



INTRODUCTION TO LAW AND LEGAL PROCESS
LGST 101-301

SPRING 2017

Prof. Vince Buccola

Legal Studies & Business Ethics Department
649 Jon M. Huntsman Hall
tel: 215.573.4864
e-mail: buccola@wharton.upenn.edu [preferred]
<https://canvas.upenn.edu/courses/1344289>

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
 City of Rye v. Public Service Mutual Ins. Co.

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