

CRIMINAL LAW
COURSE INFORMATION AND SYLLABUS

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Class Meeting Times and Location

Wednesday, Friday 10:30-11:45am. Room assignment may change so please check online.

Office Hours: Wed, Fri 11:45 am-12:45pm

I am happy to make appointments via email to meet at other times. Also, please drop by my office anytime – I am very often there and enjoy informal discussions.

Required Text

- Joshua Dressler and Stephen Garvey, *CRIMINAL LAW: CASES AND MATERIALS WITH CASE BOOK PLUS* (8th Ed., 2019), ISBN 9781642427820
Note: This is a special “casebook plus” edition with online materials that we will be using in class. If you have questions or concerns please discuss with me immediately.

Optional Text

- Joshua Dressler, *UNDERSTANDING CRIMINAL LAW* (8th Ed., 2018), ISBN 9781531007911

COURSE DESCRIPTION (FROM COURSE CATALOGUE)

Sources and interpretations of and constitutional limitations on substantive criminal law; criminal jurisdiction; criminal act and mental state requirements; burdens of proof; criminal capacity; justification and excuse (defense); accomplice liability; inchoate crimes; crimes against property; crimes against persons; crimes against habitation; punishment.

GOALS AND LEARNING OUTCOMES

The goals of this course are to introduce students to (a) the general concepts and vocabulary of the criminal law; (b) the modes of criminal law argument practiced by prosecutors, defense attorneys, and judges; and (c) the debates that affect the criminal law's development and change. By the end of this course, student will be able to:

- Explain core criminal law concepts including legality, actus reus, mens rea, causality, defenses, attempt, accomplice liability, and vicarious liability;
- Identify the elements of various crimes as set out in cases and statutes;
- Apply criminal law doctrine to new factual scenarios in the mode of a prosecutor, defense attorney, and/or judge; and
- Participate in criminal law debates in an informed manner.

SYLLABUS

Please find below the topics and reading assignments for the semester. For readings, please note that **DR** refers to “Dressler” (aka the course textbook) and **HO** means that a Handout will be made available on TWEN. **I reserve the right to modify this syllabus as needed.**

	Topic	Reading
Week 1		
8/21/19 (We) <i>Class 1</i>	Introduction	DR: Ch 1 (pp. 1-18); MPC TOC (pp. 995-1000) HO: <i>The American Model Penal Code</i> HO: Analysis Questions and Problem
8/23/19 (Fr) <i>Class 2</i>	Theories of Punishment	DR: Ch 2 (pp. 31-42; 51-62) HO: Analysis Questions and Problem
Week 2		
8/28/19 (We) <i>Class 3</i>	Legality	DR: Ch 3 (pp. 91-114) HO: Analysis Questions and Problem
8/30/19 (Fr) <i>Class 4</i>	Actus Reus I	DR: Ch 4 (pp. 129-41) HO: Analysis Questions and Problem
Week 3		
9/4/19 (We)	Actus Reus II	DR: Ch 4 (pp. 141-53) HO: Analysis Questions and Problem
9/6/19 (Fr) <i>Class 5</i>	Mens Rea I	DR: Ch 5 (pp. 157-68) HO: Analysis Questions and Problem
Week 4		
9/11/19 (We) <i>Class 6</i>	Mens Rea II	DR: Ch 5 (pp. 169-73; 186-97) HO: Analysis Questions and Problem
9/13/19 (Fr) <i>Class 7</i>	Mens Rea III	DR: Ch 5 (pp. 205-221) HO: Analysis Questions and Problem HO: Mistake Review
Week 5		
9/18/19 (We) <i>Class 8</i>	Causality	DR: Ch 6 (pp. 227-39) HO: Analysis Questions and Problem
9/20/19 (Fr) <i>Class 9</i>	Homicide I	DR: Ch 7 (pp. 251-54; 270-82) HO: Analysis Questions and Problem
Week 6		
9/25/19 (We) <i>Class 10</i>	Homicide II	DR: Ch 7 (pp. 282-89; 300-04) HO: Analysis Questions and Problem
9/27/19 (Fr) <i>Class 11</i>	Homicide III	DR: Ch 7 (pp. 313-29) HO: Analysis Questions and Problem

	Topic	Reading
Week 7		
10/2/19 (We) <i>Class 12</i>	Homicide IV	DR: Ch 7 (pp. 329-32; 341-52) HO: Analysis Questions and Problem
10/4/19 (Fr) <i>Class 13</i>	** MIDTERM EXAM **	** Covers Material from Weeks 1-7 **
Week 8		
10/9/19 (We) <i>Class 14</i>	Sexual Offenses I	DR: Ch 8 (pp. 403-417; 436-42) HO: Analysis Questions and Problem
10/11/19 (Fr) <i>Class 15</i>	Sexual Offenses II	DR: Ch 8 (pp. 445-59) HO: Analysis Questions and Problem
Week 9		
10/16/19 (We) <i>Class 16</i>	Defenses I	DR: Ch 9 (pp. 513-27) HO: Analysis Questions and Problem
10/18/19 (Fr) <i>Class 17</i>	Defenses II	DR: Ch 9 (pp. 527-35; 549-58) HO: Analysis Questions and Problem
Week 10		
10/23/19 (We) <i>Class 18</i>	Defenses III	DR: Ch 9 (pp. 601-09; 614-19) HO: Analysis Questions and Problem
10/25/19 (Fr) <i>Class 19</i>	Defenses IV	DR: Ch 9 (pp. 625-628; pp. 633-47) HO: Analysis Questions and Problem
Week 11		
10/30/19 (We) <i>Class 20</i>	Inchoate Offenses I	DR: Ch 10 (pp. 749-52; 757-66) HO: Analysis Questions and Problem
11/1/19 (Fr) <i>Class 21</i>	Inchoate Offenses II	DR: Ch 10 (pp. 766-79) HO: Analysis Questions and Problem
Week 12		
11/6/19 (We) <i>Class 22</i>	Inchoate Offenses III	DR: Ch 10 (pp. 817-830) HO: Analysis Questions and Problem
11/8/19 (Fr) <i>Class 23</i>	Liability for Others I	DR: Ch 11 (pp. 877-93) HO: Analysis Questions and Problem
Week 13		
11/13/19 (We) <i>Class 24</i>	Liability for Others II	DR: Ch 11 (pp. 899-910) HO: Analysis Questions and Problem
11/15/19 (Fr) <i>Class 25</i>	Theft I	DR: Ch 12 (pp. 947-55; 964-68) HO: Analysis Questions and Problem
Week 14		
11/20/19 (We) <i>Class 26</i>	Theft II	DR: Ch 12 (pp. 968-76) HO: Analysis Questions and Problem
11/22/19 (Fr)	Wrap Up & Final Review	

POLICIES

- 1. Methods of Evaluation** – The final grade will be based on the following: Participation (including quizzes) (10%); Midterm (30%); Final (60%). This class is subject to UB’s mandatory 1L curve. *Prior to each class* you must complete an online “take home” quiz on the reading for that day. Quizzes may include questions from previous readings or lectures. The quizzes are open note and open book but you may not collaborate with other students. Quizzes will be evaluated as part of your participation grade with your top 10 scores counting toward your participation grade. *If you complete all of the quizzes in accordance with these instructions you will receive full credit for your quizzes regardless of your individual quiz scores.* If you are not able to complete a quiz prior to class, you must make alternate arrangements with me *in advance* to receive credit. I have prepared handouts for each class titled “Analysis Questions and Problem” that are designed to help you prepare for the quizzes. Please complete the analysis questions and problem prior to each class and be prepared to discuss, though I will not collect your answers. I reserve the right to adjust your participation grade up or down one-half letter grade depending on your quizzes and participation in class discussions.
- 2. Attendance** – Regular class attendance is mandatory. Students who have more than five absences will not be eligible to complete the course. Please note that under this policy, there are no “excused” or “unexcused” absences (with the exception for religious holidays). **Absences will affect your participation grade.** Attendance is established by signing the class attendance sheet. A student who is more than 5 minutes late may stay for class but may not sign the attendance sheet and be counted as present for that day.
- 3. Preparation** – This class relies on everyone arriving fully prepared to participate in the day’s discussion. At the most basic level, this means completing the assigned reading. I have deliberately given you relatively little reading per class (usually 10-15 pages). **This is because I expect you will read most of the material and all of the assigned cases at least twice.** Learning to read and understand cases and statutes is hard and takes work. Repetition is key. Often, you will still have lingering confusion even after reading a case two or three times. During Socratic questioning, I am happy to work with students who are struggling to understand. However, I have less patience for students who are unprepared.

American Bar Association Accreditation Standards establish guidelines for the amount of work students should expect to complete for each credit earned. Students should expect approximately one hour of classroom instruction and two hours of out-of-class work for each credit earned in a class.

- 4. Professionalism** – Learning cannot effectively take place in an environment that is unprofessional or uncivil. To that end, I expect that you will observe basic professional courtesies such as arriving on time and turning off your cell phone. **Given our subject matter, it is my hope that we can have lively class debates where all students feel comfortable participating and expressing their opinions.** Respect for your colleagues is vital to fostering a healthy debate environment. At all times, remain mindful of the diversity

of perspectives and experiences in our classroom and be respectful as you articulate your arguments. We need not agree on everything, but we do need to disagree professionally.

Note: Please contact me or our law scholar if something related to our class debates or discussions makes you feel uncomfortable or otherwise interferes with your ability to learn. I will make every effort to address any issues raised.

5. **Computers** – Research shows that students are more effective learners when they take notes by hand. Time and again studies show that students using laptops tend to “write everything” rather than critically listen and evaluate. Nonetheless, I permit laptops for note-taking. **That said, laptops must not be used to browse the Internet, check email, Tweet, and etc.** I thus reserve the right to ban laptops if the temptations of the Internet cause disruptions or distractions.
6. **TWEN & Casebook Plus Materials** – Please enroll in the TWEN site for this course, which is available through Westlaw. I will post the Analysis Questions and Problem handout for each assignment on TWEN, as well as additional handouts.

We will be using the online materials that accompany your hardcopy casebook. I have created a course code for the online quizzes that we will be discussing in class. I have posted the instructions on how to link to the online materials on TWEN. Please let me know if you have any problems.

7. **Class Cancellation** – If the instructor must cancel a class, notices will be sent to students via email and posted on the classroom door. If there is inclement weather, students should visit the University of Baltimore web site or call the University's Snow Closing Line at (410) 837-4201. If the University is open, students should presume that classes are running on the normal schedule.
8. **Academic Integrity** – Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, inappropriate communication about exams, use of unauthorized materials and technology, misrepresentation of any academic matter, including attendance, and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at http://law.ubalt.edu/academics/policiesandprocedures/honor_code/
9. **Title IX Sexual Misconduct and Nondiscrimination Policy** – The University of Baltimore’s Sexual Misconduct and Nondiscrimination policy is compliant with Federal laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB’s nondiscrimination policies can be found at: <http://www.ubalt.edu/titleix> .

10. Disability Policy – If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University’s facilities, please contact the Office of Academic Affairs, at ublawaacadaff@ubalt.edu or (410) 837-4468.

11. Course Evaluations – It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.