

Professor Brian Feinstein (he/him)
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101-004 Meeting Times Tu & Th, 1:45 – 3:15 p.m.
Office Hours <https://upenn.zoom.us/j/5064719918> Wed., 12:00-2:00 p.m.

Course Description:

This course introduces students to U.S. law and the legal process, with a particular emphasis on 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:

1. Overview. This course involves a combination of lecture, discussion, and Socratic questioning. Students are expected to read the assigned materials prior to class and be prepared to discuss them.
2. Online Sessions. Pursuant to university policies, some sessions will be held virtually. These sessions 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 part of 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. Live sessions are accessible via <https://upenn.zoom.us/j/93858041911>.

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 do not need to participate in the live sessions; please email me as soon as possible to discuss an alternative for your class participation grade.

Materials:

The course readings via the Study.net and Course Materials @ Penn Libraries tabs 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%).

Final Exam

The final exam will be untimed and open-book, distributed electronically shortly after the last class and due, also electronically, during the course's scheduled exam period. There is no need to be physically present on campus for the final exam.

Class Participation:

Students are expected to add value to class discussions, for instance, by answering questions regarding the readings, posing your own questions, and responding to and interacting with your fellow students. The class participation grade is based on quality of participation over quantity.

Attendance:

Attendance is not required. Students should err on the side of caution and not attend class if they feel ill or have been in close contact with someone with COVID. There is no need to inform me of your absence. I trust that you are missing class for a good reason.

Although there is no attendance requirement, chronic absences naturally will make it more challenging to satisfy the class participation component of the course. If you have missed 5 class sessions, please email me following the 5th missed session. We will discuss the likelihood of any future absences and, if needed, devise an alternative arrangement for your class participation grade.

Group Work:

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

COVID Protocols:

Students must wear an appropriate mask covering their nose and mouth at all times in the classroom and when meeting with fellow students to plan the group projects. Students also must abide by all other university public-health policies.

Class Subjects

1. **Introduction to the Legal System (1/13)**
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 (1/18)**
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 (1/20)**
Readings
 1. Mann & Roberts (Smith), ch. 3: Legal Process, pp. 25-31 & 39

4. **Property I – Personal and Real (1/25)**
Readings:
 1. Feinman, *Law 101*, ch. 7: You What You Own
 2. *Popov v. Hayashi*
 3. *Sturges v. Bridgman*

5. **Property II – Adverse Possession (1/27)**
Readings:
 1. *East 13th St. Homesteaders’ Coalition v. Lower East Side Coalition Housing Development*
 2. *Nome 2000 v. Fagerstrom*

6. **Property III – Takings (2/1)**
Readings
 1. *Penn Central v. City of New York*

7. **Property IV – Intellectual Property (2/3)**
Readings:
 1. *Google v. Oracle*
 2. *Samsung v. Apple*

8. **Torts I (2/8)**
Reading:
 1. Mann & Roberts, ch. 8: Negligence & Strict Liability – through *Love v. Hardee’s*

9. **Torts II (2/10)**
Reading:

1. Mann & Roberts, ch. 8: Negligence & Strict Liability –*Palsgraf v. LIRR* through end
10. **Contracts I – Intro, Consideration (2/15)**
Readings
 1. Mann & Roberts, ch. 9: Introduction to Contracts
 2. Ch. 2: Consideration
11. **Contracts II – Offer & Acceptance; Defenses to Breach (2/17)**
Reading
 1. Ch. 1: Intent to Contract – through *Stepp v. Freeman* (pp. 1-15)
 2. *Williams v. Walker-Thomas Furniture*
12. **Contracts III – Remedies (2/22)**
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*)
13. **Contracts IV – Remedies (cont’d) (2/24)**
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. **Corporate Law (3/1)**
Readings:
 1. *Dodge v. Ford Motor Co.*
 2. *In re Disney*
15. **MIDTERM (3/3)**

(spring break)
16. **Criminal Law I – Insider Trading (3/15)**
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 (3/17)**
Readings:
 1. *Miranda v. Arizona*

18. **Constitutional Law I – Speech (3/22)**
Readings:
 1. *Brandenburg v. Ohio*
 2. *Brown v. Entertainment Merchants Ass’n*

19. **Constitutional Law II – Equal Protection (3/24)**
Readings:
 1. *Lochner v. New York*
 2. *Griswold v. Connecticut*

20. **Constitutional Law III –Commerce (3/29)**
Readings:
 1. *Heart of Atlanta Motel v. United States*
 2. *Philadelphia v. New Jersey*

21. **Constitutional Law IV – Separation of Powers (3/31)**
Readings:
 1. *Schechter Poultry v. United States*
 2. *Gonzales v. Raich*

22. **Administrative Law I – The Regulatory State (4/5)**
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 (4/7)**
Readings:
 1. *Business Roundtable v. SEC*
 2. *Chevron v. Natural Resources Defense Council*

24. **International Law (4/12)**
Readings:
 1. *Kiobel v. Royal Dutch Petroleum*

25. **Foreign Relations Law (4/14)**
Readings: None – prepare for group presentations

26. **Group Presentations (4/19)**

27. **Group Presentations (4/21)**

28. **Review (4/26)**

FINAL EXAM: Due at the end of the scheduled exam period for LGST101-004.