INTRODUCTION TO LAW AND LEGAL PROCESS
LGST 101-301

SPRING 2017

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Class Meetings
Tuesdays & Thursdays, 10:30 – noon, Room JMHH G88

Office Hours
Wednesdays, 3:00 – 5:00. Or email to arrange a meeting. Or feel free
to stop by any time Tues. or Thurs. afternoon.

Course Description
This course is an introduction to the elements and institutions of American law. Its
subject matter is broad. The first half of the course surveys the common law tradition,
with an emphasis on the law of contract, while the second half wades into the
complexities of public law in the modern administrative state. This wide-ranging
approach seeks as far as possible to demystify law and to help students become
comfortable digesting information about an array of legal problems and legal
developments. Despite the course’s topical breadth, however, our readings (and my
ambition) are ultimately oriented around a single objective: to develop in students the
capacities for inquiry, for skepticism, and for problem-solving that are uniquely
associated with the Anglophone legal tradition.

Required Texts
Course pack [available from study.net]

Exams and Grading
Grading will be based the results of midterm (35%) and final (50%) exams, the format of
which will be discussed in class, as well as on professionalism (15%).
Class Format and Policies

This course will involve a combination of lecture, discussion, and “Socratic” questioning. “Cold calling” will be a regular feature of class. Therefore, students are expected to read the assigned materials carefully and to be ready to discuss them critically.

Three notable policies:

1. Electronic devices. Electronic devices will not be permitted in class. Shopping, texting, and gaming negatively affect group dynamics. If an emergency requires that you have connectivity, confer with me before class.

2. Unfinished readings. It is not always feasible to complete readings before class. If you cannot finish an assignment, please let me know by email at least an hour before class, and I will not call you (max four times during the semester). Please do not pretend to have read what you haven’t.

3. Regrading. All grades are final. Complaints about grades will result in a one-step grade reduction for the course.

More generally, students are expected to behave professionally. Shirking and whining, in particular, are discouraged. A secondary goal of this course is to develop social intuitions about how to create a strong reputation within a business organization. Teaser: everyone likes someone who is courteous, punctual, engaged, and positive; everyone dislikes the opposite.

Informal Get-Togethers

Let’s get coffee or lunch!

Readings

Tentative reading assignments are listed below. If there is a change, I will let you know in class and post the updated assignment on Canvas. All readings can be found in the assigned course pack, on the course’s Canvas web site, or via a straightforward web search.

1. 1.12.17 — introduction; reading judicial opinions

Readings  Kerr, How to Read a Legal Opinion

Talley v. Mathis
2. 1.17.17 — what is law?
   Readings  Shavell, Law Versus Morality
              Hart, The Concept of Law (2d ed., ch. 2 & 5)

3. 1.19.17 — rules of recognition in the American legal system
   Readings  United States Constitution (amended) [available online]
              Pennsylvania Constitution of 1776 [available online]

4. 1.24.17 — introduction to property
   Readings  Popov v. Hayashi
              Merrill, Property and the Right to Exclude

5. 1.26.17 — patents
   Readings  35 U.S.C. §§ 101–03
              Bilski v. Kappos (majority opinion)

6. 1.31.17 — torts i: intentional torts
   Readings  Vosburg v. Putney
              Desnick v. ABC, Inc.

7. 2.2.17 — torts ii: negligence
   Readings  Williams v. Hays
              Martin v. Herzog
              Baltimore & Ohio R.R. v. Goodman

8. 2.7.17 — rules versus standards
   Readings  Scalia, The Rule of Law as a Law of Rules
              Schauer, Thinking Like a Lawyer (ch. 10)
              Kaplow, Rules Versus Standards (excerpt)
9. 2.9.17 — contracts i: the enforceability of promises

Readings
- Raffles v. Wichelhaus
- Hamer v. Sidway
- Cobaugh v. Klick-Lewis, Inc.

10. 2.14.17 — contracts ii: void and voidable obligations

Readings
- Alaska Packers Ass’n v. Domenico
- Sherwood v. Walker
- Williams v. Walker-Thomas Furniture Co.

11. 2.16.17 — contracts iii: expectation, reliance, and liquidated damages

Readings
- Acme Mills & Elevator Co. v. Johnson
- Chicago Coliseum Club v. Dempsey

12. 2.21.17 — contracts iv: specific performance

Readings
- Curtice Bros. v. Catts
- Kronman, Specific Performance

13. 2.23.17 — contracts v: quasi-contractual remedies

Readings
- Britton v. Turner

14. 2.28.17 — midterm exam

15. 3.2.17 — civil procedure

Readings
- Smith & Roberson, Business Law (ch. 3)

16. 3.14.17 — statutory interpretation: linguistic indeterminacy

Readings
- Riverside statute [Canvas]
- Hart, Positivism and the Separation of Law and Morals
- Fuller, Positivism and Fidelity to Law—A Reply to Professor Hart
17. **3.16.17** — problems in statutory interpretation

*Readings*

*Church of the Holy Trinity v. United States*

Easterbrook, *Textualism and the Dead Hand*

18. **3.21.17** — administrative law: introduction and non-delegation

*Readings*

United States Constitution, art. 1, § 1 [online]

*A.L.A. Schechter Poultry Co. v. United States*

Posner & Vermeule, *Interring the Non-Delegation Doctrine*

19. **3.23.17** — administrative law: modes of administration

*Readings*

Funk, *Introduction to Administrative Law*

Additional readings TBD

20. **3.28.17** — administrative law and the courts

*Readings*

*Chevron v. NRDC*

21. **3.30.17** — statutes, administrative law, and courts in action: insider trading

*Readings*

Securities Act of 1933, § 10(b) [available online]

SEC Rule 10b-5 [available online]

*Chiarella v. United States*

*Dirks v. SEC*

22. **4.4.17** — statutes, administrative law, and courts in action: social security

*Readings*

Social Security Act, § 223 [Canvas]

CFR § 416.905 [Canvas]

CFR § 416.920 [Canvas]

*Minnick v. Colvin*
23. 4.6.17 — constitutional law i: federal power and judicial review
Readings United States Constitution, art. I, § 8; art. III [online]
   Marbury v. Madison
   United States v. Lopez
   Gonzales v. Raich

24. 4.11.17 — constitutional law ii: state power
Readings United States Constitution, art. I, § 10; art. IV, §§ 1–2 [online]
   Gibbons v. Ogden (excerpt)
   City of Philadelphia v. New Jersey

25. 4.13.17 — constitutional law iii: speech rights
Readings United States Constitution, amend. 1 [online]
   Schenck v. United States
   Brandenburg v. Ohio
   Texas v. Johnson

26. 4.18.17 — constitutional law iv: incorporation
Readings Barron v. Baltimore
   United States Constitution, amend. 14 [online]
   Gitlow v. New York
   McDonald v. City of Chicago

27. 4.20.17 — criminal law
Readings None

28. 4.25.17 — review session
Readings Everything assigned to date

FINAL EXAM
May 1, noon – 2p