**GVPT 331**

**Introduction to Courts, Law and Justice**

Spring 2018

Professor Michael Spivey

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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, and criminal procedure. 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 and more importantly, how lawyers and judges think and argue. We 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 and the court’s reasoning and decision.

**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 me 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 10th, 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. 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.

**Course Requirements**

1. **Short Exams:**  There will be two short exams over the course of the semester. The first exam will count 20% of your final grade. The second exam, 25%.
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**: For this portion of your grade, you start the semester at 100%. This grade can fluctuate based on the completion of several different components. First, throughout the semester, there will be a number of one-page papers, reading quizzes, and polls/surveys. For each of these assignments, you will receive either a check (√), a minus (-), or a plus (+). A check denotes that the submitted assignment was satisfactory and will result in no net change in your grade. A minus denotes that the submitted assignment was unsatisfactory and will result in a 2-point deduction from your grade. A plus denotes that you have exceeded expectations and will result in a 2-point addition to your grade. Failure to turn in an assignment will result in a 5-point deduction to your overall grade. Papers are due at the beginning of class. No late papers will be accepted, and no makeups will be administered. If you will miss a class when an assignment is due, the onus is on you to make plans either with your TA or with a fellow student ahead of time in accordance with the situation.

Second, we will be using Packback, an online tool to facilitate out-of-classroom discussion. You will be expected to both post and respond to others. Comments will be assessed weekly, with Friday being the final day in the week. Using the same check, minus, and plus grading scheme as above, your cumulative participation grade will be adjusted accordingly.

Finally, all students will be randomly assigned to facilitate discussion for one lecture class. While you should come to every class having thoroughly read the materials and prepared to discuss, on your assigned day you should go prepare extra fastidiously. Appearing unprepared on your assigned discussion day will lead to a 10-point deduction in your grade.

1. **Class participation:** You will be evaluated on your participation in class and your attendance and participation in small sections. Insufficient participation will result in your final grade being reduced by one grade (*i.e.* B+ to B) and outstanding participation will be rewarded by a similar increase in your grade. By necessity, this is a subjective evaluation, and applied after grades are calculated by the above components.

**Grading Criteria**

Final grades will be computed as follows:

Short Exam 1 20%

Short Exam 2 25%

Final Exam 35%

Short Assignments 20%

**Books**

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

(You can also use the 10th addition. Many used copies are on Amazon.)

**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?

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

January 26 Section Meetings

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

**Assignment:** **On-line Poll** (Please respond to the poll before the beginning of your small section.)

January 29 The Case Method

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

January 31 The Judicial System

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

February 2 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 5 Jurisdiction

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

February 7 Civil Procedure 1

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

February 9 Section Meetings

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

February 12 Civil Procedure 2

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

**PART 2: PROPERTY**

February 14 What is Property?

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

February 16 Section Meetings:

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

February 19 Is possession 9/10ths of the Law?

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

February 21 Nuisance

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

February 23 Section Meetings: How to answer a HYPO

February 26 Takings

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

February 28 Short Exam I

March 2 No SECTION MEETINGS

**PART 3: CONTRACTS**

March 5 What is a Contract?

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

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

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

March 7 Offer and Acceptance

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

March 9 Section Meetings

**Assignment Due: *Is this Syllabus a Contract? (One Page Paper)***

March12 Detrimental Reliance

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

March 14 Enforceability

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

Frozen Embryo Contract (On ELMS)

March 16: No Section Meetings

**SPRING BREAK: MARCH 17 – MARCH 25**

**PART 4: TORTS**

March 26 What is a Tort?

**Readings:**

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

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

March 28 Negligence and Duty of Care

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

March 30 Section Meetings

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

April 2 Intentional Torts: Assault and Battery

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

April 4Damages

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

April 6 Section Meetings: Exam Review

April 9 Short Exam 2

**PART 5: CRIMINAL LAW And PROCEDURE**

April 11 Criminal Law and The Wrongful Act: *Actus Rea*

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

April 13 Section Meetings

April 16 Intent/*Mens Rea*

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

April 18 Causation

**Reading:** Schubert, 266-269

April 20 Section Meetings

April 23 Defenses

**Reading:** Schubert, pp. 270-277

April 25 Criminal Procedure

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

April 27 Section Meetings: Punishment

Reading: Kozinski, Criminal Law 2.0 (On ELMS)

Wright, Lawrence. “The Case for Castration.” (On ELMS)

Assignment Due: Should the State give a convicted felon the choice between life in prison without parole or death? (One Page Paper)

**PART 6: CONSTITUTIONAL LAW**

April 30 The Supreme Court and the Constitution

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

May 2 **Reading**: *Plessy v. Ferguson*; *Brown v. Board of Education*

May 4 Section Meetings

**AND FINALLY, . . .**

May 7 Judging: Looking at the Law From the Bench

May 9 Final Thoughts: Speluncean Explorers Revisited

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

May 14 Final Exam: 1:30 p.m. – 3:30 p.m.