

Criminal Law Syllabus

Fall 2017 Semester

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TEXT: Dressler and Garvey, Criminal Law; Cases and Materials (7th edition, West Academic Publishing)

OBJECTIVES:

This course will focus primarily on the fundamental criminal law principles by which our everyday functioning as a society depends. Specifically, we will cover the basic criminal law rights and restrictions in the U.S Constitution, the reasons for punishment, the basic legal components of every crime, as well as the specific crimes of homicide, and larceny. We will also discuss commonly used defenses such as justification, insanity, diminished capacity and intoxication. The course will primarily focus on the common law and the Model Penal Code although the law of New York will be highlighted where significantly different from the above sources.

By the end of this course the student should: 1) learn the black-letter law concerning crimes and defenses; 2) develop a foundation in the area to prepare for the bar examination; 3) learn to brief a court's written opinion and discuss/debate the legal principles involved and their applicability to different facts; 3) begin to think, speak and act like an attorney; and 4) be exposed to the practical applications and policy issues that confront the criminal practitioner in the real world.

METHODOLOGY

Reading assignments from the text will be given for discrete areas of the law. Please use the TWEN cite for this course to view assignments. The number of the assignment will not correspond to the class number. At the end of each class, I will announce approximately how much material you will be responsible for in the next class. As a result, do not read too far ahead. You should not only be reading but also reviewing the assigned material before class. If you read too far ahead, this will become a problem for you.

Students will be expected to brief the assigned material, orally discuss the cases in class (including the facts, issues and holding) and respond to and pose questions concerning the material. The American Bar Association requires that you spend at least six (6) hours per week, on average, outside of class studying for this 3-credit course. This is in

addition to the three hours a week we spend in class. That means three hours per class reading and reviewing the material.

REQUIREMENTS

1 Reading- All assignments in the text are required to be read prior to class. You will be kept informed of specific reading assignments for upcoming classes. Reading cases is more demanding than reading narrative. This is because each sentence in the case may be important. If you skim a case, you could miss the key sentence. You will be expected to know and discuss the facts, legal rules, application of the rules and policy arguments contained in each case. You should read concurrences and dissents equally because today's minority could be tomorrow's majority.

2 Attendance- The law school must certify to the Board of Law Examiners that a student was in "good and regular attendance." You must attend 80% of all scheduled classes to sit for the final exam.

Attendance will be taken at all classes by passing around a sign in sheet. It is the student's responsibility to make sure that their name is signed by them. If your signature is absent from the sign in sheet, you will be counted as absent. If you believe you must be absent from more than the permitted number of classes, you should contact the Office of Student Affairs as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception must be made to the Office of Student Affairs and must be accompanied by appropriate documentation.

Lateness must be avoided at all costs. It is wasteful and distracting to those students who are punctual. I make every effort to start class on time. Please plan accordingly and be in your seat ahead of time. Finally, there will not be a break in class. You are paying for these three credits and I do not want to waste your money. Accordingly, make sure you take care of your needs before class begins in order not to disrupt the discussion.

3 Participation- It is essential that you are prepared for class and participate in class discussions when called upon. Do not expect to sit in class and absorb information by listening and taking notes alone. Learning the law is not a spectator sport and involves more than memorizing rules. As a lawyer, you need to be able to apply those rules to varying situations and to express yourself clearly and persuasively whether summing up to a jury, negotiating a business transaction or interviewing a client.

When asked to discuss a case, do not read from the text or a commercial outline. You may use your own notes. You will perform better if you use a brief that you prepare rather than trying to decipher your highlighting in the textbook. Try to only discuss the pertinent facts, not every conceivable detail. Also, since this will

be a large class, you need to speak clearly and loudly so all of your colleagues can learn from you. This will be an excellent opportunity for you to work on your public speaking skills. Your preparation and class participation will count toward your final grade, usually by a bump up or down, eg, a B to a B+ for exceptional participation; a B to a B- for being unprepared. If you have not done the assigned reading for a class, please do not attempt to fudge it. You will be wasting the time of the rest of the students. Simply acknowledge that you are unprepared so I can call on someone who is prepared. Given the number of students enrolled, however, it is unlikely that I will randomly cold call on you more than once or twice for the semester. Therefore, it is essential that you make every effort to prepare for each class. Finally, only ask for a “pass” for a class in truly compelling circumstances which does not include a simple failure to complete the reading.

There will be assigned seats and a seating chart so that I can learn your names and converse with you personally. The seats will be assigned based on where you sit for the first class. Therefore, if seat location is important to you, I urge you to attend the first class and be there early to get the location you feel most comfortable in.

There will be no use of laptops, tablets or cell phones in class for several reasons. First, recent research has demonstrated that students who take notes by hand rather than digitally, absorb the material better and participate in a more meaningful classroom discussion. Second, I am also not blind to the fact that some students use it to catch up on email, surf the web, buy shoes, etc. Many students have previously complained to me about how distracting other students' computer usage can be. To avoid the temptation to distract yourself as well as your colleagues, no digital devices are allowed. Finally, each class will be recorded so there is no need to transcribe what is said verbatim. If you miss something or have trouble understanding a concept discussed in class, you can always listen to the podcast

There will be absolutely no cell phone conversations (phones to be placed on vibrate), text messaging, e-mailing or surfing the internet while class is in session. Severe penalties will be imposed on those who violate this rule.

EVALUATION

There will be no written quizzes or papers assigned. Your grade will substantially depend on your performance on a closed book written examination given at the conclusion of the semester. This test will consist of multiple choice, true/false and/or short answer questions. The test will be based on your readings as well as information discussed in class which may not overlap. You will be responsible for material in the assignments even if not discussed in class and material discussed in class even if not included in your reading assignments.

Your score will be based upon your knowledge of the legal principles covered in the readings and discussed in class and your ability to apply those principles. The level of preparation and the quality of your class participation will be factored into your final grade. The law school's mandatory grade curve will apply to this course.

CONCLUSION

I can be reached in my office, before/after class or by email. Because of my Clinic responsibilities, which involve random court appearances, it is impossible for me to have scheduled office hours. However, I can make tentative office appointments with you and you can also stop by my office at any time if I am there. I take pride in my accessibility to students so, despite no set office hours, I am in my office much of the week, particularly in the afternoon.

It is important that you keep up with the reading assignments. There is too much material covered for you to catch up later and you will better understand the material covered in class if you have already done the reading. If you have questions about the assigned material or issues discussed in class, please discuss it with me before we move onto something else which may build upon the previous material. Before discussing it with me, however, I urge you to try to obtain the answer for yourself. You can do this by re-reading the case, reading the entire case (rather than the edited version in the casebook), listening to the podcast of the class and consulting secondary material.

I will try to direct you to the correct answer without answering it for you. One of the skills attorneys must learn is how to answer questions themselves. I am eager to receive questions but answering them will be part of the learning process for you. Communication with me outside of the classroom (either during breaks, via email or in my office) is not counted for your grade so don't worry about hurting yourself by asking. The only way you get hurt is by not asking and not learning (or asking a question in class that shows you haven't done the reading).

At this stage of the semester, you are undoubtedly eager to learn the material in this course and hopeful that the practice of law, no matter what field you choose, will be interesting and rewarding. If at the end of the semester you have the same enthusiasm and goals, and a solid foundation in criminal law, I will consider that a success.

I look forward to learning with and from all of you.