GVPT 331
Introduction to Courts, Law and Justice

Professor Michael Spivey
Office: Tydings 1135b
Office Hours: 11-12:30 M and by appointment
Email: gvpt331@outlook.com

Teaching Assistants:

Sara Browning
Office: Tydings 5139
Office Hours: Friday 11-12, and by appointment
Email: sbrownin@terpmail.umd.edu

Ben Greenberg
Office: Tydings 5107
Office Hours: Friday 3-5pm, or by appointment
Email: bmg1992@umd.edu, bmg110528@yahoo.com

This is an introductory course to the study of law. Over the course of the semester, we will discuss civil procedure, contract law, property, family law, torts, criminal law and procedure and constitutional law. We will obviously not have time to cover any of these subjects in depth. We could spend a semester on each 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 think and argue and how judges decide. For most of the semester, we will read actual court cases. You will be expected to be intimately familiar with each case—its facts and the decision and the reasoning of the court (or courts). We will use a “gentle” version of the Socratic method, that is to say, this is NOT a lecture course. It is a discussion course and all of you are expected to help me in analyzing and understanding the case materials.

Finally, we will constantly assess the law and decisions of courts. Was justice served? Was the process fair? Of course, this will require us to develop a theory of justice and fairness—not an easy task.

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 September 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
Course Requirements:

1. **Class participation:** You should come prepared to discuss the readings each and every class. You should be fastidiously prepared on the day you are assigned to facilitate discussion. You may be called upon at ANY time. You will be evaluated on your participation in class and your attendance and participation in small sections. Occasionally (and randomly) there will be short in-class quizzes. I will also occasionally assign one-page reaction or discussion papers. These are due at the beginning of the next class or on the date noted on the syllabus. These also count towards your participation grade. NO late papers will be accepted and there are no make-up quizzes.

   **Calculation of Participation Grade:** Everyone starts with a participation grade of 95. If you knowledgably participate in class and small sections, you will retain your 95. Failure to be prepared when called on in class or small section will result in a (-) which translates to a deduction of 2 points from your starting participation grade. Point values double for the day for which you are assigned to facilitate discussion. For those who exceed expectations, you will receive a (√+). This will add one point to your participation grade.

2. **Buffalo Creek Disaster Paper.** You will prepare a 3-5 page response paper. This paper counts 10 points towards your participation grade. I will talk about this paper in class as the semester progresses.

3. **Short Exams:** There will be two short exams over the course of the semester. Each of the two exams will count 25% of your final grade.

4. **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.

Grading Criteria:

Grades will be computed as follows:

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short exams</td>
<td>50%</td>
</tr>
<tr>
<td>Final Exam</td>
<td>35%</td>
</tr>
<tr>
<td>Participation</td>
<td>15%</td>
</tr>
</tbody>
</table>

Books:

Schubert, *Law and the Legal System*
Stern, *The Buffalo Creek Disaster*

Both books are in the Stamp Student Union Bookstore. You can also find these online.

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.)

January 25  Introduction: What is Law?
Reading: Schubert, pp. 1-8.

January 27  Section Meetings
Assignment Due: Complete the questionnaire at www.politicalcompass.org

January 30  The Case Method
Reading: *E. I. DuPont deNemours & Co., Inc. v. Rolfe Christopher* (Schubert, p. 567)

February 1  Thinking Like a Lawyer
Readings: “How Lawyers Think” (On ELMS)
“The Case of the Speluncean Explorers” (on ELMS)
Assignment: One page paper—How would you decide the case and why?
February 3  Section Meetings
Where does Law Come From?
Reading: Schubert, pp. 89-121

February 6  The Judicial System
Reading: Schubert, pp. 123-126; 136-140; 147-150

February 8  Civil Procedure: The Trial Process
Reading: Schubert, pp. 154-184 (focus on Fontenot v. Taser International)

February 10  Section Meetings: Briefing a Case
Assignment Due: Brief E. I. DuPont deNemours & Co., Inc. v. Rolfe Christopher

February 13  Civil Procedure: Jurisdiction
Reading: Schubert, pp. 126-136
Daimler AG v. Bauman (on ELMS)

I. PROPERTY
February 15  What is Property?
Reading: Schubert, pp. 451-458

February 17  Section Meetings:
Assignment: Should File Sharing Be Legal? (One Page Paper Due)

February 20  Is possession 9/10ths of the Law?
Readings: Favorite v. Miller (Schubert, p. 476); Campbell v. Robinson (Schubert, p. 479)

February 22  Nuisance
Reading: Hugh K. Evans v. Lochmere Recreation Club (Schubert, p. 469)

February 24  Section Meetings

February 27  Takings
Reading: Kelo v. New London (on ELMS and see Schubert, p. 462)

March 1  Section Meetings: Short Exam 1

March 3  NO SECTION MEETINGS

II. Contracts
March 6  What is a Contract?
Readings: Hamer v. Sidway (1891) (On ELMS)
March 8  Offer and Acceptance
Reading: *Al Cea and Laura Cea v. Roger Hoffman* (Schubert, p. 368)

March 10  Section Meetings
*Assignment Due: Is this Syllabus a Contract? (One Page Paper)*

March 13  Detrimental Reliance
Reading: *Drennan v. Star Paving Co.* (On ELMS)

March 15  Enforceability
Reading: *In the Matter of Baby M.* (1988) (On ELMS)
Frozen Embryo Contract (On ELMS)

March 17  NO SECTION MEETINGS

MARCH 20 – MARCH 26: SPRING BREAK

III. TORTS

March 27  What is a Tort?
Readings:
*Railroad Co. v. Stout* (1873) (ON ELMS)
*Kanaly v. DL&W Railroad* (1959) (ON ELMS)

March 29  Reading:
*Kline v. 1500 Mass Ave Corp.* (1970) (ON ELMS)

March 31  Section Meetings

April 3  Intentional Torts: Assault and Battery
Reading: *Estate of Berthiaume v. Pratt, M.D.* (Schubert, p. 407)

April 5  Damages
Reading: Schubert, pp.226-234 (focus on *Macomber* and *Martin* cases)

April 7  **Short Exam 2**
April 10  Mass Torts: The Buffalo Creek Disaster
Buffalo Creek Disaster Paper Due

IV. Criminal Law and Procedure

April 12  Criminal Procedure: Search and Seizure
Reading: Terry v. Ohio (on ELMS)

April 14  Criminal Procedure: Police Interrogations
Reading: Miranda v. Arizona

April 14  Section Meetings

April 17  Criminal Law and The Wrongful Act: Actus Rea
Reading: Schubert, pp. 254-308
(Focus on Kansas v. Dinh Loc Ta, Schubert, p. 258)

April 19  Intent/Mens Rea
Reading: State v. Gordon (Schubert, p. 263)

April 21  Section Meetings

April 24  Causation
Reading: Commonwealth v. Berggren (Schubert, 268)

April 26  Defenses
Reading: Regina v. Dudley and Stevens (On ELMS)
People v. Goetz (on ELMS)

April 28  Punishment
Readings:
Kozinski, Criminal Law 2.0
Assignment: One Page Paper: Should Sexual Offenders Get to Choose Castration Instead of Prison?

V. Constitutional Law

May 1  The Supreme Court and the Constitution
Reading: Marbury v. Madison

May 3  Marbury Concluded
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 5</td>
<td>Final Section Meetings</td>
</tr>
<tr>
<td></td>
<td>Exam Review</td>
</tr>
<tr>
<td>May 10</td>
<td>Final Thoughts</td>
</tr>
<tr>
<td>May</td>
<td>Final Exam</td>
</tr>
</tbody>
</table>