LGST 101: LAW & SOCIAL VALUES

STUDENT INFORMATION

SPRING 2020

THE WHARTON SCHOOL

UNIVERSITY OF PENNSYLVANIA

Professor Brian Feinstein
Legal Studies & Business Ethics Dept.
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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

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

3. **The Jury** (1/27)
   Readings
   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 13th 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*
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)  

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*  
    5. *Salman v. United States*

    Readings:  
2. David Grann, *Trial By Fire*

19. **Criminal Procedure** (3/30)
   Readings:
   1. *Miranda v. Arizona*

20. **Privacy in Daily Life** (4/1)
    Readings:
    1. *Washington v. Chrisman*

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*

    Readings:
    1. Rogers, Healy, & Krotoszynski, Administrative Law, ch. 1 (pp. 6-15)
    2. Jennifer Nou, *Bureaucratic Resistance from Below*

    Readings:
    1. *Business Roundtable v. SEC*

26. **Corporate Law** (4/22)
    Readings:
    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*


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