I. COURSE DESCRIPTION

Welcome! Introduction to Lawyering Skills/Criminal Law is a combination of two courses, one skills-based and one substantive.

A. Introduction to Lawyering Skills

The skills-based course, Introduction to Lawyering Skills, introduces students to the fundamental functions -- descriptive, normative, and communicative -- of effective lawyers. 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. The normative function is the development of arguments in support of a particular position and the anticipation of counterarguments to that position. 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.

B. Criminal Law

The substantive course, Criminal Law, introduces students to the foundations of criminal law. Students will explore the purposes of punishment and the constitutional parameters of criminal law. Next, students will learn the essential elements of criminal offenses: actus reus and mens rea. Students will then examine how these elements apply to the specific criminal offenses, namely homicide, sexual assault, attempt, solicitation, and conspiracy. Students then will cover common defenses and 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.

A comment on scope. Please note that this is a one-semester, survey course. Given the limited timeframe and the introductory nature of the course, it is not possible for us to cover each the topics that fall within the broad ambit of lawyering skills and
criminal law. That said, students will be exposed to the “peaks,” or most significant aspects of, lawyering skills and criminal law. Students interested in more comprehensive instruction in either subject are encouraged to take other, related courses during subsequent semesters at the law school.

C. Professional Norms

To be an attorney is to be part of a learned, service profession. In addition to lawyering skills and substantive knowledge in criminal law, students also will be introduced to professional norms. Just as skills and knowledge demand practice and are developed over time, so too must professional norms be exercised and refined over the course of one’s legal career. There is no better time to begin this process than the start of law school.

II. COURSE OBJECTIVES

There are three corresponding goals for this course. By the close of the semester, students will:

1. Be familiar with, and be able to exhibit, the three aforementioned functions of an effective lawyer;

2. Understand the core theoretical, constitutional, and doctrinal aspects of basic criminal law; and

3. Be familiar with, and be able to exhibit, the ideals of professional conduct.

III. COURSE METHODOLOGY

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.

III. THRESHOLD EXPECTATIONS

A classroom environment in which all feel comfortable to share their views is predicated on mutual respect and collegiality. Breaches of civility are highly disfavored and will result in automatic deductions in the offending student’s grade.

1. **Attendance:** Students must attend class. Attendance is a prerequisite for effective participation in the course. Attendance will be taken. Students who miss an excessive number of class sessions may be withdrawn from the course in accordance with the policies of the American Bar Association and the law school.

2. **Participation:** Students must contribute to the class conversations, participate in workshopping exercises, and present their papers when asked.

3. **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.

4. **Civility:** Students must be collegial and courteous, must engage with others in good faith, must not use informal or disrespectful language, and must not indicate demonstrable disagreement.

5. **Honor Code:** Students are reminded of their ongoing obligations to adhere to the law school’s Honor Code, including the section on plagiarism. See http://law.ubalt.edu/academics/policiesandprocedures/honor_code/.
IV. OFFICE HOURS

I hold office hours for the ninety minutes that immediately follow class on Thursdays. I am also available to meet with students by appointment. Please email me to schedule an appointment.

V. ADDITIONAL RESOURCES AND SUPPORT

The Law Scholar for this course, Joseph Chandlee (joseph.chandlee@ubalt.edu), will hold sessions in which he will discuss the course material and answer questions from students. Students are highly encouraged to attend these sessions.

The library faculty also are available to help students with specific legal research questions and to help students use the wide-range of online and in-person legal research tools. The Legal Writing Center also is available to help students with legal writing questions or concerns.

If you are a student with a disability and believe you need an academic accommodation, please contact Leslie Metzger, Director of Student Services (410-837-5623, lmetzger@ubalt.edu).

In short, you are not alone!

VI. COURSE TEXT AND READINGS

The required book for this course is:

* JOSHUA DRESSLER, CASES AND MATERIALS IN CRIMINAL LAW (5th ed.)

Students may elect to purchase the following:

* THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION

* 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.
I. INTRODUCTION

1. Aug. 22 Welcome; Overview of the Semester
   TWEN -- *R v. Dudley and Stephens*

2. Aug. 24 Professional Norms
   TWEN -- Excerpts of Maryland Attorneys’ Rules of Professional Conduct; Breyer, “The Legal Profession and Public Service”

   **Course Procedural and Formatting Requirements**
   TWEN -- Course Local Rules

3. Aug. 29 Case Briefing and Memorandum Writing

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

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

II. 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

   III. 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

    Strict Liability Offenses
    TWEN -- LaFave, 92-109

11. Sept. 26  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   NO CLASS -- INDIVIDUAL MEETINGS
15. Oct. 10  NO CLASS -- INDIVIDUAL MEETINGS
17. *Oct. 17 * CLOSED MEMORANDUM DUE
              UNGRADED MID-TERM

IV. SUBSTANTIVE OFFENSES

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

              Intentional Killings: Premeditation and Deliberation
              Dressler, 253-264

              Dressler, 264-292

              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

7 of 8
24. Nov. 9  
Workshopping  
* DRAFT OPEN MEMORANDUM DUE (Bring to Class)  
NO READING

V. 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 -- THANKSGIVING

VI. SENTENCING

30. Nov. 28  
Sentencing Process  
NO READING