

LGST 101-003: LAW & SOCIAL VALUES
SCHOOL
SPRING 2019

THE WHARTON
UNIVERSITY OF PENNSYLVANIA

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Class Meetings Mondays & Wednesdays, 12:00-1:30, Room TBD
Office Hours Tuesdays, 2:30-4:30, and by appointment (email to arrange appointment)

Course Description: This course introduces students to U.S. law and the legal process, with a particular emphasis on civil procedure, property, contracts, constitutional law, and administrative law. Throughout the course, we will examine the extent to which law meets the social policy needs of our society and balances competing values.

Teaching Assistant: Reid Hopkins, rhopkins@pennlaw.upenn.edu

Materials: All readings will be posted on Canvas. In addition to the readings listed below, I will occasionally post on Canvas discussion questions and brief comments to guide your reading.

Class Format: This course involves a combination of lecture, discussion, and Socratic questioning (or “cold-calling”). Students are expected to read the assigned materials prior to class and be prepared to discuss them.

Grading: Final grades consist of a mid-term examination (35%), final examination (50%), and class attendance and participation (15%).

Class Attendance & Participation: Students are expected to read the assigned materials prior to class and be prepared to discuss them. Because attendance is a prerequisite to participation, students are expected to attend the entire class period.

Off-Day Policy: Every student has four “off days,” on which non-attendance or non-participation will not affect the student’s grade. Off days are the only accepted reason for non-attendance, for instance, when the student is unable to attend class because of illness or a family matter. Accordingly, students should not use their off days frivolously, but should keep some of them in reserve in case unexpected situations arise later in the semester. To use an off day, email me at least one hour before class with the subject line: “off day.” There is no need to explain the reason why you are using an off day.

No Device Policy: Laptops, phones, and other electronic devices may not be used in class.

Class Subjects

NOTE: Depending on guest speaker Elise Bean’s schedule, we may have to move around one or more topics to different days during the second half of the course.

1. **Vehicles in the Park (1/16)**
Reading:
 1. Vehicles in the Park
 2. Orin Kerr, *How to Read a Legal Opinion*

2. **Introduction to the Legal System (1/23)**
Readings:
 1. Richard Mann & Barry Roberts, *Introduction to Law*, ch. 1
 2. Jay Feinman, *Law 101*, ch 1: There Are No Secret Books

3. **The Judge (1/28)**
Readings:
 1. Lon Fuller, *The Case of the Speluncean Explorers*
 2. Robert Borghese, *An Introductory Note on Jurisprudence*
 3. *Brown v. Board*

4. **Civil Procedure – Litigation (1/30)**
Readings:
 1. Mann & Roberts, ch. 3: Legal Process
 2. Feinman, *Law 101*, c. 4: Your Day in Court, pp. 88-93
 3. G. Richard Shell, ch. 4, *Make the Rules or Your Rivals Will*

5. **The Jury (2/4)**
Readings
 1. *Brinkman v. Allen & Summit Pharma.*
 2. Feinman, *Law 101*, c. 4: Your Day in Court, pp. 124-128
 3. *Jury Reform: An Idea Whose Time Has Come*
 4. *The American Jury: Why We Should Keep It*

6. **Property – Personal and Real (2/6)**
Readings:
 1. Feinman, *Law 101*, ch. 7: You Are What You Own
 2. *Popov v. Hayashi*
 3. *East 13th St. Homesteaders' Coalition v. Lower East Side Coalition Housing Development*

7. **Property – Real (2/11)**
Readings:
 1. *Sturges v. Bridgman*
 2. *Borton v. Forest Hills Country Club*
 3. *Nome 2000 v. Fagerstrom*

8. **Property – Intellectual Property (2/13)**
Readings:
 1. *Four Kinds of Intellectual Property*

2. Betsy Cummings, *Company Isn't Afraid to Take Copycats to Court*
 3. *M-G-M Studios v. Grokster*
 4. *DuPont v. Christopher*
9. **Contracts – Introduction (2/18)**
Readings
1. Mann & Roberts, ch. 9: Introduction to Contracts
 2. *Steinberg v. Chicago Medical School*
10. **Contracts – Consideration (2/20)**
Reading
1. Ch. 2: Consideration
11. **Contracts – Offer & Acceptance I (2/25)**
Readings:
1. Ch. 1: Intent to Contract: Offer & Acceptance (pp. 1-33)
 2. Ch. 1: Acceptance (pp. 180-207)
12. **Contracts – Offer & Acceptance II (2/27)**
Reading
1. Ch. 1: Termination of the Power of Acceptance (pp. 67-83)
13. **Contracts – Remedies I (3/11)**
Readings
1. Ch. 3: Measuring Expectation Damages (pp. 229-257)
 2. Damages Under the UCC (pp. 317-319)
 3. *Laredo Hides v. H&H Meat Products*
 4. Ch. 3: Cases, Problems, & Materials on Contracts (pp. 319-325)
14. **Contracts – Remedies II (3/13)**
Readings:
1. A Note on Limitations to Contract Remedies
 2. *Ericson v. Playgirl*
 3. Ch. 1: Remedies (pp. 34-42, 49-56)
15. **Corporate Law (3/18)**
Readings:
1. Leo Strine, *The Delaware Way*
 2. *Dodge v. Ford Motor Co.*
 3. *In re Disney*
16. **IN-CLASS MIDTERM (3/20)**
17. **Constitutional Law – Takings (3/25)**
Readings:
1. Mann & Roberts, ch. 4: Constitutional Law

2. Epstein & Walker, *Constitutional Law for a Changing America*, ch. 11: The Takings Clause
18. **Constitutional Law – Separation of Powers I (3/27)**
Readings:
 1. *Schechter Poultry v. United States*
 2. *Morrison v. Olson*
 3. *Gonzales v. Raich*
19. **Administrative Law – The Regulatory State (4/1)**
Readings:
 1. Rogers, Healy, & Krotoszynski, *Administrative Law*, ch. 1 (pp. 1-15)
 2. Funk & Seamon, *Administrative Law*, ch 1 (1-18)
 3. Nou, *Bureaucratic Resistance from Below* (available online)
20. **Administrative Law – The Regulatory Process (4/3)**
Readings:
 1. *Business Roundtable v. SEC*
 2. Henry Friendly, *Some Kind of Hearing*
21. **Administrative Law – Democratic Accountability (4/8)**
Readings:
 1. Brian Feinstein, *Congress in the Administrative State*, pp. 1189-1203, 1234-1249
 2. Neomi Rao, *Administrative Collusion*, pp. 1464-1491
22. **Criminal Law (4/10)**
Readings:
 1. William Stuntz, *The Pathological Politics of Criminal Law*
 2. David Grann, *Trial By Fire*
23. **Criminal Procedure (4/15)**
Readings:
 1. *Miranda v. Arizona*
 2. William Stuntz, *Miranda's Mistake*
24. **Criminal Law – Insider Trading (4/17)**
Readings:
 1. David Haddock, *Insider Trading* (excerpt)
 2. *Chiarella v. United States*
 3. *Dirks v. SEC*
 4. *United States v. Newman*
 5. *Salman v. United States*
25. **Congressional Oversight of Private Conduct (4/22)**
Guest Speaker: Elise Bean
Reading:

1. Excerpt TBD from Elise Bean, *Financial Exposure*

26. **International Law (4/24)**
Readings:
 1. Eric Posner, *The Case Against Human Rights*
 2. Tod Lindberg, *Hypocrisy Rules*
 3. *Kiobel v. Royal Dutch Petroleum*

27. **Foreign Relations Law (4/29)**
Readings:
 1. Daniel Abebe, *Great Power Politics*
 2. Robin Wright, *Tehran's Promise*
 3. Robinson Meyer, *A Reader's Guide to the Paris Agreement*

28. **Review (5/1)**

FINAL EXAM: Date TBD during the May 6-14 final exam period