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

Melinda Levine deLisle
delisle@upenn.edu

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. Secondarily, 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 Speluncian 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 L.*
   *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*
      *Frigaliment 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