

**LGST 101: LAW & SOCIAL VALUES  
SPRING 2020**

**THE WHARTON SCHOOL  
UNIVERSITY OF PENNSYLVANIA**

Professor Brian Feinstein  
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**101-004 Meeting Times** Mon & Wed, 10:30-12:00, JMHH F90  
**101-005 Meeting Times** Mon & Wed, 1:30-3:00, JMHH F90  
**101-006 Meeting Times** Mon & Wed, 3:00-4:30, JMHH F92  
**Office Hours** Thurs, 1:30-3:30, and by appt. (email to arrange appt.)

**Course Description:** This course introduces students to U.S. law and the legal process, with a particular emphasis on contracts and other business-relevant areas of the law. Throughout the course, we will examine the extent to which law meets the moral needs of our society and balances competing values.

**Teaching Assistant:** Abraham Moussako, [moussako@pennlaw.upenn.edu](mailto:moussako@pennlaw.upenn.edu)

**Materials:** The coursepack is available for purchase, in electronic or hard-copy via Study.net, which is accessible on the course's Canvas page. (Hard-copy may be picked up at Campus Copy Center.) In addition to the readings listed below, I will occasionally post on Canvas discussion questions and brief comments to guide your reading.

**Grading:**

Final grades consist of an in-class, closed-book midterm examination (35%), a take-home, open-book final examination (45%), and class participation (20%).

All assigned readings and concepts discussed in class are fair game for the examinations, except those materials that I state, in writing, will not be covered.

**Class Participation:**

This course involves a combination of lecture, discussion, and "cold-calling" or Socratic questioning. All assigned cases should be briefed in preparation for class. Students are expected to add value to class discussions.

Because attendance is a prerequisite for participation, students must regularly attend class (with the understanding that sometimes occasional illnesses or other exigencies arise).

**Electronic Devices:** Laptops *are* permitted in class. No other electronic devices are permitted. I reserve the right to change this policy should I determine that laptop use interferes with class discussion. Accordingly, be mindful not to abuse this privilege.

## Class Subjects

1. **Vehicles in the Park (1/15)**  
Reading:
  1. Vehicles in the Park
  2. Orin Kerr, *How to Read a Legal Opinion*
  
2. **Introduction to the Legal System (1/22)**  
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 Jury (1/27)**  
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*
  
4. **Civil Procedure – Litigation (1/29)**  
Readings:
  1. Mann & Roberts (Smith), ch. 3: Legal Process
  2. Feinman, *Law 101*, c. 4: Your Day in Court, pp. 88-93
  
5. **Property – Personal and Real (2/3)**  
Readings:
  1. Feinman, *Law 101*, ch. 7: You What You Own
  2. *Popov v. Hayashi*
  3. *Sturges v. Bridgman*
  
6. **Property – Adverse Possession (2/5)**  
Readings:
  1. *East 13<sup>th</sup> St. Homesteaders' Coalition v. Lower East Side Coalition Housing Development*
  2. *Nome 2000 v. Fagerstrom*
  
7. **Property – Constitutional Takings (2/10)**  
Readings
  1. *Penn Central v. City of New York* (to be distributed)
  
8. **Property – Intellectual Property (2/12)**  
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*

9. **Torts I (2/17)**  
Reading:
  1. Mann & Roberts, ch. 8: Negligence & Strict Liability
10. **Torts II (2/19)**  
Readings: Review Torts I readings
11. **Contracts – Introduction (2/24)**  
Readings
  1. Mann & Roberts, ch. 9: Introduction to Contracts
  2. *Steinberg v. Chicago Medical School*
12. **Contracts – Consideration (2/26)**  
Reading
  1. Ch. 2: Consideration
13. **Contracts – Offer & Acceptance (3/2)**  
Readings:
  1. Ch. 1: Intent to Contract: Offer & Acceptance (pp. 1-33)
14. **Contracts – Remedies I (3/4)**  
Readings
  1. Ch. 3: Measuring Expectation Damages (pp. 229-257)
    - a. (including *Hawkins v. McGee*, *Peevyhouse v. Garland Coal*, *Sullivan v. O'Connor*, and *Anglia Television v. Reed*)
15. **Contracts – Remedies II (3/16)**  
Readings:
  1. *Laredo Hides v. H&H Meat Products*
  2. Ch. 3: Cases, Problems, & Materials on Contracts (pp. 319-325)  
(including *Teradyne Inc. v. Teledyne Industries*)
  3. *Ericson v. Playgirl*
16. **IN-CLASS MIDTERM (3/18)**
17. **Criminal Law – Insider Trading (3/23)**  
Readings:
  1. David Haddock, *Insider Trading*
  2. *Chiarella v. United States*
  3. *Dirks v. SEC*
  4. *United States v. Newman*
  5. *Salman v. United States*
18. **Criminal Law – Violent Crime (3/25)**  
Readings:
  1. William Stuntz, *The Pathological Politics of Criminal Law*

2. David Grann, *Trial By Fire*
19. **Criminal Procedure (3/30)**  
Readings:
  1. *Miranda v. Arizona*
  2. William Stuntz, *Miranda's Mistake* (skim)
20. **Privacy in Daily Life (4/1)**  
Readings:
  1. *Washington v. Chrisman*
  2. *Smythe v. Pillsbury Co.*
  3. *McLain v. Boise Cascade Corp.*
  4. *Falvo v. Owasso Indep. School District*
21. **Constitutional Rights – Substantive Due Process (4/6)**  
Readings: (to be distributed)
  1. *Lochner v. New York*
  2. *Griswold v. Connecticut*
22. **Constitutional Rights – the First Amendment (4/8)**  
Readings: (to be distributed)
  1. *Brandenburg v. Ohio*
  2. *Snyder v. Phelps*
  3. *Masterpiece Cakeshop v. Colorado Civil Rights Commission*
23. **Constitutional Law – Separation of Powers (4/13)**  
Readings:
  1. *Schechter Poultry v. United States*
  2. *Gonzales v. Raich*
24. **Administrative Law – The Regulatory State (4/15)**  
Readings:
  1. Rogers, Healy, & Krotoszynski, *Administrative Law*, ch. 1 (pp. 6-15)
  2. Jennifer Nou, *Bureaucratic Resistance from Below*
25. **Administrative Law – The Regulatory Process (4/20)**  
Readings:
  1. *Business Roundtable v. SEC*
  2. Henry Friendly, *Some Kind of Hearing* (skim)
26. **Corporate Law (4/22)**  
Readings:
  1. *Dodge v. Ford Motor Co.*
  2. *In re Disney*
27. **International Law (4/27)**

Readings:

1. Eric Posner, *The Case Against Human Rights*
2. Tod Lindberg, *Hypocrisy Rules*
3. *Kiobel v. Royal Dutch Petroleum*

28. **Review** (4/29)

**FINAL EXAM: Due date TBD during the final exam period**