

LGST 1010: LAW & SOCIAL VALUES
THE WHARTON SCHOOL
FALL 2023 UNIVERSITY OF PENNSYLVANIA

TENTATIVE COURSE SYLLABUS

PROFESSOR JOSE ANDERSON
DEPARTMENT OF LEGAL STUDIES AND BUSINESS ETHICS

COURSE DETAILS

Professor: José F. Anderson

Time: Monday 3:30 pm-6:30 pm

Course Category: Lecture

Office Hours: Monday 1:30 pm-3:30 pm (Huntsman Hall room 653)

University of Pennsylvania Wharton School

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University of Baltimore School of Law

Room Angelos Law Center LC 1107

1401 North Charles Street

Baltimore, Maryland 21201

Text Required:

Genius for Justice: Charles Hamilton Houston and the Reform of American Law (ISBN 978-1-59460-985-5 Durham: Carolina Academic Press 2022)

Other cases and materials on Canvas or provided in class

Course Description and Objectives

This course is a critical introduction to the institutions and key concepts of American law. It is widely understood that legal rules govern the conduct of large classes of people and provide incentives for how they should act in the future—shaping institutions and influencing issues from economic prosperity to family relationships, loss of liberty to racial justice. Law allocates power and distributes resources. This course is designed to integrate the various fields of law in a fashion that emphasizes common themes and problems. The course focuses on both private law, including law of property, contract, and torts. It also explores public law including U.S. constitutional law, procedure and civil rights. This approach aims to help students become comfortable approaching an array of legal problems and legal developments. Our readings, and my ambition, are oriented around a key objective: *to develop in you the capacity for inquiry, critique, and problem solving associated with the American legal tradition.*

My Course & You

You are important to me. Not only as a student, but as a person. I want to get to know each of you and your interests and passions. Please always reach out to me if you have questions, concerns, or if there's anything we can do to support you. I want this course to bring ideas, excitement, and joy to your life journey and goals.

Professor Anderson's Background:

José Felipe Anderson graduated from the University of Maryland Baltimore County (UMBC) where he was Editor-in-Chief of the campus newspaper. A four-year Varsity athlete, he was inducted into the University's Athletic Hall of Fame for his accomplishments in track and field and team captain. He attended the University of Maryland's Francis King Carey Law School where he served as Editor-in Chief of the Maryland Law Forum. For nearly ten years he was a member of the Maryland Public Defender's Office rising to Supervising Attorney in the Appellate Division (the First African American to hold that position). He was later designated Special Assistant Public Defender and "in house" counsel to the over 500+ employee state agency.

Throughout his career he has been involved in the trial and appeal of many high-profile cases, among them several death penalty cases in Maryland's highest court, the United States Circuit Court Appeals for the Fourth Circuit and the Supreme Court of the United States. He was the Founding Director of the Center for Litigation Skills at the University of Baltimore School of law from 2000-2008. He currently holds the Dean Joseph Curtis Endowed Professorship at the UBalt Law School and serves on the Affiliated Faculty at UPenn, Wharton as an Adjunct Professor of Legal Studies and Business Ethics where he has served for over 20 years. He received the University System of Maryland's Regent's award for Teaching/Mentoring in 2006

and the Maryland Bar Foundation award for Advancement of Unpopular Causes in 2001. He also served on the Board of Directors of the Filipino American Society of Maryland and the Baltimore Museum of Industry. He is an elected member of the prestigious American Law Institute.

Materials

My aim is to make the course as accessible and affordable as possible. There is one course book, other assigned cases, readings, videos, which can be found on the course's Canvas web site or via a straightforward web search. Please let me know if you ever have problems accessing course materials. Tentative assignments are listed at the schedule at the end of the syllabus. I may change or add to the readings /videos over the course of the semester, especially if there are significant or interesting legal developments. If so, I will let you know in class and post the updated assignment on Canvas. We may also have occasional visiting lecturers from the legal and business worlds.

Course structure, approach and prospective

The class will meet in person once a week. Law is a discursive, collaborative endeavor – and a goal of the course is to teach the communicative skills of law. It's therefore important that you come to class and participate! A major part of the course perspective will be analyzing the legal system through the eyes and work of legendary attorney Charles Hamilton Houston.

The Harvard trained African-American lawyer is widely known was known as the man who killed Jim Crow and the architect of the legendary *Brown v. Board of Education* case. Credited with being the mentor of some of the great lawyers of the 20th century including the late Supreme Court Justice Thurgood Marshall, his brief but extraordinary legal career set the tone for people who pursued and obtained legal rights through the trial court and appellate legal system.

That process has been characterized as "Houstonian Jurisprudence" by some legal scholars. *See*, Steven H. Hobbs, *From the Shoulders of Houston: A Vision for Social and Economic Justice*

Commemorative to Charles Hamilton Houston: Commemorative Articles, 32 *Howard L.J.* 505 (1989). Available at: https://scholarship.law.ua.edu/fac_articles/156, N. Jones, *The Sisyphean Impact on Houstonian Jurisprudence* 69 *U. Cin. L. Rev.* 435 (2000-2001), Smith, J. Clay Jr., "Principles Supplementing the Houstonian School of Jurisprudence: Occasional Paper No. 1 (1984). *Selected Speeches*. Paper 74.

His legal prowess expanded to many areas of the law including torts, contracts, criminal procedure, and the first amendment. His life work demonstrates both the values and the potential of the law as a tool for social change. Houston's brilliant understanding of the law was recognized by the longest serving Supreme Court justice in American history, who described him as one of the best lawyers to ever present a case before the nation's highest court. *See*, William O. Douglas, *The Court Years, 1939 -1975* 185, Random House: New York 1980). Through the

lens of Houston's transformational legal work, we will learn how the law has worked in the past and will continue to work in the future. It will help us examine both the potential and the shortcomings of using the courts and the law to change the circumstances of our society.

Grading and Assignments

The most important thing you can and should do for this class is to do the readings and think critically about what you read. It's key that you complete the assigned readings before class on the day shown!

Your final grade in this course will be based on the following:

- Quizzes/ Case brief (20%)
- Participation (10%)
- Group presentation project (30%)
- Final exam (40%)

COURSE ASSIGNMENTS:

Class 1

Introduction to the U.S. Legal System

Genius for Justice, Foreword

Orin Kerr, How to Read a Legal Opinion

<https://www.law.berkeley.edu/wp-content/uploads/2015/07/How-to-Read-A-Legal-Opinion.pdf>

New York Central v. Chisholm, 268 U.S. 29 (1925).

Pelman v. McDonald's Corp., 237 F. Supp. 2d 512 (S.D.N.Y. 2003)

Class 2

Building Blocks of Legal Analysis

Genius for Justice, Chapter 1

Bountiful Brick Co. v. Giles, 276 U.S. 154 (1928).

Weller v. Wolf et. al, 50 F.2d 1014 (D.C. 1931).

Janoff v. Newsom, 53 F.2d 149 (D.C. 1931).

Class 3

Debt and Debtors and the Courts

LVNV FUNDING LLC v. Larry FINCH, et al. 463 Md. 586 (2019).

Genius for Justice, Chapter 3

Negligence & Strict Liability and foreseeability

Love v. Hardee's Food Systems, Inc. 16 S.W.3d 739 (2000).

Palsgraf v. LIRR 162 N.Y. 99 (N.Y. 1928).

Class 4

Power to compel – “Law is Coercion”

BALTIMORE DEPT. OF SOCIAL SERVS. v. BOUKNIGHT 493 U.S. 549 (1990).

Class 5

Participation in Justice

Nixon v. Condon 286 U.S. 73 (1932).

Hollins v. Oklahoma, 295 U.S. 394 (1935).

Hale v. Kentucky, 303 U.S. 613 (1938).

Class 6

Measuring Expectation Damages / Remedies

Hadley v. Baxendale (English Exchequer Court 1854).

Hawkins v. McGee, 146 A. 641 (N. H. 1929).

Hamer v. Sidway 27 N.E. 256 (N.Y. 1891).

Carlill v. Carbolic Smoke Ball Co. (Queen's Bench 1893).

Class 7

Losing life or liberty

Powell v. Alabama 287 U.S. 45 (1932) “The Scottsboro Boys cases” - The First Central Park 5.

Fisher v. United States 321 U.S. 649 (1944).

Genius for Justice, Chapter 5

Class 8

Trial by Jury and how did we get it?

Anderson, *The Burden and Benefits of the American Jury*

Maryland Bar Journal, March/April, 2001

Class 9

How much power should a jury have?

Booth v. Maryland, 482 U.S. 496 (1987).

Payne v. Tennessee, 501 U.S. 808 (1991).

BMW of North America, Inc. v. Gore 517 U.S. 559 (1996).

Philip Morris U.S.A. v. Williams 549 U.S. 346 (2007).

Exxon Shipping Co. v. Baker, 554 U.S. 471, 504 (2008).

Class 10

Justice at the workplace

Rolax et al. v. Atlantic Coast Line R. Co, 91 F. Supp. 585 (E. D. Va. 1950).

Rolax et al. v. Atlantic Coast Line R. Co, et al., 186 F. 2d 473 (4th Cir. 1951).

Steele v. Louisville & N. R. Co. et al., 323 U.S. 192 (1944).

Genius for Justice, Chapter 6

Class 11

Rights attached to property

Shelley v. Kraemer 334 U.S. 1 (1948).

Genius for Justice, Chapter 7

Class 12

Power to Regulate and with Punishment

Marcus Garvey v. U.S. 4 F. 2d 974 (2nd Cir. 1925).

United States v. Park 421 U.S. 658 (1975).

Class 13

Freedom of Speech

Lawson v. United States, 176 F.2d 49 (D.C. Cir. 1949).

Genius for Justice, Chapter 8

<https://vimeo.com/69927575> Ades

Class 14

Presentation day and wrap up