

**UNIVERSITY OF BALTIMORE SCHOOL OF LAW
FALL 2017**

Course: Introduction to Lawyering Skills/Criminal Law
LAW 614
Section 329

Instructor: Dawinder S. Sidhu
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Office Hours: 90 minutes after class on Thursdays and by appointment

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Days/Time: T/R 1:30pm – 4:15pm

Location: Room assignments are available through MyUB.

I. COURSE DESCRIPTION

Welcome! This course integrates rigorous instruction in legal analysis, research, and writing with substantive criminal law to give beginning law students an opportunity to combine skills and doctrine the way lawyers must in the practice of law. Students will learn criminal law through statutory interpretation, case analysis and rule synthesis, print and online legal research, and legal writing projects. Doctrinal topics include homicide, rape, attempt, solicitation, conspiracy, sanity, competency, and sentencing. Legal analysis, research, and writing skills will be developed through course-work that includes critical case reading, analysis and briefing, factual analogy and distinction, rule synthesis and application, objective/predictive writing, case law and statutory research, print and electronic, citation form, and professional norms and ethics. Prerequisite: None

II. COURSE MATERIALS

The required books for this course are:

- * JOSHUA DRESSLER, CASES AND MATERIALS IN CRIMINAL LAW (6th ed.)
- * THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (20th ed.)

Students are encouraged to purchase the following books:

* RICHARD K. NEUMANN, JR. AND SHEILA SIMON, LEGAL WRITING (3rd ed.)

* EUGENE VOLOKH, ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW (4th ed.)

All supplemental course materials will be made available on the TWEN course page. Please note that readings and assignments are subject to change.

III. SPECIFIC LEARNING OUTCOMES

For Introduction to Lawyering Skills, students will become familiar with the fundamental functions -- descriptive, normative, and communicative -- of effective lawyers:

1. The descriptive function entails the ability to grasp the relevant factual circumstances, to identify the applicable legal issues stemming from the relevant facts, and to locate and dissect the relevant legal landscape;
2. The normative function is the development of arguments in support of a particular position and the anticipation of counterarguments to that position; and
3. The communicative function is the conveying of these points to an intended audience, such as a supervisor, client, or court.

Students will receive instruction on all three functions, and will build their capacity in these areas through regular collaborative exercises and assignments.

For Criminal Law, students will understand the foundations of criminal law, including:

1. The purposes of punishment;
2. The constitutional parameters of criminal law;
3. The essential elements of criminal offenses: *actus reus* and *mens rea*;
4. The application of these elements to the specific criminal offenses, namely homicide, sexual assault, attempt, solicitation, and conspiracy.
5. Common defenses; and
6. The sentencing process.

Students will read and analyze leading cases and other materials, will perform in-class writing exercises, and will hear from guest speakers who will enrich students' understanding of criminal law.

In addition to lawyering skills and substantive knowledge in criminal law, students also will be introduced to professional norms. To this end, students will

1. Become familiar with the ideals of professional conduct; and
2. Exhibit these ideas in the classroom.

IV. GRADES

Students will receive two separate grades for their work in this integrated course: one for Introduction to Lawyering Skills and one for Criminal Law.

A. Introduction to Lawyering Skills

Students will be required to complete a closed memorandum assignment (40%) and an open memorandum assignment (40%). In addition, students are expected to demonstrate professionalism in (20%).

B. Criminal Law

Students will be asked to participate in class (15%). I will call on students. Students are expected to respond to my questions. Students also are encouraged to volunteer comments to facilitate robust classroom discussion. Students also will complete in-class assignments in pairs (25%). These assignments are designed to help students exercise their writing skills on criminal law topic, to simulate the back-and-forth of legal argumentation, and to promote collaborative work. Students will be asked to present at least one assignment. These presented assignments will be graded. Should a student present multiple times, the student's grade will consist of an average of his or her presented assignments.

Students will be required to take an ungraded mid-term examination. The purpose of the mid-term will be to enable interested students to monitor their progress in the course in a consequence-free way and to get a sense of how I write examinations. The final (60%) will consist of a limited open-book examination.

V. COURSE EXPECTATIONS

1. Commitment: American Bar Association Standards for Law Schools 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, or an equivalent amount of work for other academic activities, such as simulations,

externships, clinical supervision, co-curricular activities, and other academic work leading to the award of credit hours.

2. Attendance: Students must attend class. Attendance is a prerequisite for effective participation in the course. Attendance will be taken.
3. Participation: Students must contribute to the class conversations, participate in workshopping exercises, and present their papers when asked.
4. Attentiveness: Students must pay attention to others speaking in the classroom. Any cellphone use, and any laptop use unrelated to class, may be construed as a breach of the respect owed to others in the classroom and can result in an automatic deduction of a student's professionalism grade.
5. Civility: **A classroom environment in which all feel comfortable to share their views is predicated on mutual respect and collegiality.** Students must be collegial and courteous, must not use informal or disrespectful language, and must not indicate demonstrable disagreement. **Breaches of civility are highly disfavored and will result in automatic deductions in the offending student's grade.**

VI. ATTENDANCE

Class attendance is a primary obligation of each student whose right to continued enrollment in the course and to take the examination is conditioned upon a record of attendance satisfactory to the professor. A student who exceeds the maximum allowed absences (generally 20% of class sessions) as illustrated below may be compelled to withdraw from the course, or may be barred from sitting for the final exam. Students who are forced to withdraw for exceeding the allowed absences may receive a grade of FA (failure due to excessive absence). This policy is consistent with American Bar Association Standards for Law Schools.

Regular Semester Hours		
Credit Hours	Meetings Per Week	
	1	2
2	2 absences	5 absences
3	2 absences	5 absences
4	--	5 absences

VII. COURSE WEBSITE

I maintain a course page on TWEN. Please sign-up for this course page.

VIII. LAPTOPS

Laptops may be used in class. But laptop use unrelated to class is strictly prohibited.

IX. 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.

X. 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/.

XI. 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>.

XII. DISABILITY POLICY

If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services, at 410-837-5623 or lmetzger@ubalt.edu.

XIII. ASSIGNMENTS

A. INTRODUCTION

1. Aug. 22 **Welcome; Case Briefing**
TWEN -- Kerr, How to Read a Legal Opinion: A Guide for New Law Students

2. Aug. 24 **Professional Norms; Course Procedural and Formatting Requirements**
NO READING

The Law and Criminal Law: An Example
TWEN -- Kurosawa, "Rashomon"

3. Aug. 29 **Memorandum Writing**
TWEN -- Neumann & Simon, 25-29, 91-93, 105-113, 195-204

Academic Ethics in Writing
TWEN -- Volokh, 334-342

4. Aug. 31 **Law Library: Case Law**
NO READING

B. GENERAL CONCEPTS

5. Sept. 5 **Purposes of Punishment**
Dressler, 30-69
TWEN -- *Federalist* Nos. 6, 15, 51

6. Sept. 7 **The Constitutional Considerations:**

Criminal Harms
Dressler, 1-3 (stop at "Notes and Questions"), 146-148

Notice and Vagueness
Dressler, 92-119

Ex Post Facto Laws and Bills of Attainder
TWEN -- Excerpt LaFave, 103-113 (skip the footnotes)

7. Sept. 12 **The Constitutional Considerations (con't):**

Causation

Dressler, 214-232

Presumption of Innocence

Dressler, 14-19

Burden of Proof

Dressler, 9-13; 486-497

8. Sept. 14 **Law Library: Statutory Law**

NO READING

C. ESSENTIAL ELEMENTS

9. Sept. 19 **Steps in the Criminal Process**

TWEN -- LaFave, 46-59

“Evil Hand” -- *Actus Reus*

Dressler, 127-135

Omissions

Dressler, 136-148

10. Sept. 21 **“Evil Mind” -- *Mens Rea***

Dressler, 149-170

11. Sept. 26 **Strict Liability Offenses**

TWEN -- LaFave, 92-109

Mistake

TWEN -- LaFave, 109-128

12. Sept. 28 **Law Library: Secondary Sources**

NO READING

13. Oct. 3 **Workshopping**

* DRAFT CLOSED MEMORANDUM DUE (Bring to Class)

NO READING

- 14. Oct. 5 **Law Library: Review**
- 15. Oct. 10 * CLOSED MEMORANDUM DUE
NO CLASS -- INDIVIDUAL MEETINGS
- 16. Oct. 12 NO CLASS -- INDIVIDUAL MEETINGS
- 17. Oct. 17 IN-CLASS UNGRADED MID-TERM

D. SUBSTANTIVE OFFENSES

- 18. Oct. 19 **Overview of Homicide**
Dressler, 235-238

Intentional Killings: Premeditation and Deliberation
Dressler, 253-264
- 19. Oct. 24 **Intentional Killings: Manslaughter**
Dressler, 264-292
- 20. Oct. 26 **Unintentional Killings -- Unjustified Risk-Taking**
Dressler, 295-315

Unintentional Killings -- Felony Murder Rule
Dressler, 315-326
- 21. Oct. 31 **Sexual Assault**
Dressler, 385-389; *Maryland v. Baby*,

Rape Shield
Dressler, 470-471

Statutory Rape
Dressler, 186-193, 475-479
- 22. Nov. 2 **Attempt**
TWEN -- Kadish, 607-655
- 23. Nov. 7 **Solicitation and Conspiracy**
TWEN – Kadish, 703-740

24. Nov. 9 **Workshopping**
* DRAFT OPEN MEMORANDUM DUE (Bring to Class)
NO READING

E. COMMON DEFENSES

25. Nov. 14 **Overview**
Dressler, 480-486
- Justification**
Dressler, 500-516, 549-552, 560-563
TWEN -- Dr. King, Letter from Birmingham Jail; Plato, Crito
26. Nov. 16 **Excuse -- Duress and Necessity**
Dressler, 583-603
27. Nov. 18 **Diminished Mental Agency**
TBD
28. Nov. 21 * OPEN MEMORANDUM DUE
SPECIAL PRESENTATION
NO READING
29. Nov. 23 NO CLASS -- THANKGIVING

F. SENTENCING

30. Nov. 28 **Sentencing Process**
NO READING