: Personal Property Readings: Property Law You Are What You Own Reading Legal Cases in Legal Studies 101 <i>Popov v. Hayashi</i> <i>Swift v. Gifford</i> <i>Keron v. Cashman</i> Dispute over a Bonds Home Run Arises Again
Feb. 7	Guest Lecture on Litigation by Eli Gabay, Partner with Solomon, Sherman, and Gabay and former Assistant District Attorney in Philadelphia
Feb. 9	Intellectual Property Readings: Intellectual Property Four Kinds of Intellectual Property in the U.S. Company Isn't Afraid to Take Copycats to Court <i>MGM v. Grokster</i> Suing Your Customers: A Winning Business Strategy? <i>DuPont deNemours v. Christopher</i>

- Feb. 14            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
- Feb. 16            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*
- \*\*Practice Midterm Problems Distributed**
- Feb. 21            Privacy in Daily Life  
    Readings:        Privacy in Daily Life  
                                   *Washington v. Chrisman*  
                                   *Smythe v. Pillsbury*  
                                   *McLain v. Boise Cascade*  
                                   *Falvo v. Owasso School*  
                                   *Reno v. Condon*  
                                   Barriers to the Constitutional Right to Privacy
- Feb. 23            Torts  
    Readings:        Torts  
                                   Negligence and Strict Liability  
                                   Petition of Kinsman Transit Co.
- \*\*Feb. 23 (6-8pm)        Jury Simulation        *Brinkman v. Allen and Summit Pharmaceuticals***
- \*\*Feb. 24                    Review Practice Midterm Problems and Answer Questions**  
    (Note, this class is optional and will be taped. Time and location to be announced.  
    The answers to the practice problems will also be posted on webCafe.)
- Feb. 28            **MIDTERM EXAM (IN CLASS)**
- Mar. 2             Introduction to Public International Law  
    Readings:        Application and Relevance of International Law  
                                   Sources of International Law  
                                   International Law of Treaties
- Mar. 14            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

- Mar. 16            Guest Lecture on the United Nations by Grant Harris, Deputy Chief of Staff and Counselor to the U.S. Ambassador to the U.N.  
                              Readings:        Public International Law (United Nations)  
    International Human Rights (UN Human Rights System)
- Mar. 21            Intro to Contracts and the Need for Writing  
                              Readings:        Contracts: The Foundation of a Market Economy  
    Introduction to Contracts  
    *Steinberg v. Chicago Medical School*  
    Contracts in Writing  
    *Iacono v. Lyons*
- Mar. 23            The Bargain Theory: Consideration  
                              Readings:        Consideration: The Basic Concept
- Mar. 28            The Bargain Theory: Offer  
                              Readings:        Intent to Contract: Offer
- Mar. 30            The Bargain Theory: Acceptance  
                              Readings:        Acceptance
- Apr. 4             Termination of the Power of Acceptance  
                              Readings:        Termination of the Power of Acceptance  
    *Lyon v. Adgraphics*
- Apr. 6             Remedies for Breach: Specific Performance  
                              Readings:        Remedies (from Contracts in a Nutshell)  
    *McAllister v. Patton*  
    Equitable Remedies
- Apr. 11            Remedies for Breach: Damages  
                              Readings:        Damages
- Apr. 13            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. 18            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. 20            **NO CLASS (Make-up is the additional class on Feb. 24)**

Apr. 25      **NO CLASS (Make-up will be the final review session scheduled after classes end)**

**FINAL EXAM:**      **The final exam is tentatively scheduled for Thursday, May 5<sup>th</sup>, 6-8pm.**