**GVPT 331**

**Introduction to Courts, Law and Justice**

Spring 2022

Professor Michael Spivey

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Section 106

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This is an introductory course to the study of law. Over the course of the semester, we will discuss civil procedure, contract law, property law, torts, criminal law, criminal procedure and conclude with a brief discussion of constitutional law. We will obviously not have time to cover any of these subjects in depth. We could spend a semester on each and every one of the subjects listed above (and if you attend law school, you will!) The goal of this course is to give you an overview of substantive law but more importantly, I hope to demonstrate how lawyers and judges think and argue and train you in the use of the “legal method.” To do this, I will use a “kinder, gentler” version of the Socratic method. For most of the semester, we will read court cases. You will be expected to be intimately familiar with each case—its facts, legal rules and principles, the court’s reasoning and its holding. But this is merely the starting point. With this understanding, you will be asked to apply legal principles and concepts to new, unique factual situations. In short, at the conclusion of this course, you should be able to “think like a lawyer.”

**General Policies**

* Every effort will be made to accommodate students who are registered with the Disability Support Services (DSS) Office and who provide a University of Maryland DSS Accommodation form. This form must be presented no later than February 15th. I am not able to accommodate students who are not registered with DSS or who do not provide me with documentation that has not been reviewed by DSS.
* If you are going to miss class on an exam day and would like your absence to be excused, you are required to email your UTA regarding your absence in advance of the class and bring documentation to support your excused absence on the day you return. The new absence policy (one sick absence without a health center note) does not apply to days where we have scheduled short exams or the final.
* By February 7th, students must provide in writing a request for a make-up exam if I have indicated a date on this syllabus that you are unable to make due to a specific religious observance (specify) on a specific date. This notice should be provided to your UTA. Please refer to the Undergraduate Catalog Policy on Religious Observance.
* All students are expected to observe and honor the provisions of the University’s Code of Academic Integrity. Academic dishonesty, including cheating, fabrication, facilitating academic dishonesty, and plagiarism will not be tolerated. Any abridgement of academic integrity standards will be referred directly to the campus judiciary. Confirmation of such incidents will result in the earning of an “XF” grade for the course, and may result in more severe consequences such as expulsion. The Code of Academic Integrity is available on the web at: <http://www.inform.umd.edu/campusinfo/department/jpo.code_acinteg.html>.
* Please come to class on time and try to avoid leaving before the class ends.
* All cell phones and computers must be turned off and out of sight at all times. You may tape record the class if you wish, but please inform me if you intend to do so and place your recording device on the table at the front of the classroom.

**Course Requirements**

1. **Short Exams:**  There will be two short exams over the course of the semester. Each will count 25% of your final grade.
2. **Final Exam:** There will be an in-class final exam. The exam will consist of two parts. The first part will be a “short exam” and will cover material from the final section of the course (i.e. material covered after the second short exam). The second part of the exam will be “cumulative” and will require you to synthesize material from the entire course.
3. **Short Assignments**: There will be occasional one-page papers, surveys, polls, and quizzes. These count towards 10% of your final grade. Simply complete them timely for credit. With respect to the quizzes, these will be scored on a scale of 1-5 but you will automatically get 1 point just for completing the quiz. Quizzes are low-risk and low-reward assignments. They are intended to give you weekly feedback on your command of the material.
4. **Class participation:** You will be evaluated on your participation in class and your attendance and participation in small sections. Always be prepared to discuss the day’s assigned material. Additionally, all students will be randomly assigned to facilitate discussion for one discussion class. While I reserve the right to call on anyone at any time (and I will exercise this right), you will be called on the assist in leading the discussion on your assigned discussion day. Prepare accordingly. Being unprepared when called upon will lead to a reduction in your participation grade.

**Grading Criteria**

Final grades will be computed as follows:

Short Exam 1 25%

Short Exam 2 25%

Final Exam 35%

Short Assignments/Participation 15%

**Books**

Schubert, *Introduction to* *Law and the Legal System* (11th Edition)

**Course Objectives**

At the conclusion of this course, you should:

1. Understand the organization of the American legal system;

2. Understand and explain basic principles of contract law, property law, tort law, and civil and criminal procedure;

3. Be able to effectively advocate both for and against legal propositions, verbally and in writing;

4. Be able to critically evaluate legal arguments and counter-arguments; and

5. Be able to apply legal concepts and principles to new factual situations.

While mastery of legal concepts and principles is very important in this course, even more important is the ability to apply legal concepts and principles to new and different factual situations.

**Office Hours**

Finally, I strongly encourage everyone to visit me during office hours—even if you do not have specific questions to discuss. It is a great way for me to get to know you and help you to be successful in this course.

**COURSE SCHEDULE**

(**Note: I reserve the right to adjust this schedule at any time during the semester. It is YOUR responsibility to be aware at all times of any schedule changes**.)

**PART 1: LAW, COURTS, AND LEGAL PROCEDURE**

January 24 Introduction: What is Law?

January 26 Thinking about Law

 **Reading:** The Case of the Speluncean Explorers (on ELMS)

 **Assignment**: Please complete poll on ELMS before class.

January 28 Section Meetings

**Reading:** Schubert, pp. 1-8.

January 31 The Judicial System

**Reading:** Schubert, pp. 123-126; 136-153

February 2 The Case Method

**Reading:** *E. I. DuPont de Nemours & Co., Inc. v. Rolfe Christopher* (Schubert, p. 568)

February 4 Section Meetings: How to read and brief a case

 **Reading:** Kerr, How to Read a Judicial Opinion (On ELMS)

 Schubert, pp. 22-23

 **Assignment Due: Brief** *E. I. DuPont de Nemours & Co., Inc. v. Rolfe Christopher*

February 7 Some Basic Concepts in American Law

 Reading: Schubert, pp. 89-113

February 9 Jurisdiction

 **Reading:** Schubert, pp. 126-135

February 11 Section Meetings

Reading: Aldisert, Logic for Law Students (on ELMS)

February 14 Civil Procedure 1

 **Reading:** Schubert, pp. 154-187

February 16 Civil Procedure 2

 **Reading:** Schubert, pp. 188-208

February 18 Section Meetings

 **Reading:** Siebert, *Should a Chimp be Able to Sue its Owner?* (On ELMS)

**PART 2: PROPERTY**

February 21 What is Property?

 **Reading:** Schubert, pp. 451-458

February 23 Takings

**Reading:** *Kelo v. New London* (on ELMS) and Schubert, pp. 462-468)

February 25 Section Meetings:

 **Assignment**: Should File Sharing Be Legal? (*i.e.* Whose file is it?) One Page Paper Due

February 28 Is possession 9/10ths of the Law?

**Readings*:*** *Favorite v. Miller* (Schubert, p. 476); *Campbell v. Robinson* (Schubert, p. 479)

March 2 Nuisance

**Reading:** *Hugh K. Evans v. Lochmere Recreation Club* (Schubert, p. 469)

March 4 Section Meetings: How to answer a HYPO

 **Assignment**: Complete one-page hypo answer

March 7 Catch-Up Day/Exam Review

March 9 Short Exam I

March 11 Exam Post-Mortem

**PART 3: CONTRACTS**

March 14 What is a Contract?

**Readings: *Hamer v. Sidway* (1891) (On ELMS)**

 ***Mills v. Wyman* (1825) (On ELMS)**

 ***Hawkins v. McGee (1929)* (On ELMS)**

March 16 Offer and Acceptance

**Reading:** Schubert, p. 366-371

March 18 NO Section Meetings

**SPRING BREAK: MARCH 20 – MARCH 27**

March 28 Detrimental Reliance

 **Reading:** *Drennan v. Star Paving Co.* **(On ELMS)**

March 30 Enforceability

**Reading: In the Matter of Baby M. (1988) (On ELMS)**

 Frozen Embryo Contract (On ELMS)

April 1 Section Meetings

**PART 4: TORTS**

April 4 What is a Tort?

**Readings:**

*Railroad Co. v. Stout (1873) (ON ELMS)*

*Kanaly v. DL&W Railroad (1959) (ON ELMS)*

April 6 Negligence and Duty of Care

 **Reading:** Schubert, pp. 423-435

April 8 Section Meetings

 **Assignment Due: Wrongful Birth (on ELMS)**

April 11 Intentional Torts: Assault and Battery

 **Reading:** Schubert,pp. 405-408

April 13 Damages

**Reading:** Schubert, pp.226-234 (focus on *Macomber* and *Martin* cases)

April 15 Section Meetings: Exam Review

April 18 Short Exam 2

**PART 5: CRIMINAL LAW And PROCEDURE**

April 20 Criminal Law and The Wrongful Act: *Actus Rea*

 **Reading:** Schubert, pp. 254-260

April 22 Section Meetings

April 25 Intent/*Mens Rea*

**Reading:** Schubert, p. 262-265

April 27 Causation

 **Reading:** Schubert, 266-269

April 29 Section Meetings

May 2 Criminal Procedure

 **Reading:** Schubert, pp. 277-294

**AND FINALLY, . . .**

May 4 The Supreme Court and the Constitution

**Reading***: Marbury v. Madison*

May 6 LAST Section Meetings

May 9 Final Thoughts: Speluncean Explorers Revisited

 **Reading**: *The Stupidest Housemaid* (On ELMS)

May TBDFinal Exam: 1:30 p.m. – 3:30 p.m.