INTRODUCTION TO LAWYERING SKILLS/CRIMINAL LAW
LAW 614-319
Fall 2015

COURSE INFORMATION

Professor J. Amy Dillard
Angelos Law Center 517
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Class Meetings: Mondays, 9:00 – 11:45 a.m.
                 Wednesdays, 10:30 – 11:45 a.m.
                 Thursdays, 9:00 – 11:45 a.m.

Office Hours:   Mondays, Noon – 1:00 p.m.
                 Thursdays, Noon – 1:00 p.m.

Teaching Assistants: Meredith Boram – meredithkboram@gmail.com
                    Rachele Norfolk – rachele.norfolk@ubalt.edu

Law Scholar:    Drew Chlan – drew.chlan@ubalt.edu

REQUIRED TEXTS

Neumann et al., Legal Writing (3d ed., Aspen 2015)
The Bluebook: A Uniform System of Citation (20th ed., The Harvard Law Review Ass’n 2015)

COURSE OBJECTIVES

This course will integrate substantive criminal law with legal analysis, research, and writing, combining skills and doctrine, as lawyers must in everyday practice. You will be called upon to write and speak in every class, and you will work regularly with a partner or a team in solving problems. Through these methods and others, you will develop an ability to perform legal analysis based on the doctrine of criminal law, and you should be able to apply your new skills of legal analysis, especially rule synthesis and analogical reasoning, to other courses and assignments.
PROFESSIONALISM AND COLLABORATION

In this class, I will treat you like an attorney, and you should aim to act like an attorney. You should treat your classmates with respect and professionalism. I expect you to: arrive early for class and be ready to begin on time; attend every class unless dire personal circumstances interfere; alert me by email when you plan to miss class; and be prepared for every class by reading the assigned texts and thinking about the material.

This course has a very detailed attendance policy, and you should familiarize yourself with it. You should review the entire syllabus and assess your personal conflicts (religious or otherwise) with the class schedule. You must alert the professor no later than Wednesday, August 19, 2015, of all known conflicts.

Unless otherwise directed, you may not collaborate on any graded writing assignments. You will be required to work as a team on ungraded written legal analysis assignments, and you will be required to work with a partner on research and editing for your second memo assignment.

I strongly encourage you to form study groups for reviewing criminal law and to meet with your study group regularly.

ASSIGNMENTS AND GRADING

You will receive two grades for this class. You will receive one grade worth three credits based on your Criminal Law final exam, and you will be eligible for an increase in your Criminal Law grade based on your presence and demonstrated preparation in class. You will receive one grade worth three credits for your legal research and writing assignments and your demonstrated preparation in class, in the sessions with the Teaching Assistants, and in three consultations.

Three Credits in Criminal Law

A Law Scholar will serve as a tutor to supplement your primary instruction in Criminal Law. He will conduct sessions most Thursdays, Noon to 1 p.m. Your attendance in these sessions is not required, though I strongly encourage you to attend and participate.

There will be one three-hour, closed book Criminal Law exam at the end of the semester. You will be encouraged to use exam software to type your answers. Class will run on a Present and Prepared (P&P) System. You must declare whether you are P&P by signing in before each class.

- You will be eligible for a 10% increase in the final number grade on your Criminal Law exam if you sign in P&P at least 23 out of 25 classes, i.e., no more than two failures to sign in P&P, and are prepared if called on.
- You will receive a 10% decrease in the final number grade on your Criminal Law exam if you sign in P&P less than 22 out of 25 classes, i.e., four failures to sign in P&P, or if you are ever unprepared after signing in as P&P or misrepresent your preparation in any way.
- You will fail the course if you sign in P&P less than 21 out of 25 classes, i.e., five failures to sign in P&P.
Three Credits in Introduction to Lawyering Skills

You must complete four graded, written assignments, as detailed below, and three consultations with the professor. I will provide grading criteria in advance for each graded assignment.

You must submit all written assignments electronically to TWEN, unless otherwise directed, and you must maintain a copy. Failure to submit an assignment on time, will result in a 20% deduction, provided that you submit the assignment within 24 hours of the due date/time. After 24 hours, you will receive a ZERO for the assignment; however, you must turn in all assignments to pass the course.

Two Teaching Assistants and the Law Librarian will supplement the primary instruction in this portion of the course. Any class marked with TA will be counted towards your class participation in your final Introduction to Lawyering Skills grade, as detailed below. There are 12 classes marked with TA Session.

Problem Two Exercise (5%) [DUE 8-28-15]

This exercise focuses on a plain language explanation of legal analysis developed during the two classes covering Larceny.

Closed-Research Office Memo (25%) [POSTED 9-03-15 // DUE 9-28-15]

This exercise focuses on the skills of legal writing, analysis, and reasoning. The memo shall not exceed five pages.

Research Exercise (10% total) [POSTED 10-08-15 // DUE 10-19-15]

You must complete the assigned research exercise in a timely, competent manner, and the quality of your work must demonstrate good faith in completing the exercise. You must submit a time sheet for the research exercise. Failure to submit the assignment on time with completed time sheets will result in a grade of ZERO on the assignment. You will also give a short, individual oral report on your conclusions from the assignment on Monday, 10-19-15 at 10:30 a.m.


This exercise develops the skills of legal reasoning, research, and writing. You will build on the skills you developed in writing the closed-research memorandum and use your newly developed legal research skills to perform the research. For this assignment, you must work with a partner on research, planning, and editing. However, your final written product must be your own work. The paper shall not exceed eight pages.
Class and Memo Consultations Preparation and Participation (10%)

You will be asked to complete a self-assessment of your in-class and consultation participation by 9:00 p.m. on Wednesday, 9-23-15. You will receive written feedback on it and suggestions for improving your performance. You should follow the suggestions if you want to maximize your grade.

You will be graded on the following criteria:

- Participating constructively in class discussion and all in-class exercises;
- Expressing and countering arguments constructively;
- Expressing abstract and complex ideas orally;
- Listening and restricting computer use during class time to class work;
- Cooperating and contributing to all team and partner assignments;
- Progressively improving reasoning, analysis, and writing skills;
- Regularly attending all TA Sessions and arriving on time;
- Preparation for and completion of a citation quiz; and
- Presenting a complete draft of each memo assignment at consultations.
**WEEK ONE**

**MONDAY, 8-17-15** – Class #1

**Moskovitz:** Mental States and Mistake; Theories of Punishment
pp. 34-35
- Theories of Punishment: Tools of Criminal Law [TWEN]
- Kristin Henning, *Teaching Fiction?: The Wire as a Pedagogical Tool in the Examination of Punishment Theory* [TWEN]
- Mark Herrmann, *This Is What I’m Thinking* [TWEN]
- Alex Kosinski, *Criminal Law 2.0* [TWEN]
- Adam Liptak, *The Robber, the Judge, and the Case for Leniency* [TWEN]
- Watch *12 Angry Men*

**Neumann:** Rules of Law
Chs. 1, 2, 3
- Vehicles in the Park exercise [TWEN]

**WEDNESDAY, 8-19-15** – TA Session #1

**Neumann:** Citation
Ch. 23

**THURSDAY, 8-20-15** – Class #2

**Moskovitz:** Introduction; Mental States and Mistake; MPC 2.04
pp. 1-34, 763-64
- Prepare Problem One before class with your team

**Neumann:** Judicial decisions and case briefing
Chs. 5, 6
WEEK TWO

DUE THIS WEEK:

- Friday, 8-28-15 at 9:00 AM -- Problem Two Exercise

MONDAY, 8-24-15 – Class #3

Moskovitz: Larceny
pp. 37-57

Neumann: Analyzing a Statute
Ch. 4

WEDNESDAY, 8-26-15 – TA Session #2

Neumann: Effective Style
Ch. 21, 22
- Review plain language materials on TWEN

THURSDAY, 8-27-15 – Class #4

Moskovitz: Larceny
pp. 57-67

Neumann: Working with Cases
Ch. 7, 10
- Vehicles in the Park [TWEN]
WEEK THREE

POSTED THIS WEEK:
  • Friday, 9-03-15, at 11:45 AM – Closed-research Memo Assignment

MONDAY, 8-31-15 – Class #5

Moskovitz: Embezzlement
pp. 69-87

Neumann: Predictive Writing
Ch. 16

WEDNESDAY, 9-02-15 – TA Session #3

Neumann: Effective Style
Ch. 21, 22
  • Review Problem Two – best papers and chronic problems

THURSDAY, 9-03-15 – Class #6

Moskovitz: False Pretenses
pp. 89-109

Neumann: Interviewing the Client
Ch. 15
WEEK FOUR

DUE THIS WEEK:
- Wednesday, 9-09-15 at 10:30 AM – Email case briefs to TA
  - Read and brief all of the cases and relevant code sections for the closed memo

MONDAY, 9-07-15 – No class

LABOR DAY HOLIDAY

WEDNESDAY, 9-09-15 – Class #7

Moskovitz: Robbery
pp. 111-131

THURSDAY, 9-10-15 -- Class #8

Neumann: Working with precedent and facts; Statutes; CREAC; Open Memo Format
Chs. 9, 10, 11, 12, 13, 14, 17, Appendix A
- Before class, prepare with teammates, Teddy Washburn’s Gun Exercise [TWEN].

FRIDAY, 9-11-15 – Optional and Highly Recommended

Westlaw Next and Lexis Advance Workshop
Coordinated by the Law Library
WEEK FIVE

MONDAY, 9-14-15 – Class #9

Moskovitz: Burglary
pp. 137-160

Neumann: Predictive writing; CREAC
Chs. 16, 17
  • Review team CREAC assignments

WEDNESDAY, 9-16-15 – Class #10

Moskovitz: Attempt; MPC 5.01
pp. 569-609, 784-786

THURSDAY, 9-17-15 -- Class #11

Moskovitz: Rape; MPC 213.1-213.4
pp. 717-752, 790-93

To Kill a Mockingbird – trial chapters, section from the film
Tea and consent video
WEEK SIX

MONDAY, 9-21-15 – TA Session #4

Citation of Cases
CREAC Review

WEDNESDAY, 9-23-15 – Consultations

You must attend an individual consultation session regarding a typed, complete draft of your predictive memorandum. You must bring a list of questions for discussion and highlight the sections of your memo that you would like to discuss. You will be graded on your draft and on your preparation for and participation in the consultation.

After your consultation, you need to fill out a self-assessment form to evaluate your class and consultation participation performance from your perspective. You must submit the completed form to Professor Dillard by email by 9:00 p.m., Wednesday, 9-23-15.

THURSDAY, 9-24-15 – TA Office Hours
WEEK SEVEN

DUE THIS WEEK:
  • Monday, 9-28-15, at 9:00 AM – Closed-research Memo

MONDAY, 9-28-15 – Class #12

Moskovitz: Accomplices
pp. 693-709, 712-714

WEDNESDAY, 9-30-15 – TA Session #5

Citation

THURSDAY, 10-01-15 – Class #13

Moskovitz: Murder and Involuntary Manslaughter
pp. 161-191

ADDITIONAL READING: Walking in America [TWEN]
WEEK EIGHT

POSTED THIS WEEK:
  • Thursday, 10-08-15, at 11:45 AM – Instructions for Research Exercise

MONDAY, 10-05-15 – Class #14

MOSKOVITZ: Felony Murder
pp. 193-209, 236 - 243

WEDNESDAY, 10-07-15 – Class #15

Moskovitz: Felony Murder; Accomplices
pp. 131-136; 209-235; 709-712

THURSDAY, 10-08-15 – Class #16

Moskovitz: First Degree Murder
pp. 245-266
WEEK NINE [Dillard out all week]

**MONDAY, 10-12-15** – TA Session #6

Sloan – figure out this assignment
- **RESEARCH CLASS** – Adeen Postar from 9:00 to 10:00 a.m.
- “We know nothing”

**WEDNESDAY, 10-14-15** – TA Session #7

- **RESEARCH SESSION** – Lexis from 9:00 to 10:00 a.m.

**THURSDAY, 10-15-15** – TA Session #8

Sloan – figure out this assignment
- **RESEARCH CLASS** – Adeen Postar from 9:00 to 10:00 a.m.
- More particular
WEEK TEN

DUE THIS WEEK:
- Monday, 10-19-15, at 9:00 AM – Research Exercise

POSTED THIS WEEK:
- Monday, 10-19-15, at 11:45 AM – Open-research Memo Assignment

MONDAY, 10-19-15 – Class #17

During the first hour of this class, you will each meet with me for no more than 5 minutes for an individual consultation reporting on your findings from your research.

Moskovitz: Voluntary Manslaughter
pp. 267-284

WEDNESDAY, 10-21-15 – TA Session #9

Research brainstorming for memo assignment

THURSDAY, 10-22-15 – Class #18

Moskovitz: Causation
pp. 287-314

Neumann: Advanced CREAC
Chs. 18, 19
WEEK ELEVEN

DUE THIS WEEK:
- Monday, 10-26-15, at 11:45 AM – Partner Selection for Open-research Memo

MONDAY, 10-26-15 – Class #19

Moskovitz: Insanity, Diminished Capacity, and Incompetency
pp. 315-360

Excerpt from *In Cold Blood*, Truman Capote [TWEN]

WEDNESDAY, 10-27-15 – TA Session #10

Citation

THURSDAY, 10-29-15 – Class #20

Moskovitz: Self-Defense and Necessity
pp. 377-418, 441-455
WEEK TWELVE

MONDAY, 11-02-15 – Class #21

Moskovitz: Defense of Habitation, Prevention of Felony and Escape, pp. 419-455 (all of Ch. 14 and part of Ch. 15)

WEDNESDAY, 11-04-15 – TA Session #11

Citation

THURSDAY, 11-05-15 – Class #22

Moskovitz: Solicitation
pp. 535-567
WEEK THIRTEEN

MONDAY, 11-09-15 – Class #23

Moskovitz: Conspiracy
pp. 611-648

WEDNESDAY, 11-11-15 – Class #24

Moskovitz: Conspiracy
pp. 649-663

THURSDAY, 11-12-15 – TA Session #12

Session with TAs on memo assignment
Prep draft
WEEK FOURTEEN

MONDAY, 11-16-15 -- Consultations

You must attend a consultation session with your partner regarding a typed, complete draft of your predictive memorandum. You must bring a list of questions for discussion and highlight the sections of your memo that you would like to discuss. You will be graded on your draft and on your preparation for and participation in the consultation.

WEDNESDAY, 11-18-15 – TA Session #13

Citation Quiz

THURSDAY, 11-19-15 – TA Office Hours
WEEK FIFTEEN

DUE THIS WEEK:

- Monday, 11-23-15, at 9:00 AM – Open-research Memo Assignment

MONDAY, 11-23-15 – Class #25

EXAM REVIEW

Neumann: Writing exam answers
Review information on NEUMANN website