

INTRODUCTION TO LAW AND THE LEGAL PROCESS
LEGAL STUDIES 101 Spring 2013
The Wharton School, University of Pennsylvania

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Class: M-W 3-4:20
JMMH F90

This class will introduce you to the basics of the American legal system. We will start by talking about the legal process, learning how to read cases and introducing the concepts of legal reasoning and the use of precedent. We will then apply those concepts to the study of three first-year law school topics: contracts, torts and property (with a brief look at criminal law). Along the way, we will talk about relevant legal issues that arise in the news or your own experience. You will learn the language and reasoning of the law so that you can understand and think critically about discussions of the law you encounter in daily life and in the media, and so that you can work with lawyers in your business and personal life when the situation arises. Secondly, for anyone considering law school, this class will give you a taste of that experience.

Most readings are in a coursepack on study.net. Other required and supplemental (optional but, I hope, interesting) readings will be available through Canvas (Wharton's version of Blackboard). We will also use Canvas for discussion threads, grade posting and other purposes. All readings are on study.net unless (Canvas) is indicated next to the reading on the syllabus.

It is important that you are prepared for and attend class. I will use powerpoints for most classes and will post them at the close of each topic. They are good support for and review of the readings and discussions. However, you cannot learn the material solely by reading the powerpoints. This class is an interactive experience, and there is a direct relationship between your preparation and attendance and your mastery of the material. That said, if you are doing the reading and coming to class and you still find that you have not understood a concept (or would like to know more), I am available to discuss these issues with you, in my office (by appointment), by email or, failing all of that, by phone. You will find that I respond to emails very quickly, even with complex questions and often at odd hours, so fire away.

There will be three parts to your grade. There will be a midterm, worth 30%, held on the last class before Spring Break, and a final exam, worth 50%. Each will consist of both short answer questions and essays. The essays will be structured like law school exams: "issue spotters." The midterm will cover material we have studied to that point, the final will be cumulative. The remaining 20% is the attendance and participation component, which includes brief, mostly unannounced, quizzes. This means that, if you are regularly in class and prepared to engage the material, your grade will reflect that effort.

Some classes will be led by guest speakers. Those classes may be taught out of order to accommodate the guests' schedules. Otherwise, this order should hold, although the exact dates will depend on the rate at which the class can comfortably get through the material.

- I. The Sources and Functions of Law
 - A. Why Law?
 - Functions of Law
 - B. Sources of law
 - Our American Government
 - National Federation v. Sebelius
- II. Common Law and Reading Cases
 - A. Precedent and *Stare Decisis*
 - The Common Law in the United States
 - The Common Law System
 - B. Reading and Briefing Cases
 - Analyzing Cases
 - Terminology Relating to Court and Party Usage
 - Reading Legal Cases in Legal Studies 101
- III. Legal Reasoning
 - Introduction to *Thinking Like a Lawyer*
 - The Case of the Speluncean Explorers
 - The Case of the Speluncean Explorers: Revisited (optional)
- IV. Civil Litigation and Evidence
 - A. Case or Controversy: Standing, Mootness and Ripeness
 - The American Judicial System: A System Based on Advocacy and the Presence of Actual Controversy
 - Sierra Club v. Morton
 - B. Jurisdiction
 - Personal Jurisdiction (Canvas)
 - Subject Matter Jurisdiction (Canvas)
 - C. The Litigation Process
 - Understanding the Basic Steps of a Civil Court Action
 - Discovery
 - Adjudication Without Trial: Dispositive Motions
 - Juries and the Judicial System
 - Effect of Judgments
 - Sample pleadings (Canvas, review for format)
 - Sample discovery requests (Canvas, review for format)
- V. Torts
 - A. Introduction
 - Tort law
 - B. Intentional Torts
 - Courvoisier v. Raymond

C. Negligence

Eckert v. LIRR

US v. Carroll Towing

US v Carroll Towing Co.: The Hand Formula's Home Port (pp. 27-39, the rest is optional but helpful)

TJ Hooper (both cases)

D. Affirmative defenses to negligence

1. Contributory and Comparative Fault

Li v. Yellow Cab

2. Assumption of risk: Guest speaker

Murphy v. Steeplechase Amusement Co.

Knight v. Jewett

F. Causation, proximate cause and duty: Guest speaker

Summers v. Tice

Palsgraf v. LIRR

G. Affirmative duties

Eric J.

Tarasoff v. Board of Regents

H. (Strict) Product Liability

Escola v. Coca-Cola Bottling Co.

Potter v. Chicago Pneumatic Tool Co.

I. Remedies

O'Shea v. Riverway Towing Co.

VI. Criminal Law: Guest speaker

Readings available on Canvas

VII. Contracts

A. Introduction

Contracts and Commercial Law

B. Offer and Acceptance

Lucy v. Zehmer

Lefkowitz v. Greater Minneapolis Surplus

Fujimoto v. Rio Grande

Day v. Caton

C. Consideration

Consideration – The Basic Concept

Mills v. Wyman

Webb v. McGowin

D. Contract Interpretation

Frigalment Importing Co. v. BNS International Sales Co.

Panera Bread v. Qdoba

Raffles v. Wichelhaus

E. Remedies

1. Expectation

Hawkins v. McGee

- Peevyhouse v. Garland Coal
 - 2. Reliance
 - Sullivan v. O'Connor
 - Anglia TV v. Reed
 - 3. Specific Performance
 - Equitable Remedies
 - McAllister v. Patton
- F. Limitations on Contract Remedies
 - A Note on Limitations to Contract Remedies
 - Hadley v. Baxendale
 - Ericson v. Playgirl
 - Parker v. Twentieth Century Fox
- H. Defenses and Limitations on Contract Enforcement
 - Sherwood v. Walker
 - Austin Instruments v. Loral Group
 - Williams v. Walker-Thomas
 - Baby M
 - Krell v. Henry
 - Taylor v. Caldwell

VIII. Property

- A. Real Property
 - 1. Nuisance
 - Sturges v. Bridgman
 - Spur Industries, Inc. v. Del E. Webb
 - 2. Takings
 - Penn Central v. New York
 - Kelo v. City of New London
- B. Intellectual Property
 - 1. Copyright
 - The Mouse that Ate the Public Domain
 - How Copyright Broke
 - Ruling on Rap Song
 - 2. Trade Secret and Trademark
 - E.I. DuPont deNemours & Co. v. Christopher
 - Hormel Foods Corp. v. Jim Henson Prods
 - 3. Patent Law: Guest Speaker
 - Readings available on Canvas

