

GVPT 331

Introduction to Courts, Law and Justice

Spring 2018

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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 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 with 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:

Short Exam 1	20%
Short Exam 2	25%
Final Exam	40%
Small Section Short Assignments	15%

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