

Introduction to Law and Social Values
LGST 101
1:30pm-2:50pm (EST) (Zoom)
3pm-4:20pm (EST) (Zoom)
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Course Description

This course is an introduction to law and legal process with a particular focus on criminal law, constitutional law, tort law, and contract law.

Course Materials

Cases and materials will be posted on Canvas.

Course Requirements

Exams and assignments will require references to and analysis of assigned cases, statutes, and other materials, whether or not discussed during class. All assigned cases should be briefed in preparation for class. Students will be expected to add value to class discussions by volunteering answers or responding to cold calls. Please keep “video on” with a muted microphone throughout the class, unless responding to a question. Separate arrangements will be made for students who cannot participate synchronously.

Final Examination

There will be a final examination (open book-cumulative) during the regularly scheduled examination period at the end of the semester. The final examination will consist of short and long essay questions. You will have 24 hours to complete the exam and submit it on Canvas.

Free Expression

At times, course material may consider socially and political sensitive questions, including direct challenges to formal and informal authorities. This subject matter, routinely discussed in classrooms at Penn, may be objectionable and even actionable in jurisdictions outside the United States. Please contact me directly with any concerns about course material.

Final Exam Make-up Policy

All requests for make-up exams should be submitted to a Teaching Assistant through email at least 14 days before the exam date. Students must explain their situation and extraordinary circumstances that would justify the administration of a non-scheduled examination.

Office Hours

Please contact the teaching assistants with questions about the class and, in particular, the grading of class assignments and examinations (Jennifer Richards; Tel: (917) 873-1426; Email: rjenny@sas.upenn.edu; Frank Hong; Tel: (215) 578-0528; Email: frankhon@wharton.upenn.edu).

If questions and/or concerns still remain, please contact me via email (lauferw@wharton.upenn.edu) or text/call by phone, Tel: (917)257-0168.

Grading

Class Participation (20%)

This class is designed to be interactive. You will not only learn about different substantive areas of law but also learn how to think critically about law in class discussions. Like a typical law school setting, this class will use cold-calling to promote class discussion. Participation in class discussion, which includes class interactive polls, and performance on weekly discussion posts will determine this portion of your grade. You may make contributions to the discussion group on Canvas in order to get credit for class participation. One discussion post per week is reasonable. Discussion comments must (1) be a maximum of 150 words, (2) be relevant to the discussion thread (if created in response to another comment), and (3) refer to the material covered in the week's lecture or readings. Deadline: 11:59pm EST Sunday following the Thursday class.

Oral Argument (15%)

Early this semester each member of the class will be assigned to a United States Supreme Court or other appellate court case. There will be six oral arguments this semester (petitioner and respondent arguments are each thirty minutes long with five students making the argument in each group). There will be a rotation of nine students in each class who will serve as justices, asking probing questions.

Graded In-Class Group Exercises (10%)

Throughout the semester you will be asked to respond to specific prompts during class in randomly assigned groups. Your group will work together through breakout sessions to complete the specific prompts and submit by the end of the class session. Responses will be graded for quality and completion. For those not taking the class synchronously, please contact one of the teaching assistants for other arrangements.

Mid-Term Paper (25%)

The mid-term paper (limited to 10 pages, double-spaced) must be posted to Canvas by 5pm on October 20, 2020. The subject matter of this paper should address cases and materials discussed in class. Please submit paper topics to the teaching assistants for approval.

Final Exam (30%)

There will be a final examination available on Canvas for a time period of 24 hours. This exam will be open-book, include short and long answer essay questions, and will cover all of the material assigned and discussed in class.

Final grades will be scaled to represent a reasonable curve

The instructor reserves the right to hold unannounced class exercises for exam and course grade increases that do not change the overall final grade curve

Class Schedule

Introduction: What role should law play?

Three Examples of “Justice”: What role should law play in ensuring that justice is done?

Corporate Justice (prosecuting corporations for criminal wrongdoing?)

COVID-19 Justice (liability for failed responses to a pandemic?)

Racial Justice (choosing “unequal justice” or “equal injustice”?)

Background Reading: L. L. Fuller, *Law as an Instrument of Social Control and Law as a Facilitation of Human Interaction* (found in Canvas)

Introduction to Criminal Law

Minnesota v. Chauvin (complaint); *Keeler v. Superior Court*; *Elonis v. United States*

Background Reading: L. J. Nelson, *A Crisis for Women's Rights: Surveying Feticide Statutes for Feticide Statutes for Content, Coverage, and Constitutionality*

In-class Group Exercise: Do you support the enactment of state feticide laws?

Introduction to Constitutional Law

Tennessee v. Garner; *Kennedy v. Louisiana*

Background Reading: L. Tribe, *On Reading the Constitution*

In-class Group Exercise: Addressing Roberts and Scalia’s Paradox?

Introduction to Tort Law

Cohen v. Petty; *Lubitz v. Wells*; *Flaming Marshmallow*

Background Reading: S.D. Sugarman, *Doing Away with Tort Law*

In-class Group Exercise: COVID-19 tort reform?

Introduction to Contract Law

Trump v. Maher; *Vokes v. Arthur Murray, Inc.*; *Hopper v. All Pet Animal Clinic*

Background Reading: G. R. Shell, *When is it Legal to Lie in Negotiations?*

In-class Group Exercise: Zimpel: The ethics and law of pre-contractual negotiations.

Introduction to Law and the Legal System

Criminal Law Cases I

Overview; Principles of Punishment; Criminal Statutes

Criminal Law Cases II

Actus Reus; Mens Rea

Oral Argument: *Elonis v. United States* (2015)

Criminal Law Cases III

Causation; Criminal Homicide

Criminal Defenses

Oral Argument: *Heien v. North Carolina* (2014)

Criminal Statutes

Criminal Law Cases IV

Corporate Criminal Liability

Criminal Law Cases V

Corporate Sanctions

The end of corporate criminal liability?

Constitutional Law Cases I

Overview

Oral Argument: *Michigan v. Sitz* (1990)

Constitutional Law Cases II

Fourth Amendment Protections

Constitutional Law Cases III

Eighth Amendment Protections

Oral Argument: *McCleskey v. Kemp* (1987)

Tort Law Cases I

Negligence and Strict Liability

Oral Argument: *Tarasoff v. Regents of California* (1976)¹

Tort Law Cases II

Intentional Torts

Tort Law Cases III

Products Liability

Oral Argument: *Kisela v. Hughes* (2018)

Contract Law Cases I

Contract Law Cases II

Course Review

The life of William Kunstler: Disturbing the Universe

Take Home FINAL EXAMINATION (cumulative)

¹ Our only state appellate argument (from the opinion of the Supreme Court of California)