

INTRODUCTION TO LAW AND THE LEGAL PROCESS
LEGAL STUDIES 101 -007 -- Fall 2011
The Wharton School, University of Pennsylvania

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Office hours: Tuesday 3:15-4:15 (please email by the evening before if you plan to come)
Class: Tuesday and Thursday, 12-1:20

Reading: The assigned readings for this course will include the materials at Study.net. Supplemental materials will be posted on Webcafe as we go along; I will notify you by email if a reading has been added. Materials available on Webcafe rather than in the coursepack are indicated with a (W).

Grading: The midterm exam will be 30% and the final exam will be 50% of your grade. The remaining 20% will be based on your class attendance and participation and your performance on quizzes. Quizzes will be given regularly. Missing a couple will not affect your grade, but there will be no makeups. The midterm exam is currently scheduled for in class on October 20.

Some classes will be led by guest speakers. Those classes may be taught out of order to accommodate the guests' schedules. I will provide readings for those classes later.

I. Sources and Functions of Law

Law and Language: A Preliminary Note
Introduction to Law
Constitutional Law

II. Jurisprudence and Legal Reasoning

There Are No Secret Books
An Introductory Note on Jurisprudence
The Case of the Speluncean Explorers

III. Civil Litigation and Evidence

a. Standing

Reading Legal Cases in Legal Studies 101
Sierra Club v. Morton
Standing on its Head

b. Jurisdiction

Summary (W)

c. The Litigation Process

Your Day in Court – The Litigation Process
Sue first, Ask Questions Later
The Court System
Sample Pleadings (review so you can see the format) (W)

d. Discovery and Evidence

Sample interrogatories and document requests (review so you can see the format) (W)

The Invisible Gorilla (excerpts) **and/or** State v. Henderson (W)

IV. Personal Property

Property Law: Personal Property

You are What You Own: The Law of Property

Popov v. Hayashi

Swift v. Gifford

Keron v. Cashman

V. Real Property

Real Property

a. Nuisance

Sturges v. Bridgman

Spur Industries, Inc. v. Del E. Webb

b. Takings

Penn Central v. New York

Kelo v. City of New London

VI. Intellectual Property

Intellectual Property

Four Kinds of Intellectual Property

a. Copyright

MGM v. Grokster

The Mouse that Ate the Public Domain

How Copyright Broke

Ruling on Rap Song

b. Trade Secret and Trademark

E.I. DuPont deNemours & Co. v. Christopher

Charity Brawl

Mead Data Central v. Toyota

c. Patent Law: Guest Speaker

Patent Law Readings (W)

VII. Criminal Law: Guest speaker

VIII. Torts

a. Introduction

Torts

Negligence and Strict Liability (up to but not including the cases)

- b. Intentional Torts
 - Courvoisier v. Raymond
 - Eckert v. LIRR
 - US v. Carroll Towing
 - TJ Hooper (both cases)
- c. Comparative Fault
 - Li v. Yellow Cab
- d. Assumption of risk: Guest speaker
 - Murphy v. Steeplechase Amusement Co.
 - Dukat v. Leiserv
 - Knight v. Jewett
- e. Causation, proximate cause and duty: Guest speaker
 - Palsgraf v. LIRR
 - Summers v. Tice
- f. Strict Liability: Products
 - Escola v. Coca-Cola Bottling Co.
 - Potter v. Chicago Pneumatic Tool Co.
 - Grimshaw v. Ford Motor Co.
- g. Affirmative duties
 - Soldano v. O'Daniels
 - Eric M.
 - Tarasoff v. Board of Regents
- h. Remedies
 - O'Shea v. Riverway Towing Co.

IX. Contracts

- a. Introduction
 - Contracts: The Foundation of a Market Economy
 - Introduction to Contracts
 - Steinberg v. Chicago Medical School
- b. Remedies
 - Remedies, from *Contracts in a Nutshell*
 - McAllister v. Patton
 - Equitable Remedies (Read *only* Posner article and Lumley)
 - Remedies
 - Hawkins v. McGee
 - Peevyhouse v. Garland Coal
 - Sullivan v. O'Connor
 - Anglia TV v. Reed
- c. Limitations on Contract Remedies

A Note on Limitations to Contract Remedies

Ericson v. Playgirl

Freund v. Washington Square Press

Hadley v. Baxendale

Parker v. Twentieth Century Fox

d. Consideration

Consideration – The Basic Concept

e. Offer and Acceptance

Intent to Contract: Offer and Acceptance (Skip *Leeds and Continental*

Labs)

Acceptance (Skip *International Filter and Gadsen Times*)

f. Contract Interpretation

Frigalment Importing Co. v. BNS International Sales Co.

Panera Bread v. Qdoba

Raffles v. Wichelhaus

g. Promissory Liability Outside the Bargain Model

A Note on Promissory Liability Outside the Bargain Model

Gorham v. Benson Optical

Hoffman v. Red Owl Stores

Drennan v. Star Paving

Wood v. Lucy, Lady Duff-Gordon

h. Contract Limitations and Defenses

A Note on Unconscionability, Duress and Illegality

Austin Instruments v. Loral Group

Krell v. Henry

Williams v. Walker-Thomas

Baby M (intro)

Sherwood v. Walker

Taylor v. Caldwell

X. Privacy

Washington v. Chrisman

Smythe v. Pillsbury

McLain v. Boise Cascade

Falvo v. Owasso School

Sidis v. FR Publishing Co.

Miller v. NBC

Searching for Details Online



