

**Law and Social Values**  
**Legal Studies 101-006 Fall 2017**  
**The Wharton School, University of Pennsylvania**

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**Mon/Weds 9-10:20**  
**JMH F90**

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, property and criminal law. 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>.

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. I may also add some readings, usually when there is a news item that captures a topic we are discussing in class.

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. Print and bring all cases (not articles or other background readings) to class because you will need to refer to them. You may also choose to print and bring powerpoint slides so that you can annotate them during class.

**Grading:** Your grade will be determined as follows:

- 10%: Quiz, September 27;
- 30%: Midterm exam, October 25;
- 50%: Final exam, December 15; and
- 10%: Thoughtful and prepared class participation.

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

**Questions outside of class:**

*Office hours:* Monday afternoon, 6-7 PM. Please email me by 2 PM on any Monday you would like to come to office hours. I am also available by appointment at other times in my office at 1650 Market Street or by telephone.

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

*Canvas Discussions:* Please share questions and relevant news clips here; your classmates and I will respond.

**No 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](http://www.upenn.edu/academicintegrity).

**READINGS**

I. Functions and Sources of Law

A. Why Law? - 8/30

*Functions of Law*

B. Sources of Law - 9/6

*Constitutional Law*

National Federation v. Sebelius

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

Preemption and the Arizona Immigration Law

Regulating Drones

II. Common Law and Reading Cases

A. Precedent and *Stare Decisis* – 9/11

*The Common Law in the United States*

*The Common Law System*

*The Use of Precedent*

B. Reading and Briefing Cases: In-Class Briefing Exercise – 9/13

*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 – 9/18

*The Food Stays in the Kitchen*  
The Speluncean Explorers

IV. Civil Procedure - 9/20; 9/25

A. Dispute Resolution

*Arbitration Everywhere: Stacking the Decks of Justice*

B. 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

C. 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*

D. Sample Documents (review for format)

Sample pleadings

Sample discovery requests

Affidavit of expert witness

Quiz – 9/27

V. Tort Law

A. Introduction – 9/27; 10/2

*Tort law*

B. Intentional Torts

Courvoisier v. Raymond

C. Negligence – 10/2, 9 [Note 10/4 class below at VI.]

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 – 10/11

1. Contributory and Comparative Fault

Li v. Yellow Cab

2. Assumption of risk

Murphy v. Steeplechase Amusement Co.

- E. Causation, proximate cause and duty – 10/16
  - Marshall v. Nugent
  - Summers v. Tice
- F. Affirmative duties – 10/18
  - Eric J.
  - Tarasoff v. Board of Regents
- G. Remedies
  - O’Shea v. Riverway Towing Co.
  - Patients secretly taped by Johns Hopkins gynecologist
  - In one corner of the law, minorities and women are often valued less

Movie and midterm review – 10/23

Midterm exam – 10/25

VI. Patent Law [Guest Speaker Lawrence Husick] – 10/4

VII. Criminal Law [Guest Speaker Megan Scheib] – 10/30

VIII. Contracts

- A. Introduction – 11/1
  - Contracts and Commercial Law*
- B. Offer and Acceptance
  - Outline
    - i. Offer
      - Lucy v. Zehmer
      - Lefkowitz v. Greater Minneapolis Surplus
      - Contracts in the Real World, pp. 21-29
    - ii. Acceptance – 11/6
      - Fujimoto v. Rio Grande
      - Day v. Caton
      - Davis v. Jacoby
- C. Consideration – 11/8
  - Consideration – The Basic Concept*
  - Outline
    - Hamer v. Sidway
    - Emberson v. Hartley
    - Batsakis v. Demotsis
    - Stilk v. Myrick
- D. Contract Interpretation – 11/13
  - Myskina v. Conde Nast Publications
  - Frigalimnt Importing Co. v. BNS International Sales Co.
  - Raffles v. Wichelhaus
- E. Remedies
  - 1. Expectation – 11/15

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 – 11/20

*Equitable Remedies*

Contracts in the Real World, 104-108

McAllister v. Patton

F. Limitations on Contract Remedies – 11/27

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 – 11/29

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. Copyright – 12/4, 6

*The Mouse that Ate the Public Domain*

*Ruling on Rap Song*

Review – 12/11

Final – 12/15