

**INTRODUCTION TO LAW AND THE LEGAL PROCESS**  
**LEGAL STUDIES 101 – 003 Spring 2012**  
**The Wharton School, University of Pennsylvania**

**Melinda deLisle**  
[delisle@upenn.edu](mailto:delisle@upenn.edu)

**Class: M-W 3-4:20**

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

**Grading:** The midterm exam (currently scheduled for February 29, the last class before Spring break) 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 (mostly unannounced) quizzes. Quizzes will be given regularly throughout the semester so that missing a couple will not meaningfully affect your grade, but there will be no makeups.

**Evening activities:** There will be all-LGST 101 activities held on the evenings of February 16 and March 1 at 7 PM.

**Office hours:** I will be available Thursday afternoon from 2:45-3:45 in the Legal Studies offices if you tell me by the day before that you would like to meet. I also answer emails and will schedule phone calls, and timing for those communications is very flexible. Also, I am planning to try something new this term: holding office hours over Canvas chat.

Some classes will be led by guest speakers. Those classes may be taught out of order to accommodate the guests' schedules.

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) (CV)

- d. Discovery and Evidence  
Sample interrogatories and document requests (review so you can see the format)  
*The Invisible Gorilla* (excerpts)

#### IV. Torts

- a. Introduction  
Negligence and Strict Liability (up to but not including the cases)
- b. Intentional Torts  
Courvoisier v. Raymond
- c. Negligence  
Eckert v. LIRR  
US v. Carroll Towing  
TJ Hooper (both cases)
- d. Comparative Fault  
Li v. Yellow Cab
- e. Assumption of risk: Guest speaker  
Murphy v. Steeplechase Amusement Co.  
Dukat v. Leiserv  
Knight v. Jewett
- f. Causation, proximate cause and duty: Guest speaker  
Summers v. Tice  
Palsgraf v. LIRR
- g. Strict Liability: Products  
Escola v. Coca-Cola Bottling Co.  
Potter v. Chicago Pneumatic Tool Co.
- h. Affirmative duties  
Soldano v. O'Daniels  
Eric M.  
Tarasoff v. Board of Regents
- i. Remedies  
O'Shea v. Riverway Towing Co.

## V. Property

### A. Personal Property

You are What You Own: The Law of Property

Popov v. Hayashi

Swift v. Gifford

Keron v. Cashman

### B. 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

### C. 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

Hormel Foods Corp. v. Jim Henson Prods.

#### c. Patent Law: Guest Speaker

Patent Law Readings (CV)

## VI. Criminal Law: Guest speaker

## VII. 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

Mills v. Wyman

Webb v. McGowin

e. Offer and Acceptance

Intent to Contract: Offer and Acceptance (Skip *Leeds* and *Continental Labs*; delay *Stepp v. Freeman* until section g.)

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

Stepp v. Freeman

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

Sherwood v. Walker

Austin Instruments v. Loral Group

Williams v. Walker-Thomas

Baby M (intro)

Krell v. Henry

Taylor v. Caldwell



