



DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS
LGST 101: LAW AND SOCIAL VALUES
Spring 2021

LGST 101-301

T/TH 10:30AM – 12:00PM

Professor Gwendolyn Gordon

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Office Hours: By appointment. Email Will Heaston (wheaston@wharton.upenn.edu) to arrange a time.

COURSE DESCRIPTION

This course is an introduction to law and legal process with a particular focus on contract law, jurisprudence, and the impact of law on society. It will help you to understand how legal systems work, how lawyers and judges think, how social values impact the way the law is interpreted, and how legal rules evolve to cover new situations. The first part of the course surveys the ways judges think about the law, using a variety of topics across the landscape of the law. The second part of the course focuses in depth upon contract law so that you can understand how legal doctrine develops in an area critical to business.

TEXT AND READINGS

Readings will be posted and distributed on Canvas.

COURSE REQUIREMENTS

- **Paper:** You will write a draft midterm paper and refine it over the semester for submission as your final assignment.
- **Presentation:** You will present your midterm paper before the class, where your classmates will help you to workshop it.
- **Readings:** final paper and midterm presentation will require reference to and analysis of assigned cases, statutes, and other assigned materials whether or not discussed during class.

GRADING

Final grades, consisting of class attendance (10%), the mid-term presentation of your draft (40%), and the final version of your paper (50%), will be adjusted to conform to an acceptable distribution.

CLASS MEETING EXPECTATIONS

- **Class prep:**

- Students should complete the assigned readings prior to the class for which they are assigned and should have them on hand for class.
- I will post short pre-recorded segments for some sessions, which you should also view before the relevant class.
- **Meeting norms:**
 - Please do your best to keep video on, as it helps with coordinating discussions.
 - Where I pre-record a lecture segment, class time will be shortened by a corresponding amount of time.
 - There will be a five-minute break at the 40-minute mark.
 - Try to avoid interrupting orally: instead, send your questions using the chat function.
- **Absences:**
 - Students may have one free absence without a grade penalty; you may use this for any reason or no reason at all.
 - You should contact Will Heaston (wheaston@wharton.upenn.edu), my TA, to request that further absences be excused.
 - Greater than three absences will impact your grade.
 - Always report your illnesses or absences to the Undergrad Program Office, which will help in case there are any contact tracing issues.
- **Office hours:** Email Will (wheaston@wharton.upenn.edu) to make an office hours appointment with either of us. My office hours will always be via Zoom.

COURSE OUTLINE

- Class 01 – 01/21/21 – Course Introduction [*readings entirely optional*]
 - Note: Reading Cases in Legal Studies 101
 - Business Law Chapter One: Introduction to Law
 - Orin Kerr. “[How to Read a Legal Opinion: A Guide for New Law Students](#)”
 - Robert Cover. [Nomos and Narrative](#)
 - Emerson Tiller and Frank B. Cross. “[What is Legal Doctrine?](#)”
- Class 02 – 01/26/21 – Introduction to the Legal System
 - Law 101: Your Day in Court
 - Sue First, Ask Questions Later: Litigation
 - The Legal Environment of Business: The Court System
- Class 03 – 01/28/21 – Jurisprudence and Legal Reasoning
 - Note: An Introductory Note on Jurisprudence
 - The Case of the Speluncean Explorers
 - John Darley, Paul H. Robinson, and Kevin M. Carlsmith. “[The Ex Ante Function of Criminal Law](#)”
- Class 04 – 02/02/21 – Property and ownership
 - Law 101 Chapter Seven: You Are What You Own
 - Friedman. A History of American Law pp167-178
 - Nicola Gennaioli and Andrei Shleifer. “[The Evolution of Common Law](#)”
- Class 05 – 02/04/21 – Disputing ownership interests
 - Keron v Cashman
 - Popov v Hayashi
 - Swift v Gifford
 - Neal Milner. “[Ownership Rights and the Rites of Ownership](#)”

- Class 06 – 02/09/21 – Property Law: Personal Property; Real Property
 - Victoria N. Georgevich. “Tapping into Trespass: Fracking, The Rule of Capture, And Landowner Protection”
 - Borton v Forest Hills Country Club
 - Nome v Fagerstrom
 - Sturges v Bridgman
- Class 07 – 02/11/21 – Property Law: Intellectual Property
 - Note: Four Kinds of Intellectual Property in the U.S.
 - E.I. DuPont deNemours v Christopher
 - MGM v Grokster
 - Make the Rules or Your Rivals Will Chapter One: The Strategist’s Dream
 - Kedron Thomas. “Intellectual Property Law and the Ethics of Imitation”
- Class 08 – 02/16/21 – Constitutional Law
 - Note: Privacy and the Fourth Amendment
 - Bond v United States
 - Dow Chemical v United States
 - Kyllo v United States
 - The Legal Environment of Business Chapter Four: Constitutional Law
 - Constitutional Law for a Changing America Chapter 11: The Takings Clause
 - Search and Seizure (Introduction to Law and the Legal Process pp 292-294)
 - When Can the Police Conduct a Search and Seizure? (Law 101 pp 305-310)
- Class 09 and 10 – 02/18/21 and 02/23/21– Privacy and Law in Everyday Life
 - Chrisman
 - Smythe v Pillsbury
 - McLain
 - Falvo
 - Robert Kagan et al. “Explaining Corporate Environmental Performance: How Does Regulation Matter?” [*To be discussed in Class 11*]
- Class 11 – 02/25/21 – Regulation and Societal Interests
 - Amanda Shanor. “The New Lochner” [76 pages]
- Class 12 – 03/02/21 – **Mid-term presentations**
- Class 13 – 03/04/21 – **Mid-term presentations**
- Class 14 – 03/09/21 – **Mid-term presentations**
- Class 15 – 03/16/21 – **Mid-term presentations**
- Class 16 – 03/18/21 – **[Guest lecture]**
- Class 17 – 03/23/21 – Theorizing the Corporation
 - Elizabeth Pollman. “Constitutionalizing Corporate Law”
 - Carol Greenhouse. “Citizens United, Citizens Divided”
- Class 18 – 03/25/21 – Corporate Guilty Minds?
 - State v Knutson
 - Elizabeth Pollman. “Corporate Oversight and Disobedience”
 - Robert Nelson and Laura Beth Nielsen. “Cops, Counsel, and Entrepreneurs: Constructing the Role of Inside Counsel in Large Corporations”
- Class 19 – 04/01/21 – Tort law: intentional torts; negligence; strict liability
 - Note: Torts
 - The Legal Environment of Business Chapter 8: Negligence and Strict Liability

- Michael McCann, William Halton, and Anne Bloom. “Java Jive: Genealogy of a Juridical Icon” [Read to page 143]
- Cohen v Petty
- Lubitz v Wells
- Spano v Perini Corp
- Class 20 – 04/06/21 – Torts: products liability
 - Michael McCann, William Halton, and Anne Bloom. “Java Jive: Genealogy of a Juridical Icon” [Page 143-onward]
 - Escola v Coca Cola
 - Potter v Chicago Pneumatic Tool
- Class 21 – 04/08/21 – Arguing Over Agreements
 - The Legal Environment of Business Chapter 9: Introduction to Contracts
 - Contracts in Writing
 - Stuart Macaulay. “Non-Contractual Relations in Business”
 - Rachel Kahn Best, et al. “Multiple Disadvantages: An Empirical Test of Intersectionality Theory in EEO Litigation.”
- Class 22 – 04/13/21 – Consideration, Offer
 - Cases, Problems, and Materials on Contracts Chapter Two: Consideration
 - Steinberg v Chicago Medical School
 - Cases, Problems, and Materials on Contracts Chapter One: Intent to Contract: Offer and Acceptance
- Class 23 – 04/15/21 – Acceptance
 - Cases, Problems, and Materials on Contracts Chapter Two, Part II: Acceptance
 - Cases, Problems, and Materials on Contracts Chapter One, Part IV: Termination of the Power of Acceptance
 - Lyon v Adgraphics
- Class 24 – 04/20/21 – Promissory Liability
 - Note: Promissory Liability Outside the Bargain Model
 - Allegheny College
 - Gorham v Benson Optical
 - Hoffman v Red Owl Stores
 - Drennan v Star Paving
 - John Esser. “Institutionalizing Industry: The Changing Forms of Contract”
- Class 25 – 04/22/21 – Remedies: Specific Performance, Expectation Damages
 - Contracts in a Nutshell Chapter Nine: Remedies
 - McAllister v Patton
 - Remedies (Cases, Problems, and Materials on Contracts Chapter Three, pp 227-257)
- Class 26 – 04/27/21 – Remedies: Reliance and Restitution
 - Laredo Hides v H.&H. Meat Products
 - Damages Under the Uniform Commercial Code (Cases, Problems, and Materials on Contracts Chapter Three, pp 317-318)
 - Seller’s Damages (Cases, Problems, and Materials on Contracts Chapter Three, pp 318-325)
 - Kimberlé Williams Crenshaw. “Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law.”
- Class 27 – 04/29/21 – Law and Societal Change

- Marc Galanter. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change" *[read only through page 124]*
- Patricia Ewick and Susan Silbey. "Common Knowledge and the Ideological Critique: The Significance of Knowing That the Haves Come Out Ahead"
- Constantine Nakassis. "Brands and Their Surfeits"