

GVPT 331
Introduction to Courts, Law and Justice

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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, 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

(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. **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 (V+). 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.
2. **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.
3. **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:

Short exams	50%
Final Exam	35%
Participation	15%

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: <i>E. I. DuPont deNemours & Co., Inc. v. Rolfe Christopher</i> (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)

Mills v. Wyman (1825) (On ELMS)
Hawkins v. McGee (1929) (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
Wright, Lawrence. "The Case for Castration." Texas Monthly.
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

May 5 Final Section Meetings
Exam Review

May 10 Final Thoughts

May ? Final Exam