



Critical Thinking Introduction to the Study of Law Course #454 Fall 2025 Syllabus

Instructor Information

Instructor: Professor Stephen Smith
Contact Hours: Monday thru Friday 8:00 AM – 5:00 PM
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Course Information

Class Days/Times

Monday and Wednesday 1:00-2:20 p.m.

Course Description

The purpose of this course is to provide you with a general introduction to the nature of our legal system. Our main goals are to help you understand how the American legal system operates and to introduce you to the legal principles that form the basis of our law in areas such as criminal law, torts, contracts, property, business organizations, and family law. Students will develop the critical thinking skills they need to read, understand, and apply statutes, court opinions, constitutional provisions, and administrative regulations.

Textbook

The Study of Law 5th Edition, K. Currier, T. Eimermann, M. Campbell

Note: This textbook uses and references “famous cases” and short factual scenarios created in order to illustrate how people and businesses are affected by the law.

TWEN Access and Handouts

Students are responsible for bringing handouts and other related materials to class, all of which are located on "The West Education Network" (TWEN) page (<http://lawschool.westlaw.com/twen>) click on Critical Thinking – Introduction to the Study of Law.

In addition, all class assignments will be posted to the TWEN page. Students should post assignments using a .doc or .pdf format. (no .pages format)

If you are having issues with the application contact Dan Harayda (harayda@mslaw.edu) or Mick Coyne (mick@mslaw.edu).

Online Resources

Students are expected to bring their laptop to class every day for use in classroom discussions, case studies, in-class assignments and exams.

Course Grade Structure

Grading: Your final class grade will be based upon Case Briefs, Review Questions, Critical Thinking Exercises, and Case Analysis Assignments.

- 10 Case Briefs (10 points each)
- 14 Chapter Review exercises (10 points each)
- 6 Critical Thinking Exercises (10 points each)
- 4 Case Analysis Assignments (25 points each)
- Professional Points (25 points)
- Final Exam (125 points)
- **Total Points Available – 550 Points**

There will be no make-up for in-class work granted for any unexcused absence (as determined by the professor). The professor can, however, consider a lack of attendance in determining the final grade, along with any other acts of unprofessionalism, as explained below:

A critical component of practicing law is always acting professionally. Since law school is where you learn to become a lawyer, you should always handle yourself professionally. This includes, but is not limited to, attending class regularly and on time, submitting assignments on time and in the appropriate format, actively participating in class,

turning cell phones off before class, and not surfing the Internet or using e-mail during class. Also, how you conduct yourself in your interactions—both in person and via e-mail—with the professor and others reflects your professionalism. Each student will start the semester with 25 professionalism points. Points will be deducted for any unprofessional conduct, as explained above.

Assignments: Cases for case brief assignments are located in the coursebook for your substantive class unless otherwise stated. Other supplemental material will be posted under the Course Material on the course TWEN page.

All assignments are due at the beginning of your regular class time on the due date. Submissions after the start of class are considered late and will not be graded.

Every assignment you submit must be your own work, including case briefs, outlines, and papers. Please read the course overview, plagiarism handouts and plagiarism warning; submit your signed plagiarism warning on the first day of class. All documents are located on the course TWEN page under course materials. Please review the MSLAW policy on Academic Honesty.

Attend Class

Students are expected to attend all class sessions as listed on the course calendar.

Build Rapport

If you find that you have any trouble keeping up with assignments or other aspects of the course, make sure you let your Professor know as early as possible. As you will find, building rapport and effective relationships are key to becoming an effective professional. Make sure that you are proactive in informing your Professor when difficulties arise during the semester so that they can help you find a solution.

Complete Assignments

All assignments for this course will be submitted electronically through TWEN unless otherwise instructed. Assignments must be submitted by the given deadline or special permission must be requested from instructor *before the due date*. Extensions will not be given beyond the next assignment except under extreme circumstances.

Commit to Integrity

As a student in this course (and at Massachusetts School of Law) you are expected to maintain high degrees of professionalism, commitment to active learning and participation in this class and also integrity in your behavior in and out of the classroom.

Academic Dishonesty Policy

Academic dishonesty includes such things as cheating, inventing false information or citations, plagiarism and helping someone else commit an act of academic dishonesty. It usually involves an attempt by a student to show possession of a level of knowledge or skill that he/she does not possess.

Class Structure

This course will use the "Socratic" method of instruction with an emphasis on developing the students "critical thinking skills". The course will prepare the student for those other writing assignments that will be associated with the students substantive classes.

Remember....

"Your education is holistic — it's about learning law and how to think about law, and it's about putting the law in larger practical, theoretical and professional contexts. It's highly intellectual, and at the same time, it's about judgment, integrity, perspective and empathy."

*Risa Goluboff
Dean of the University of Virginia School of Law*

NOTE: This syllabus is subject to change, as needed, to best realize the educational goals of this course.

Week 1

Required Reading - Chapter 1

Monday

- Explain why it is important to study law.
- Define cause of action and explain why one does not always exist.
- Discuss why enacted law frequently contains ambiguities.

Wednesday

- Contrast mandatory with persuasive authority.
- Define stare decisis and explain why it is important.
- Use case briefing to summarize court opinions.

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 2

Understanding that the primary sources of law are constitutions, statutes, regulations, and cases. Lawmaking powers are divided among three branches of government: executive; legislative; and judicial.

Required Reading – Chapter 2Monday

- Define “law” and explain its role in our modern society.
- Describe the two main functions of the U.S. Constitution.
- Explain federalism and how it affects our legal system.
- Explain the rationale behind our system of checks and balances.

Wednesday

- Contrast statutory law with administrative law and executive orders.
- Compare enacted law to the common law.
- Describe the “hierarchy of the law.”

Assignment – Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 3

Required Reading - Chapter 3

Monday – No Class

Wednesday

- Explain what it means to say that Congress has limited powers.
- Identify areas of the law that could be federal only, state only, or both.
- Describe the basic differences between civil and criminal law.
- Distinguish substantive from procedural law.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 4

Required Reading - Chapter 4

Monday

- Explain the concept of jurisdiction.
- Distinguish between questions of law and questions of fact.
- Categorize courts as either trial or appellate.

Wednesday

- List the major courts in the federal system.
- Describe a typical state court system.
- Explain how judges when interpreting the law are sometimes actually “making law.”

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 5

Required Reading - Chapter 5

Monday

- Contrast alternative dispute resolution with litigation.
- Describe the three basic stages of litigation.
- Explain the importance of subject matter and personal jurisdiction.
- Discuss the functions of the complaint, answer, and summons.

Wednesday

- Compare and contrast a motion to dismiss with a summary judgment motion.
- List the main methods used in discovery.
- Discuss how electronic discovery is changing the practice of law.
- List the steps in a typical trial.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 6

Required Reading - Chapter 6

Monday

- Describe the role of judges in interpreting the meaning of arguably ambiguous language contained in the U.S. Constitution.
- Explain why few of the rights guaranteed by the Constitution are absolute.
- Discuss the rights contained in the First Amendment.

Wednesday

- Explain what is meant by “due process” and how the courts determine how much process is due.
- Identify commonly used “tests” or “standards” the courts apply when deciding cases involving equal protection.
- Apply the appropriate constitutional protection to a specific situation.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 7

Required Reading - Chapter 7

Monday

- Explain how intentional torts differ from negligence and strict liability torts.
- List the elements of the prima facie case and common defenses for the torts of battery, false imprisonment, and defamation.

Wednesday

- Apply the elements of negligence to a fact scenario.
- Describe the history and development of product liability law.
- Explain the function of compensatory, punitive, and nominal damages.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 8

Required Reading - Chapter 8

Monday

- Explain the objective theory of contract law.
- Describe the purpose of the Uniform Commercial Code.

Wednesday

- Apply the basic requirements of a contract to a factual situation.
- List the most common defenses to a contract formation.
- Discuss possible remedies available in a breach of contract case.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Spring Break – no classes

Week 9

Required Reading - Chapter 9

Monday – No Class

Wednesday

- Define real and personal property.
- Discuss the rights of landlords and tenants.
- Distinguish the different forms of joint property ownership.
- Discuss limitations on property rights
- Discuss how property can be transferred either on a temporary or permanent basis.
- Discuss intestate versus testate succession.
- Explain the requirements for a valid will and the probate process.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 10

Required Reading - Chapter 10

Monday

- Describe the different types of legal entities a business can take and identify the advantages and disadvantages of each type.
- Describe what takes place in commercial transactions and the difference between a secured and a non-secured transaction.
- Explain the role of an agent and the importance of the difference between an agent and an employee.

Wednesday

- Explain the differences among at-will employees, contract employees, and unionized employees.
- Identify and explain the purpose of the most significant federal and state laws relating to employee rights and benefits.
- Discuss the types of actions that are prohibited by employment discrimination laws.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 11

Required Reading - Chapter 11

Monday

- Discuss the concept of the modern family and the status of same-sex marriage.
- List the requirements for marriage and divorce.
- Distinguish between annulment and divorce.

Wednesday

- Discuss laws regarding child custody, visitation, and support.
- Debate the merits of modern trends in adoption and assisted reproduction laws.
- Discuss the role of the clear and convincing standard in family law.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 12

Required Reading - Chapter 12

Monday

- Describe the purpose of the Model Penal Code and explain how it relates to state criminal law statutes.
- List the basic classifications of crime.

Wednesday

- Discuss the differences between actus reus and mens rea and how they are relevant to the prosecution's case.
- Identify the most common defenses asserted in criminal cases.
- Debate the constitutionality of the death penalty and the value of mandatory sentencing.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 13

Required Reading - Chapter 13

Monday

- Describe the stages of a criminal case from discovery of a crime through sentencing.
- Explain the difference between reasonable suspicion and probable cause and when each applies.
- Discuss when a search warrant is required and how one is obtained.

Wednesday

- Discuss the content and the justification for the Miranda warnings.
- Define the exclusionary rule and explain its purpose.
- Differentiate a grand from a petit jury.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 14

Required Reading - Chapter 14

Monday

- Describe the principles and assumptions that underlie our adversarial system.
- Give examples of how attorneys may find that following the Rules of Professional Conduct will not always provide clear-cut answers to ethical dilemmas.
- Distinguish between client confidentiality and attorney-client privilege.

Wednesday

- Explain the ethical dilemmas presented by suspected client perjury.
- Describe the types of conflict-of-interest situations that can arise in a law practice.
- Describe two access to justice issues.

Assignment - Student assignments, as well as test and quiz dates are available on TWEN. This course work will be posted weekly, and it is the responsibility of the student to submit all course material punctually.

Week 15

Required Reading – None

Monday – Review for Final Exam

Wednesday – Final Exam