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

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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. 23rd 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. 28th. 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. 28th. 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 5th 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.
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Readings</th>
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<tbody>
<tr>
<td>Jan. 12</td>
<td>Welcome and Course Overview; Discussion of <em>Sturges v. Bridgman</em></td>
<td><em>Sturges v. Bridgman</em></td>
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<td>Jan. 19</td>
<td>Introduction to Law</td>
<td>Law and Language: a Preliminary Note, Introduction to Law</td>
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<td>Jan. 24</td>
<td>Jurisprudence and Legal Reasoning</td>
<td><em>Jurisprudence and Legal Reasoning</em>, <em>There Are No Secret Books</em>, <em>The Case of the Speluncean Explorers</em>, <em>An Introductory Note on Jurisprudence</em></td>
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<td>Jan. 31</td>
<td>The Jury</td>
<td><em>The Jury</em>, <em>What About the Jury?</em>, <em>Jury Reform</em>, <em>The American Jury</em></td>
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<td>Feb. 7</td>
<td>Guest Lecture on Litigation by Eli Gabay, Partner with Solomon, Sherman, and Gabay and former Assistant District Attorney in Philadelphia</td>
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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 5th, 6-8pm.