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. Secondarily, 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
   Frigaliment 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