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 and 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 the Socratic method practiced in law school (though a “kinder, gentler” version of it. 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. But this is merely the starting point. With this understanding, you will be asked to apply the court’s logic and reasoning to new, unique factual situations. In short, in this course I hope to teach you how 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 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**: There will be 4 short assignments (1-2 page discussion papers) announced on ELMS and due in small sections, as well as five occasional quizzes. Each paper will be evaluated on a 20-point scale, and each quiz will be worth 4 points.

4. **Class participation**: You will be evaluated on your participation in class and your attendance and participation in small sections. By necessity, this is a subjective evaluation, but you can ensure a positive evaluation by attending all small sections and always being prepared for class. 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. You will also be randomly assigned to facilitate discussion for one lecture class. While you should come to every class having thoroughly read the materials, on your assigned day you should prepare extra fastidiously. Appearing unprepared on your assigned discussion day will lead to an automatic reduction in your final grade as noted above.

5. Instructions for class assignments will be posted to ELMS throughout the semester. Such instructions may include formatting and style requirements for writing assignments, suggestions for
how to brief a case, among others. Students will be expected to review these instructions and adhere to them on assignments where relevant.

6. **Calculation of Final Grades:** Final grades will be calculated as follows:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short Exam 1</td>
<td>20%</td>
</tr>
<tr>
<td>Short Exam 2</td>
<td>25%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>40%</td>
</tr>
<tr>
<td>Small Section Short Assignments</td>
<td>15%</td>
</tr>
</tbody>
</table>

This grade will be adjusted for participation as noted above.

**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 28  Introduction: What is Law?
Reading: Schubert, pp. 1-8.

January 30  Thinking about Law
Reading: The Case of the Speluncean Explorers (on ELMS)

February 1  Section Meetings: The Judicial System
Reading: Schubert, pp. 123-126; 136-153

February 4  The Case Method
Reading: E. I. DuPont de Nemours & Co., Inc. v. Rolfe Christopher (Schubert, p. 568)

February 6  Thinking like a Lawyer
Reading: Aldisert, Logic for Law Students (on ELMS)

February 8  Section Meetings: How to read and brief a case
Reading: Kerr, How to Read a Judicial Opinion (On ELMS)
Schubert, pp. 22-23

February 11  Jurisdiction
Reading: Schubert, pp. 126-135

February 13  Civil Procedure 1
Reading: Schubert, pp. 154-187

February 15  Section Meetings
Reading: Siebert, Should a Chimp be Able to Sue its Owner? (On ELMS)

February 18  Civil Procedure 2
Reading: Schubert, pp. 188-208

PART 2: PROPERTY

February 20  What is Property?
Reading: Schubert, pp. 451-458
February 22  Section Meetings: Whose Data is it?
February 25  Is possession 9/10ths of the Law?

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

February 27  Nuisance
Reading: Hugh K. Evans v. Lochmere Recreation Club (Schubert, p. 469)

March 1  Section Meetings: How to answer a HYPO

March 4  Takings
Reading: Kelo v. New London (on ELMS) and Schubert, pp. 462-468

March 6  Short Exam I

March 8  No Section Meetings

PART 3: CONTRACTS

March 11  What is a Contract?
Readings: Hamer v. Sidway (1891) (On ELMS)
          Mills v. Wyman (1825) (On ELMS)
          Hawkins v. McGee (1929) (On ELMS)

March 13  Offer and Acceptance
Reading: Schubert, p. 366-371

March 15  No Section Meetings

SPRING BREAK: MARCH 18 – MARCH 22

March 25  Detrimental Reliance
Reading: Drennan v. Star Paving Co. (On ELMS)

March 27  Enforceability
Reading: In the Matter of Baby M. (1988) (On ELMS)

March 29  Section Meetings

PART 4: TORTS

April 1  What is a Tort?
Readings:
          Railroad Co. v. Stout (1873) (ON ELMS)
Kanaly v. DL&W Railroad (1959) (ON ELMS)

April 3 Negligence and Duty of Care  
*Reading:* Schubert, pp. 423-435

April 5 Section Meetings: Is a “wrongful” birth a tort?

April 8 Intentional Torts: Assault and Battery  
*Reading:* Schubert, pp. 405-408

April 10 Damages  
*Reading:* Schubert, pp.226-234 (focus on Macomber and Martin cases)

April 12 Section Meetings: Exam Review

April 15 Short Exam 2

PART 5: CRIMINAL LAW And PROCEDURE

April 17 Criminal Law and The Wrongful Act: *Actus Rea*  
*Reading:* Schubert, pp. 254-260

April 19 Section Meetings

April 22 Intent/*Mens Rea*  
*Reading:* Schubert, p. 262-265

April 24 Causation  
*Reading:* Schubert, 266-269

April 26 Section Meetings

April 29 Defenses  
*Reading:* Schubert, pp. 270-277

May 1 Punishment  
*Reading:* TBD

May 3 Section Meetings

May 6 Criminal Procedure  
*Reading:* Schubert, pp. 277-294

May 8 The Supreme Court and the Constitution  
*Reading:* Marbury v. Madison (on ELMS)
May 10    Section Meetings: Final Exam Review

AND FINALLY, . . .

May 13    Final Thoughts: Speluncean Explorers Revisited
**Reading: The Stupidest Housemaid** (On ELMS)

May 16-22 Final Exam: Date to TBA