

**UNIVERSITY OF PENNSYLVANIA  
WHARTON SCHOOL**

LGST 101-910 Introduction to Law & the Legal Process  
Summer 2011  
MTW 10:40-12:45  
Classroom: JMHH F60  
e-mail: srosner@wharton.upenn.edu  
Secretary: Cherly Vaughn-Curry, 600 Huntsman Hall, (215) 898-7688

Scott Rosner  
Phone: (215) 573-0577  
Office: 654 Huntsman Hall  
Office Hours: MT 2-3

**SYLLABUS**

**COURSE DESCRIPTION:**

This course presents law as an evolving social institution, with special emphasis on the legal regulation of business. It considers basic concepts of law and legal process, in the U.S. and other legal systems, and introduces the fundamentals of rigorous legal analysis. The first part of the course surveys a variety of topics, including the structure of the legal system, jurisprudence, property law, privacy, and torts. The second part of the course focuses on contract law.

**COURSE OBJECTIVES:**

Through classroom presentations, discussions, and completion of course assignments, the student will be acquainted with a varied but limited number of important concepts in the study of law in general and the application of these concepts to the business environment.

**REQUIRED MATERIALS:**

A bulkpack is available via study.net at

[https://www.study.net/remote/r\\_materials.asp?crs\\_id=30020428&subnav=mat](https://www.study.net/remote/r_materials.asp?crs_id=30020428&subnav=mat)

Course Materials distributed via class handouts and/or electronically, consisting primarily of case law and articles of current interest. Lecture slides for each class are posted on the course website at <http://download.wharton.upenn.edu/download/pub/lgst/Srosner/> and clicking on 'LGST 101 Lecture Slides' and on WebCafe. You must have a Wharton account to access course materials distributed via the course website. A Wharton account can be established by going to Computer Services in the Forum of Huntsman Hall.

**COURSE METHOD OF INSTRUCTION:**

Class sessions will follow a lecture/discussion format. Experiential exercises and the case method may also be used, as will the Socratic Method.

**GRADING BASIS:**

MIDTERM EXAMINATION	350 points
FINAL EXAMINATION	450 points
PARTICIPATION	See below

## **PARTICIPATION:**

Class participation can result in a half grade upward or downward departure (i.e. an A- to an A, or a B+ to a B). Students should have their table tents displayed in each class. Please be sure to silence or disable all mobile communications devices, as use of them is disruptive to the learning environment. Any students engaging in the use of these devices (i.e. text messaging, instant messaging, emailing, phone ringing) may receive a downward grade departure in class participation. Any phone that audibly rings in class will be answered by the professor! Students are expected to be prepared for every class. Attendance is not participation! The quality of participation, as reflected in careful reading and thorough analysis of the assigned materials, is important. It is also important to build upon other students' comments. This requires attentive listening. The Socratic Method will also be used, with students expected to respond immediately to directed questions from the professor about a particular case or issue. This requires the student to be adequately prepared and read the cases assigned before the beginning of class. Briefing of cases will aid the student greatly in this process. Class participation will be judged on the basis of quality and consistency upon a daily basis and the student's responses to Socratic questioning. In addition, the student's participation grade may be negatively impacted by deficient attendance. Students are encouraged to discuss the adequacy of their participation with the professor.

## **EXAM and ASSIGNMENT POLICIES:**

All examinations must be taken during the scheduled examination time. No make-ups will be given. All examinations will be closed texts and notes.

## **ACADEMIC HONESTY POLICY**

The Wharton School and the University of Pennsylvania are committed to academic honesty. All cases of alleged plagiarism, cheating on examinations, undocumented copying of art, and similar forms of academic dishonesty will be reviewed by the appropriate disciplinary bodies. Please refer to the Student Handbook for guidelines relating to academic dishonesty.

Honesty in all academic work is expected of every student. This means giving one's own answers in all class work, papers, and examinations without help from sources not approved by the professor. Written material is to be the student's own original composition. It is expected that ideas that are taken from articles, books, the internet, etc. will be properly noted in all written papers submitted. It is important to remember that to copy or to paraphrase someone else's work, ideas, or language without proper reference is plagiarism.

## **BRIEFING CASES**

**Briefs are not handed in by the student.** However, briefing a case gives the student an organized approach to analyzing the case, as it forces the student to parse the facts and reasoning down to a reasonable size. It also allows the student to better compare and distinguish the case from others that are being studied. In addition, using a case brief will make it easier to recall the case in sufficient detail for class discussion and when called upon via the Socratic Method. Finally, a case brief provides a convenient study aid when reviewing for the examinations.

## **THE BRIEF**

The following is a general guide to briefing cases, which should be approximately one page long.  
Facts: Concisely state those facts that are essential to the controversy in the case.

Decisions Below: State the decision made at the lower court level(s). This section is only necessary when reading an appellate court decision.

Issue(s): State the question before the court. It is best to list the issues for the court to decide in the form of a question.

Holding: State the decision of the court. Basically, the student should answer the questions posed in the Issue section above.

Rule of Law: The general principle of law should be stated rather than phrased in terms of the parties to a particular case.

Rationale: State the court's reasoning for the decision. This is the most detailed section of the brief, as the court's justification for its holding is being discussed.

Opinion: The student should provide his/her own opinion on the case. The student may discuss whether a particular decision is ethical and why, the effect that the decision will have on the general welfare of the public, and generally if s/he believes the decision to be fair.

#### **COURSE OUTLINE/CALENDAR:**

The schedule below is a tentative one and is subject to change depending on the pace of the class. Any changes will be announced to class members.

<b>DATE</b>	<b>TOPIC</b>	<b>READING ASSIGNMENTS</b>
M 5/23	Course Introduction and Requirements Law and Language: A Preliminary Note Smith & Roberson's Business Law Reading Legal Cases in Legal Studies 101 Litigation Nation	BP Introduction
	Court System and Civil Procedure Legal Process and Civil Procedure Your Day in Court *Sue First, Ask Questions Later The Legal Environment of Business So Small a Town, So Many Patent Suits What About the Jury? World-Wide Volkswagen v. Woodson	BP Section 1
T 5/24	Court System and Civil Procedure	BP Section 1
W 5/25	Court System and Civil Procedure	BP Section 1

T 5/31	Jurisprudence and Legal Reasoning Jurisprudence and Legal Reasoning There are No Secret Books The Case of the Speluncean Explorers An Introductory Note on Jurisprudence	BP Section 2
W 6/1	Constitutional Law The Legal Environment of Business Marbury v. Madison Gratz and Hamacher v. Bollinger Grutter v. Bollinger Granholm v. Heald	BP Section 3
M 6/6	Constitutional Law Property Law Section 4: Property Law- Personal Property You Are What You Own Popov v. Hayashi Keron v. Cashman Section 5: Intellectual Property *The Strategist's Dream Four Kinds of Intellectual Property in the U.S. Company Isn't Afraid to Take Copycats to Court A Tiny Firm Wins Chewy Vuiton Suit MGM v. Grokster Suing Your Customer A Winning Business Strategy? *Email reply from David Benjamin to Richard Shell E.I.duPont deNemours & Company, Inc. v. Christopher et al.	BP Section 3 BP Sections 4 and 5
T 6/7	Property Law Property Law Section 6: Real Property Sturges v. Bridgman Borton v. Forest Hills Country Club Nome 2000 v. Fagerstrom Constitutional Law for a Changing America, The Takings Clause City Of New London v. Kelo (Supreme Court Opinion) Case Won on Appeal (to Public)	BP Sections 4 and 5 BP Sections 5 and 6
W 6/8	Privacy and the Fourth Amendment Privacy and The Fourth Amendment When Can The Police Conduct A Search and Seizure? Search and Seizure	BP Section 7



- W 6/22      Contract Law – Legality of Subject Matter      BP Section 15  
                     A Note on Unconscionability, Duress and Illegality  
                     Raffles v. Wichelhaus  
                     Austin Instrument Inc. v. Loral
- Contract Law – Writing and Form                      BP Section 16  
                             Contracts in Writing  
                             Iacono v. Lyons
- Contract Law – 3<sup>rd</sup> Party Rights                      BP Section 17  
                             Third-Party Beneficiaries Assignments and Related Problems
- Contract Law – Performance and Discharge      BP Section 17  
                             Performance and Discharge
- M 6/27      Contract Law – Remedies                      BP Section 18  
                             Contracts in a Nutshell  
                             McCallister v. Patton  
                             Equitable Remedies  
                             Remedies
- Contract Law – Damages                      BP Section 18
- T 6/28      Contract Law – Limitations on Remedies      BP Section 19  
                             A Note on Limitations to Contract Remedies  
                             Ericson v. Playgirl  
                             Freund v. Washington Square Press Inc.
- W 6/29      **Final Examination (2 hours) (in class) NO EXCEPTIONS!**

Time permitting, additional topics shall include: criminal law, structuring of business organizations, and antitrust law.