

Introduction to Law and the Legal Process
Legal Studies 101-005 Spring 2014
The Wharton School, University of Pennsylvania

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Class: Tues/Thurs 3-4:20
JMH F65

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 first-year law school topics: contracts, torts, property and criminal law. Along the way, we will talk about 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.

Readings, class announcements and grades will be posted on Canvas (<https://wharton.instructure.com/courses/1228006>). Print and bring all primary sources (cases, not articles or background readings) to class. If you are not a Wharton student, please register at <https://app.wharton.upenn.edu/accounts/class.cfm>. The class also has a Piazza site (<https://piazza.com/upenn/spring2014/lgst101/home>). This site allows you to post questions and discuss issues with your classmates. I will moderate the discussions, and answer questions where appropriate. Please register at piazza.com/upenn/spring2014/lgst101.

I will distribute and use powerpoint slides for most classes. 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.

There will be three parts to your grade. There will be a midterm, worth 30%, held in class on March 6, and a final exam, worth 50%, held on the registrar's scheduled date (currently May 12 at noon). The midterm will cover material we have studied to that point, the final will be cumulative but focused on the second half of the class. The remaining 20% is the attendance and participation component, which includes both your contribution to class discussions (in class and online) and brief, mostly unannounced, in-class quizzes and short online assignments.

I will hold office hours on Wednesdays at 4:30 in my office on the second floor of the Duhring Wing of the Fine Arts Library (door through the garden directly across from the side entrance of College Hall). Please email me by 1 PM of the day you plan to attend to let me know you're coming.

The order in which the readings are listed should hold, although the exact dates will depend on the rate at which the class comfortably gets through the material. Classes led by guest speakers may be taught out of order to accommodate the guests' schedules.

I. Functions and Sources of Law

A. Why Law?

Functions of Law

B. Sources of Law

Constitutional Law

National Federation v. Sebelius

The Constitution of the United States

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 Food Stays in the Kitchen

The Speluncean Explorers

IV. Civil Procedure

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

Subject Matter Jurisdiction

C. The Litigation Process

Understanding the Basic Steps of a Civil Court Action

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. 27-33, 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.

E. Causation, proximate cause and duty: Guest speaker`

Marshall v. Nugent

Summers v. Tice

F. Affirmative duties

Eric J.

Tarasoff v. Board of Regents

G. (Strict) Product Liability

Escola v. Coca-Cola Bottling Co.

Potter v. Chicago Pneumatic Tool Co.

H. Remedies

O'Shea v. Riverway Towing Co.

VI. Criminal Law: Guest speaker
Criminal Law Readings

VII. Contracts

A. Introduction

Contracts and Commercial Law

B. Offer and Acceptance

Lucy v. Zehmer

Lefkowitz v. Greater Minneapolis Surplus

Fujimoto v. Rio Grande

Davis v. Jacoby

C. Consideration

Consideration – The Basic Concept

Hamer v. Sidway

Batsakis v. Demotsis

Stilk v. Myrick

Mills v. Wyman

Webb v. McGowin

D. Contract Interpretation

Myskina v. Conde Nast Publications

Frigalment Importing Co. v. BNS International Sales Co.

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 to and Limitations on Contract Enforcement

Sherwood v. Walker

Austin Instruments v. Loral Group

Williams v. Walker-Thomas

Krell v. Henry

Taylor v. Caldwell

VIII. Intellectual Property

A. Patent (Guest Speaker)

Patent Readings

B. Copyright

The Mouse that Ate the Public Domain

Ruling on Rap Song

C. Trade Secret

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

D. Trademark

Hormel Foods Corp. v. Jim Henson Productions