

Introduction to Law and Social Values
LGST 1010
1:45pm-3:15pm (EST)
3:30 pm-5pm (EST)
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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 or distributed in class.

Course Requirements

Exams and assignments will require references to and analysis of assigned cases, statutes, and other materials discussed in 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. To keep a focus on the class discussion, please turn off all technology including computers and cell phones. This is not easy to do, but the temptation to divert our attention elsewhere is simply too great.

Examinations

An in-class essay mid-term examination will be scheduled at the mid-point of the semester, followed by an in-class essay final examination (cumulative) at the University's prescribed date, time, and location (see Canvas for final examination details, when available).

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

Grading

Class Participation (10%)

This class is designed to be interactive. You will not only learn about different substantive areas of law but also how to think critically about law. Like a typical law school class, cold calling will be used to promote class discussion. Participation in class discussion will determine this portion of your grade along with performance in the oral arguments.

Early this semester each member of the class will be assigned to a United States Supreme Court case for oral argument. 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).

Graded In-Class Group Exercises and Discussion Posts (10%)

During the semester you will be asked to respond to short essay questions in your assigned groups. Each group will work together in breakout sessions to complete the assignment and submit work product by the end of the class session. This portion of the final grade will consist of these assignments, along with weekly discussion posts. These posts should (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's class.

Mid-Term Exam (30%) Final Exam (50%)

Both exams will be closed book, closed technology, and closed notes in-class essay exercises.

Final course grades may be scaled to represent a reasonable curve

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

Use of Generative AI

Outside of class, you may use generative AI programs (e.g., tools like ChatGPT) to help generate ideas and brainstorm for discussion posts and other class assignments. However, you should note that the material generated by these programs may be inaccurate, incomplete, or otherwise problematic. Beware that use may also stifle your own independent thinking and creativity. You may not submit any work generated by an AI program as your own. If you include material generated by an AI program, it should be cited like any other reference material (with due consideration for the quality of the reference, which may be poor). Any plagiarism or other form of cheating will be dealt with as a conduct code violation under relevant Penn policies.

Class Schedule

Course Introduction: What role should law play to ensure that justice is done?

Corporate Justice (business ethics and prosecuting corporations for criminal wrongdoing?)

Background Readings:

- (1) M. S. Schwartz and D. Saiia, Should Firms Go “Beyond Profits”? Milton Friedman Versus Broad CSR, *Business and Society Review* (2012)
- (2) M. Diamantis and W.S. Laufer, Prosecution and Punishment of Corporate Criminality, *Annual Review of Law and Social Science* (2019)

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

Background Reading:

- (1) W.S. Laufer and N. Hsieh, Choosing Equal Injustice, *American Journal of Criminal Law* (2003)

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Introduction to Criminal Law

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

Background Material (optional):

- (1) <https://www.courtstv.com/title/1-mn-v-chauvin-prosecution-opening-statement/>

Introduction to Constitutional Law

Tennessee v. Garner; Kennedy v. Louisiana

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

Introduction to Tort Law

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

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

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?

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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

Criminal Law Cases III

Causation; Criminal Homicide

Criminal Defenses

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

Constitutional Law Cases II

Fourth Amendment Protections

Constitutional Law Cases III

Eighth Amendment Protections

Tort Law Cases I

Negligence and Strict Liability

Tort Law Cases II

Intentional Torts

Tort Law Cases III

Products Liability

Contract Law Cases I

Contract Law Cases II

Course Review

The life of William Kunstler: Disturbing the Universe

FINAL EXAMINATION (cumulative)