

LGST 101: LAW & SOCIAL VALUES
FALL 2020

THE WHARTON SCHOOL
UNIVERSITY OF PENNSYLVANIA

Professor Brian Feinstein (he/him/his)
Legal Studies & Business Ethics Dept.
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101-001 Meeting Times Mon & Wed, 10:30-11:50
101-301 Meeting Times Mon & Wed, 1:30-2:50
101-003 Meeting Times Mon & Wed, 3:00-4:20
Virtual Office Hours <https://upenn.zoom.us/j/5064719918>
Thurs, 1:30-3:30, and by appt. at

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 semester, we will examine the extent to which law meets the moral needs of our society and balances competing values.

Course Format:

Given the atypical nature of online courses, please read this section carefully. There are 28 units in this course. Most units will include: (1) a recorded lecture, which I will post on the course website two days prior to the scheduled class; and (2) a live component, which will be held on Zoom during the class period. The two components together will total 80 minutes. For instance, if one particular recorded lecture is 30 minutes long, we will meet for 50 minutes during the associated class period.

To approximate the classroom experience, please keep your video camera on during class if you are able to do so. Please keep your microphone muted unless you are speaking.

Students are expected to view each recorded lecture prior to the associated class, and to attend and participate in the live class discussions. For international students: If any portion of the class meeting times falls within the hours of 11 p.m. through 6 a.m. local time, you are exempt from the attendance requirement. If you would like to use this exemption, please email me as soon as possible to discuss an alternative for your class participation grade.

The final project and occasional in-class exercises will require group work, for which all group members will receive the same grade. By enrolling in the course, students pledge to contribute to their group's efforts enthusiastically and in an equitable manner.

Materials:

The course readings are available for purchase via Study.net, which is accessible on the course's Canvas page. In addition to the readings listed below, I may occasionally post discussion questions and brief comments on Canvas.

Grading:

Final grades consist of a midterm examination (30%), group project (15%), final examination (35%), and class participation (20%).

Class Attendance & Participation:

This course involves a combination of lecture, discussion, group activities, 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.

I recognize that it is not always possible to attend class or to be prepared to participate. Accordingly, each student has 4 excused absences per semester. You can use an excused absence if you either cannot attend class or can attend but do not wish to be called on. To use an excused absence, simply send me an email with the subject line “excused absence” at least one hour before the class time. It is not necessary to provide any further explanation. Because illnesses, family events, and other exigencies inevitably arise, I recommend that you keep several of these excused absences in reserve until late in the semester.

Class Subjects

1. **Introduction to the Legal System (9/2)**
 Reading:
 1. Vehicles in the Park
 2. Orin Kerr, *How to Read a Legal Opinion*
 3. Richard Mann & Barry Roberts, *Introduction to Law*, ch. 1

2. **Litigation & Arbitration (9/9)**
 Readings:
 1. Mann & Roberts (Smith), ch. 3: Legal Process, pp. 31-38 & 40 (“Civil Dispute Resolution”)
 2. *Jury Exercise* (to be distributed)

3. **The Federal Court System (9/14)**
 Readings
 1. Mann & Roberts (Smith), ch. 3: Legal Process, pp. 25-31 & 39

4. **Property I – Personal and Real (9/16)**
 Readings:
 1. Feinman, *Law 101*, ch. 7: You What You Own
 2. *Popov v. Hayashi*
 3. *Sturges v. Bridgman*

5. **Property II – Adverse Possession (9/21)**
Readings:
 1. *East 13th St. Homesteaders’ Coalition v. Lower East Side Coalition Housing Development*
 2. *Nome 2000 v. Fagerstrom*

6. **Property III – Takings (9/23)**
Readings
 1. *Penn Central v. City of New York*

7. **Property IV – Intellectual Property (9/28)**
Readings:
 1. *M-G-M Studios v. Grokster*

8. **Torts I (9/30)**
Reading:
 1. Mann & Roberts, ch. 8: Negligence & Strict Liability – through *Love v. Hardee’s*

9. **Torts II (10/5)**
Reading:
 1. Mann & Roberts, ch. 8: Negligence & Strict Liability –*Palsgraf v. LIRR* through end

10. **Contracts I – Intro, Consideration (10/7)**
Readings
 1. Mann & Roberts, ch. 9: Introduction to Contracts
 2. Ch. 2: Consideration

11. **Contracts II – Offer & Acceptance; Defenses to Breach (10/12)**
Reading
 1. Ch. 1: Intent to Contract – through *Stepp v. Freeman* (pp. 1-15)
 2. *Williams v. Walker-Thomas Furniture*

12. **Contracts III – Remedies (10/14)**
Readings
 1. Ch. 3: Measuring Expectation Damages (pp. 229-257)
 - a. (including *Hawkins v. McGee*, *Peavyhouse v. Garland Coal*, *Sullivan v. O’Connor*, and *Anglia Television v. Reed*)

13. **Contracts IV – Remedies (cont’d) (10/19)**
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*

14. **MIDTERM (10/21)**
15. **Corporate Law (10/26)**
Readings:
 1. *Dodge v. Ford Motor Co.*
 2. *In re Disney*
16. **Criminal Law I – Insider Trading (10/28)**
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*
17. **Criminal Law II – Violent Crime; Criminal Procedure (11/2)**
Readings:
 1. *Miranda v. Arizona*
18. **Constitutional Law I – Speech (11/4)**
Readings:
 1. *Brandenburg v. Ohio*
 2. *Brown v. Entertainment Merchants Ass’n*
19. **Constitutional Law II – Equal Protection (11/9)**
Readings:
 1. *Lochner v. New York*
 2. *Griswold v. Connecticut*
20. **Constitutional Law III –Commerce (11/11)**
Readings:
 1. *Heart of Atlanta Motel v. United States*
 2. *Philadelphia v. New Jersey*
21. **Constitutional Law IV – Separation of Powers (11/16)**
Readings:
 1. *Schechter Poultry v. United States*
 2. *Gonzales v. Raich*
22. **Administrative Law I – The Regulatory State (11/18)**
Readings:
 1. Rogers, Healy, & Krotoszynski, *Administrative Law*, ch. 1 (pp. 6-15) -- including *NBC v. U.S.*, *FDA v. Brown & Williamson Tobacco* – skip U.S. v. Southwestern Cable

23. **Administrative Law II – Regulatory Process (11/23)**
Readings:
 1. *Business Roundtable v. SEC*
 2. SKIM *Chevron v. Natural Resources Defense Council* – will not be tested or cold-called
24. **International Law (11/30)**
Readings:
 1. *Kiobel v. Royal Dutch Petroleum*
25. **Foreign Relations Law (12/2)**
Readings: None – prepare for group presentations
26. **Group Presentations (12/7)**
27. **Group Presentations (12/9)**
28. **Review (12/10)**

FINAL EXAM: Due at the end of the scheduled exam period for your section.