

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

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Class: Tues/Thurs 9-10:20
JMH F45

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, and property. 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.

Class materials: Readings, class announcements and grades will be posted on Canvas. If you are not a Wharton student, please register for a Canvas account at <https://app.wharton.upenn.edu/accounts/class.cfm>.

The order in which the readings are listed should mostly hold, although the exact dates will depend on the rate at which the class comfortably gets through the material. I will confirm the readings for the following week by Canvas Announcement no later than Friday morning each week. Classes led by guest speakers may be taught out of order to accommodate the guests' schedules.

I will use powerpoint slides for most classes. I will generally post them to Canvas shortly before class, so that you can print them and use them to take notes. You are not responsible for reading them before class, and they will be projected in the room, so how you work with the slides is your decision.

Class preparation: I expect you to attend classes and be prepared to discuss the assigned readings. For many classes, I will post questions to Canvas that will help to guide your understanding of the readings.

"Assigned readings" are those listed on the syllabus or explicitly added later. Anything that is not required will be labelled "optional" on Canvas. As that implies, you are not directly responsible for that material. Often, though, the optional materials are things like short news stories that illustrate a point we are discussing in class. It is worth looking at some of them to get a sense of how our topics work in practice.

Please print and bring all cases (not articles or other background readings) to class. You may also choose to print and bring powerpoint slides.

Grading: Your grade will be determined as follows:

30%: In-class midterm exam, tentatively scheduled for October 21 (covering all material to the date of the midterm);

50%: Final exam, worth 50%, held on the registrar's scheduled date (currently scheduled for December 19 at 9 AM) (cumulative, but focused on the post-midterm portion of the class); and

20%: Class participation (including your participation in class and in Piazza discussions) AND scores on brief, mostly unannounced, in-class quizzes and short online assignments.

Questions outside of class:

Office hours: 4:00 PM on Wednesdays and Thursdays, 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). *If you plan to come, please email me by 1 on that day.* If neither of those days is possible for you, email me to arrange another time.

Piazza: As a class, we will use the Piazza website (linked through the Canvas page) to post and answer questions and discuss issues. I encourage you to use this site for any questions, thoughts, links to current events, or anything else of general interest. I will moderate the discussions, and answer questions where appropriate, but you should all jump in. If you prefer, you may post anonymously.

Email: I respond to email quickly, and am happy to do so for topics that are not appropriate for Piazza (such as personal scheduling issues, requests for recommendations, individual concerns about your progress, etc.).

Use of electronics in class: Laptops, tablets, phones and all other electronic devices must be off and away during class. See me if you have accommodations approved by the Student Disabilities Services that allow you to use a laptop to take notes.

Academic Integrity: You must be familiar with and comply with the University of Pennsylvania's Code of Academic Integrity, which presents standards regarding plagiarism, conduct during examinations and other actions. The Code can be found at www.upenn.edu/academicintegrity.

READINGS

I. Functions and Sources of Law

A. Why Law?

Functions of Law

B. Sources of Law

Constitutional Law

National Federation v. Sebelius

Constitution of the United States (for reference and class discussion; skim and bring to class)

II. Common Law and Reading Cases

A. Precedent and *Stare Decisis*

The Common Law in the United States

The Common Law System

The Use of Precedent

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

Sample pleadings

Sample discovery requests (review for format)

Effect of Judgments

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. 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
 - Davis v. Jacoby
- C. Consideration
 - Consideration – The Basic Concept*
 - Hamer v. Sidway
 - Emberson v. Hartley
 - Batsakis v. Demotsis
 - Stilk v. Myrick
- D. Contract Interpretation
 - Myskina v. Conde Nast Publications
 - Frigalimont Importing Co. v. BNS International Sales Co.
 - Raffles v. Wichelhaus
- E. Remedies
 - 1. Expectation
 - Hawkins v. McGee
 - Peevyhouse v. Garland Coal
 - 2. Reliance
 - Anglia TV v. Reed
 - Dempsey v. Chicago Coliseum
 - 3. Specific Performance
 - Equitable Remedies*

McAllister v. Patton

F. Limitations on Contract Remedies

A Note on Limitations to Contract Remedies

Hadley v. Baxendale

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

VII. 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