

**University of Maryland
Department of Government and Politics
GVPT 331: Law and Society**

Spring 2010
Monday 2:00-3:40 p.m.
Skinner 0200

Instructor:

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Important Dates:

First Paper Due:	Thursday, 2/11/09
Second Paper Due:	Thursday, 2/25/09
MIDTERM EXAM (in class):	<u>Monday, 3/8/09</u>
Third Paper Due:	Thursday, 4/8/09
Fourth Paper Due:	Thursday, 4/22/09
Fifth Paper Due:	Thursday, 5/6/09
FINAL EXAM (in class):	<u>Monday, 5/17/09</u>

Course Description

GVPT 331 is an introduction to the nature and function of laws governing life in the U.S. Students who complete the course successfully will have familiarity with some of the fundamental concepts underlying U.S. common law, as well as an understanding of the basis for and impact of judicial decisionmaking. While the course will provide a strong foundation for future law students, this class is designed to appeal to students who simply seek a greater understanding of the U.S. legal system and its many strengths and flaws.

In addition to learning about the law, students will develop improved writing skills, as well as the ability to “write like a lawyer.” By the end of the course, students should be able to draft a legal brief, conduct online legal research, and perform legal citation.

This is a particularly demanding course that includes a heavy amount of reading, six writing assignments, and two exams. In addition, class attendance and participation are strongly encouraged. Those who invest the time and effort in success will inevitably benefit the most from the course.

Course Materials

Texts

Helen S. Shapo et al., *Writing and Analysis in the Law* (5th ed. 2008).

Cynthia L. Cates & Wayne V. McIntosh, *Law and the Web of Society* (2001).

Cases

Buck v. Bell, 274 U.S. 200 (1927).

Byrne v. Van Tienhoven, [1880] 5 CPD 344.

Carlill v. Carbolic Smokeball Co. [1892] EWCA Civ. 1.

Chaplinsky v. New Hampshire, 315 U.S. 568 (1942).

Cheek v. U.S., 498 U.S. 192 (1991).

Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 113 S.Ct. 2217 (1993).

Hawkins v. McGee, 84 N.H. 114, 146 A. 641 (N.H. 1929).

Hustler Magazine v. Falwell, 485 U.S. 46 (1988).

Katco v. Briney, 183 N.W.2d 657 (Iowa 1971).

Korematsu v. U.S., 323 U.S. 214 (1944).

Palsgraf v. Long Island Railroad Co., 162 N.E. 99 (N.Y. 1928).

People of the State of N.Y. v. Maher, 79 N.Y.2d 978 (1992).

R. v. Dudley and Stephens [1884] 14 QBD 273 DC.

Robinson v. California, 370 U.S. 660 (1962).

Sherbert v. Verner, 374 U.S. 398 (1963).

Stone v. Graham, 449 U.S. 39 (1980).

Tilton v. Richardson, 403 U.S. 672 (1971).

Vosberg v. Putney, 50 N.W. 403 (Wisc. 1891).

Yania v. Bigan, 155 A.2d 343 (Penn. 1959).

Course Outline

Week 1: Monday, January 25, 2010

- Course Introduction
- Introduction to the legal system and legal writing

Week 2: Monday, February 1, 2010

- The Criminal and Civil Processes

Reading Assignment for Week 2:

Law and the Web of Society, 56-81 (beginning with the first column of p. 56)

Week 3: Monday, February 8, 2010

- Constitutional Law: Government interests and individual rights

Reading Assignment for Week 3:

Korematsu v. U.S., 323 U.S. 214 (1944)

Buck v. Bell, 274 U.S. 200 (1927)

Law and the Web of Society, 47-56 (through first column of p. 56)

Writing and Analysis in the Law, 3-87

***Writing Assignment 1: Due February 11, 2010.

Week 4: Monday, February 15, 2010

- Constitutional Law: Free Exercise

Reading Assignment for Week 4:

Church of the Lukumi Babalu Aye, Inc. v. Hialeah, 113 S.Ct. 2217 (1993)

Stone v. Graham, 449 U.S. 39 (1980)

Tilton v. Richardson, 403 U.S. 672 (1971)

Sherbert v. Verner, 374 U.S. 398 (1963)

Writing and Analysis in the Law, 117-59

Week 5: Monday, February 22, 2010

- Torts: Duty and Breach

Reading Assignment for Week 5:

Katco v. Briney, 183 N.W.2d 657 (Iowa 1971)

Yania v. Bigan, 155 A.2d 343 (Penn. 1959)

Writing and Analysis in the Law, 161-91, 495-514

***Writing Assignment 2: Due February 25, 2010.

Week 6: Monday, March 1, 2010

- Torts: Causation and Damages

Reading Assignment for Week 6:

Palsgraf v. Long Island Railroad Co., 162 N.E. 99 (N.Y. 1928)

Vosberg v. Putney, 50 N.W. 403 (Wisc. 1891)

Writing and Analysis in the Law, 193-208, 515-36

Week 7: Monday, March 8, 2010

MIDTERM EXAM

No reading assignment

Week 8: Monday, March 15, 2010

Spring Break: No Class

Week 9: Monday, March 22, 2010

- Criminal Law: Actus reus and mens rea

Reading Assignment for Week 9:

Cheek v. U.S., 498 U.S. 192 (1991)

Robinson v. California, 370 U.S. 660 (1962)

Week 10: Monday, March 29, 2010

- Criminal Law: Concurrence and causation

Reading Assignment for Week 10:

Summers v. Tice, 199 P.2d 1 (1948)

Writing and Analysis in the Law, 209-28

Week 11: Monday, April 5, 2010

- Criminal Law: Defenses

Reading Assignment for Week 11:

People of the State of N.Y. v. Maher, 79 N.Y.2d 978 (1992)

R. v. Dudley and Stephens [1884] 14 QBD 273 DC

*****Writing Assignment 3: Due April 8, 2010**

Week 12: Monday, April 12, 2010

- Contracts: Offer and acceptance and consideration

Reading Assignment for Week 12:

Carlill v. Carbolic Smokeball Co. [1892] EWCA Civ. 1
Byrne v. Van Tienhoven [1880] 5 CPD 344
Writing and Analysis in the Law, 229-49

Week 13: Monday, April 19, 2010

- Contracts: Defenses and damages

Reading Assignment for Week 13:

Hawkins v. McGee, 84 N.H. 114, 146 A. 641 (N.H. 1929)
Writing and Analysis in the Law, 250-76

*****Writing Assignment 4: Due April 22, 2010**

Week 14: Monday, April 26, 2010

- First Amendment: Free speech and privacy

Reading Assignment for Week 14:

Hustler Magazine v. Falwell, 485 U.S. 46 (1988)
Chaplinsky v. New Hampshire, 315 U.S. 5 (1942)
Law and the Web of Society, 129-44
Writing and Analysis in the Law, 277-96

Week 15: Monday, May 3, 2010

- Property: Real estate and personal property

Reading Assignment for Class 15:

Walling v. Przybylo, 851 N.E.2d 1167 (N.Y. 2006)
Law and the Web of Society, 34-37

*****Writing Assignment 5: Due May 6, 2010**

Week 16: Monday, May 10, 2010

- Exam Prep

Week 17: Monday, May 17, 2010

FINAL EXAM

Grade Determination for the Course

Students in the course will be graded on exams, writing assignments, and class participation, as follows:

Midterm Exam: 30%

Final Exam: 30%

Five Writing Assignments: 30% (6% each)

Class Participation: 10%

Midterm and Final Exam Information

There will be two exams in this course, including a midterm and a final exam.

Midterm Exam Date: Monday, March 8, 2010 (in class)

Final Exam Date: Monday, May 17, 2010 (in class)

On exam day, students should arrive to class with no more in their hands than UM Student I.D., paper and pencil. If students must bring items to class, students must deposit items in a box at the front of the class. Student will receive a zero on the exam if during the exam a student is caught with anything more than a writing implement and paper.

Writing Assignments

There will be a total of 6 writing assignments during this course. The assignments will be 3-5 page double-spaced analyses of fact patterns presented during the lectures. All writing assignments should be well written, grammatically correct, and spell-checked. Writing assignments will be due by 2:00 p.m. EST on the Thursday of the week in which the writing assignment is given. Any student who does not submit the writing assignment by the time specified will be given zero points for the assignment.

General Expectations of Students

Students are expected to treat each other with respect. Disruptive behavior of any kind will not be tolerated. Students who are unable to demonstrate civility with one another, the teaching assistants, or I will be subject to referral to the Office of Student Conduct or to the University Campus Police. You are expected to adhere to the Code of Student Conduct.

In this class, students will be allowed to use their personal computers to take class notes. If a student is found to be using personal technology devices in any way that is not specifically related to the day's class, the student will be asked to leave the class or referred to the Departmental Director of Undergraduate Programs. Repeated violation of this rule will result in a student being referred to the Office of Student Conduct for violating course policy on the use of personal computers in the classroom.

Students are expected to participate in class discussions. Class participation in the sections will count toward 10% of the grade for the course.

Academic Integrity

Students will be asked to write out, sign and date the honor pledge before each exam and before completing a writing assignment. The pledge can be found at: <http://www.thestudenthonorcouncil.umd.edu/code> and appears below:

I pledge on my honor that I have not given or received any unauthorized assistance on this assignment/paper/examination.

Any student who is determined to have violated the Code of Academic Integrity will be referred to the Student Honor Council. A grade of XF is the usual penalty given by the Student Honor Council for a student found in violation of the Code of Academic Integrity.

Students with Disabilities

I will make every effort to accommodate students who are registered with the Disability Support Services ("DSS") Office and who provide me with a University of Maryland DSS Accommodation form that has been updated for the Spring 2010 semester. This form must be presented to me no later than **February 25, 2010**. I am not able to accommodate students who are not registered with DSS or who provide me with documentation that has not been reviewed and approved by the University of Maryland's DSS Office after **February 25, 2010**.

Medical Excuses

Campus Senate policy requires students who are absent due to illness/injury to furnish documentary support to the instructor. I require students to contact me by e-mail or by phone prior to any class time in which you indicate you have an illness/injury. You must present written documentation verifying your illness/injury on or before the first day when you return to class. You will not be allowed to submit missed assignments or make up quizzes, tests, papers, etc. if you have not provided this documentation. In addition, if it is found that you have falsified the documentation provided, I will be obliged to refer you to the University's Office of Student Conduct.

Religious Observance

By **February 8, 2010**, students must provide me, in writing, a request for a make-up exam or make-up assignment for an exam or assignment date on this syllabus that you are unable to attend or complete due to a specific religious observance. The request must specify the religious observance, as well as the particular exam or assignment at issue. Please refer to the Online Catalog Policy on Religious Observance, and please remember that accommodations are NOT made for travel to and from the religious observance.

Copyright

The lectures I deliver in this class and the course materials I create and distribute are protected by federal copyright law as my original works. My lectures are recorded or delivered from written lectures in order to ensure copyright protection. You are permitted to take notes of my lectures and use course materials for your use in this course. You may not record, reproduce, or distribute my lectures/notes for any commercial purpose without my written consent. Persons who sell or distribute copies or modified copies of my course materials, possess commercial copies of my notes (e.g., Terpnotes), or assist another person or entity in selling or distributing those materials may be considered in violation of the University Code of Student Conduct, part 9(k).

Course Evaluation

Your feedback about this course is very important to me and therefore we do several forms of evaluations throughout this semester. One important campus-wide evaluation is the online evaluation at the end of the semester. **CourseEvalUM** will be open to students to complete their evaluation for Spring 2010 courses on **DAY, DATE**. Students can go directly to the website (www.courseevalum.umd.edu) to complete their evaluations.