

GVPT 331

Introduction to Courts, Law and Justice

Spring 2022

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, 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. I will attempt to 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 must be turned off and out of sight at all times. I strongly discourage the use of computers. To actively engage in this course and become proficient in the “legal method” you must pay attention to and engage in the Socratic method. If you are worried about missing key concepts, 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.
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 will not harm your final grade but can help you. Simply complete them in a timely manner for credit. One-pagers, surveys and polls will facilitate discussion. Do them all and I will take this into consideration in assigning final grades. With respect to the quizzes, these will be scored on a scale of 1-5 but don’t stress about the score. Quizzes are low-risk and low-reward assignments. If you don’t get a 5, don’t panic. Just figure out why you got a question wrong. Remember, quizzes are intended to give you real time feedback on your command of the material so you can be prepared for upcoming exams.
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.
5. **Grading Criteria**

Final grades will be computed as follows:

Short Exam 1	25%
Short Exam 2	30%
Final Exam	35%
Participation	10%

(If you don’t do well on an exam, especially the first one, don’t panic. Schedule time with me immediately so we can figure out what went wrong and get you on track.

6. **Grading Appeals:** Since this is a law course, we will use legal procedures for grading concerns. If you believe that a question has been incorrectly scored, you should send an email to the Teaching Assistant/Grader specifying which question(s) was wrongly scored and why. You must do so within 48 hours of receiving your scored exam. If you do not comply with this deadline, your appeal rights will be deemed to have been waived. You will receive a response to your appeal. If you are not satisfied with the outcome, you may then appeal to me (*i.e.* the Supreme Court). This should be done within 48 hours of receiving a determination of your initial appeal. You should forward your original email and the response and specify why the initial determination is not satisfactory. I will

consider your appeal and make a final determination. Please note that I will not generally discuss your grade by email. I will only consider specific appeal. If you would like to discuss your overall grade, please set up a time with me to do so.

Books

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

NOTE: (Where the syllabus lists page numbers from Schubert, you are responsible for all cases within those pages.)

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 fact 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.

Course Concerns and Office Hours

If you have any questions or concerns regarding the course, please reach out to your UTA. They are here to help you. You may of course email me but please keep in mind that during the semester, I receive between 50-100 emails a day. I will do my best to respond to you within 24 hours, but there are times (especially right before exams) when this is not possible.

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. (Also, this is absolutely critical if you anticipate that you will request a law school recommendation from me in the fall.)

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 25 Introduction: What is Law?
- January 27 Section Meetings: Introductions
- January 30 Thinking about Law
Reading: The Case of the Speluncean Explorers (on ELMS)
Assignment: Please complete poll on ELMS before class.
- February 1 Speluncean Explorers Concluded.
- February 3 Section Meetings
Reading: Kerr, How to Read a Judicial Opinion (On ELMS)
Schubert, pp. 1-8; 22-23; 123-26: 136-153.
- February 6 The Case Method
Reading: *E. I. DuPont de Nemours & Co., Inc. v. Rolfe Christopher* (Schubert, p. 568)
- February 8 Some Basic Concepts in American Law
Reading: Schubert, pp. 89-113; 126-135
- February 10 Section Meetings
Reading: Aldisert, Logic for Law Students (on ELMS)
Assignment Due: Brief *E. I. DuPont de Nemours & Co., Inc. v. Rolfe Christopher*
- February 13 Civil Procedure 1
Reading: Schubert, pp. 154-187
- February 15 Civil Procedure 2
Reading: Schubert, pp. 188-198
- February 17 Section Meetings
Reading: Siebert, *Should a Chimp be Able to Sue its Owner?* (On ELMS)

PART 2: PROPERTY

- February 20 Civil Procedure 3
Reading: Schubert, pp. 198-203; 204-208; 217-223
- February 22 What is Property?
Reading: Schubert, pp. 451-458
- February 24 Section Meetings: Takings
Reading: *Kelo v. New London* (on ELMS) and Schubert, pp. 462-468)
Assignment: One Pager: How would you have decided *Kelo*?
- February 27 Is possession 9/10ths of the Law?
Readings: *Favorite v. Miller* (Schubert, p. 476); *Campbell v. Robinson* (Schubert, p. 479)
- March 1 Nuisance
Reading: *Hugh K. Evans v. Lochmere Recreation Club* (Schubert, p. 469)
- March 3 Section Meetings: Exam Review
Bring your Questions!
- March 6 How to answer a HYPO
Assignment: Complete one-page hypo answer

PART 3: CONTRACTS

- March 8 **Short EXAM 1**
- March 10 Section Meetings
Assignment: One Pager: Is this Syllabus a Contract?
- March 13 What is a Contract?
Readings: *Hamer v. Sidway* (1891) (On ELMS)
Mills v. Wyman (1825) (On ELMS)
Hawkins v. McGee (1929) (On ELMS)
- March 15 Offer and Acceptance
Reading: Schubert, p. 366-371
- March 17 NO Section Meetings (Start your Spring Break!)

SPRING BREAK: MARCH 18 – MARCH 25

- March 27 Detrimental Reliance
Reading: *Drennan v. Star Paving Co.* (On ELMS)
- March 29 Enforceability
Reading: *In the Matter of Baby M. (1988)* (On ELMS)
 Frozen Embryo Contract (On ELMS)
- March 31 Section Meetings
 Reading: TBD

PART 4: TORTS

- April 3 What is a Tort?
Readings:
Railroad Co. v. Stout (1873) (ON ELMS)
Kanaly v. DL&W Railroad (1959) (ON ELMS)
- April 5 Negligence and Duty of Care
Reading: Schubert, pp. 423-435
- April 7 Section Meetings
Assignment Due: One Pager: Wrongful Birth (on ELMS)
- April 10 Intentional Torts: Assault and Battery
Reading: Schubert, pp. 405-408
- April 12 Damages
Reading: Schubert, pp.226-234 (focus on *Macomber* and *Martin* cases)
- April 14 Section Meetings: Exam Review
- April 17 **Short Exam 2**

PART 5: CRIMINAL LAW And PROCEDURE

- April 19 Criminal Law and The Wrongful Act: *Actus Rea*
Reading: Schubert, pp. 254-260
- April 21 Section Meetings
Assignment: TBD

- April 24 Intent/*Mens Rea*
Reading: Schubert, p. 262-265
- April 26 Causation
Reading: Schubert, 266-269
- April 28 Section Meetings
Assignment: TBD
- May 1 Criminal Procedure
Reading: Schubert, pp. 277-294

AND FINALLY, . . .

- May 3 The Supreme Court and the Constitution
Reading: *Marbury v. Madison*
- May 6 LAST Section Meetings: Exam Review
- May 8 The Supreme Court and the Constitution
Reading: *Buck v. Bell; Brown v. Board of Education*
- May 10 Final Thoughts: Speluncean Explorers Revisited
Reading: *The Stupidest Housemaid* (On ELMS)
- May ? **Final Exam**