

Introduction to Law and the Legal Process
Legal Studies 101-007 Fall 2016
The Wharton School, University of Pennsylvania

Melinda Levine deLisle
delisle@upenn.edu

Mon/Weds 3-4:20
SHDH 215

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: civil procedure, 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. 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 the class Canvas site. If you are not a Wharton student, please register for a Canvas account at <https://app.wharton.upenn.edu/accounts/class.cfm>.

The exact dates for the topics 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 by Friday morning each week. Some readings may be added, especially when there is a news item that captures a topic we are discussing in class. 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 if you want to. You are not responsible for reading them before class, and they will be projected in the room.

Class preparation: You must attend classes and to be prepared to discuss the assigned readings.

For most classes, along with the reading assignments, I will post explanations and questions to Canvas that will help to guide your understanding of the readings. You may also find that understanding the readings in the context of those explanations and questions will help your quiz performance and ability to understand and participate in class discussion.

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 24 (covering all material to the date of the midterm);

50%: Final exam held on the registrar's scheduled date (tentatively scheduled for December 16 at 3-5 PM) (cumulative, but focused on the post-midterm portion of the class); and

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

Excessive absences may lead to significant grade reductions and even failing the class.

Questions outside of class:

Office hours: After class Monday and Wednesday. Please email me in advance if you would like to meet. I am also available by appointment in my office in One Liberty Place at other times during the week.

Email: I respond to email quickly, and am happy to do so for topics that can be addressed in that way.

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 sets forth 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)

Regulating Drones

Regulating Marijuana

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: In-Class Briefing Exercise

Analyzing Cases

Terminology Relating to Court and Party Usage

Reading Legal Cases in Legal Studies 101

Dubious Source of Some Supreme Court Facts

Courvoisier v. Raymond

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

Clapper v. Amnesty International

Standing for Embryos

B. Jurisdiction and the Litigation Process

Understanding the Basic Steps of a Civil Court Action

Ninth Circuit Issues Injunction for Oregon Logging Project

Subject Matter Jurisdiction

Nullification: Jurors Secret Weapon Against Harsh Sentencing

Effect of Judgments

C. Sample Documents (review for format)

Sample pleadings

Sample discovery requests

Affidavit of expert witness

V. Tort Law

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
Outline
Lucy v. Zehmer
Lefkowitz v. Greater Minneapolis Surplus
Contracts in the Real World, pp. 21-29
Fujimoto v. Rio Grande
Day v. Caton
Davis v. Jacoby
- C. Consideration
Consideration – The Basic Concept
Outline
Hamer v. Sidway
Emberson v. Hartley
Batsakis v. Demotsis
Stilk v. Myrick
- D. Contract Interpretation
Myskina v. Conde Nast Publications
Frigalimnt Importing Co. v. BNS International Sales Co.
Raffles v. Wichelhaus
- E. Remedies
 1. Expectation
Contracts in the Real World, 84-94
Hawkins v. McGee
Peevyhouse v. Garland Coal

- 2. Reliance
 - Anglia TV v. Reed
 - Dempsey v. Chicago Coliseum
- 3. Specific Performance
 - Equitable Remedies*
 - Contracts in the Real World, 104-108
 - McAllister v. Patton
- F. Limitations on Contract Remedies
 - A Note on Limitations to Contract Remedies
 - Contracts in the Real World, pp. 94-104
 - Hadley v. Baxendale
 - Parker v. Twentieth Century Fox
- H. Defenses to and Limitations on Contract Enforcement
 - Contracts in the Real World, pp. 59-70
 - 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