UB Criminal Practice Clinic
LAW 800D – 311 (2 credits - graded) / LAW 800D – 511 (4 credits – pass / fail)

Class - TUESDAYS 6:00 PM TO 9:15 PM.

Adjunct Professor Mary Jo Livingston
410-375-1416 / e-mail: mlivingston@opd.state.md.us

SYLLABUS, ASSIGNMENTS, DUE DATES, POLICIES, GRADING AND CPC STUDENT #s
SUMMER 2015

Below is a syllabus noting class activities, with assignments to do before coming to class, to do in-class and to be submitted on the applicable date. All assignments are assigned by your CPC Student # (see the following pages) and can be found in the course TWEN site Assignment Drop Box (ADB). Please pay attention to these assignments and their due dates, as some require substantial preparation time. If you don’t look at the assignment until a few days before the class / date when it is due it may be too late.

Submitted Assignment Requirements. For assignments to be submitted, first, please retain a copy (on your computer is fine) for yourself. Submit all assignments via the course TWEN site, Assignment Drop Box (ADB), unless instructed otherwise. To be timely, your assignment must be received by 11:00 p.m. on the due date.

TWEN FORUMS: Please note that participation in the TWEN forums is mandatory. Grading will be based upon active participation each week. Students must post a reflective paragraph about the topic of the weekly forum or what they learned about the topic, read the other posts then post a short reflective paragraph in response to other posts. The forums are designed to be a discussion, either about the students experience in placement or a discussion of a topic of instruction.

CELL PHONE USAGE

Students may not use their phones during class for any reason.
Any improper cell phone use during class, no matter how brief, will be treated as an honor code violation AND will be sanctioned as follows:

1) 1st violation: The student will be asked to leave the class, the student will be considered to be absent from class without excuse AND the student’s final grade will be lowered by one full letter grade (e.g., a B+ would be reduced to a C+).

2) 2nd violation: The student’s final grade for all six (6) credits of the CPC will be an “F”.

CAMPUS SECURITY SHOULD BE CONTACTED IN THE EVENT OF AN EMERGENCY.
<table>
<thead>
<tr>
<th>Date</th>
<th>Week</th>
<th>Class Activity</th>
<th>Assignments To Do Before Class / Submit On This Date</th>
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</thead>
</table>
| 5/19   | 1    | Introduction and Overview of the Criminal Practice Clinic and the Criminal Justice System from complaint to release Analysis of Lester P | Read: Syllabus and see corresponding documents on TWEN.  
Read: Intro to the CPC and How to Supervise.  
Read: Lester P case  
Submit: Criminal Justice System - from Complaint to Release Written Assignment. (Bring a copy to this class and the next class.)  
Submit: Criminal Law Written Exercise #1  
**Participate in TWEN Forums**  
**REGISTER ON CPC TWEN SITE BY MAY 18** |
| 5/26   | 2    | Continue review of CJS system  
How to Prepare a Case  
Brainstorming the Lester P case | Read: How to Prepare a Case (associated assignment to be submitted at a later date).  
Submit: Theory of the case worksheet 1 MUST be submitted by 1:00 pm on 5/26. Students must bring the completed form to class in addition to submitting assignment online.  
Submit: Professional responsibility assignment  
**Participate in TWEN Forums** |
| 6/2    | 3    | Criminal Procedure In-Class Exercises  
Sentencing | In-Class Exercises: Criminal Procedure Exercise; See Criminal Procedure Exercise - Assignments and Instructions.  
Submit: Criminal Procedure Written Exercise; See Criminal Procedure Exercise - Assignments and Instructions. Due at 1:00 pm  
Submit: Theory of the case worksheet 2  
Give Supervisor’s Mid-Semester Evaluation to your Supervisor and schedule appointment with Supervisor to discuss evaluation.  
**Participate in TWEN Forums**  
**NOTE:** You may wish to start preparing for the upcoming class, “Learn To Play By The Rules” as the preparation will take some time |
| 6/9    | 4    | Learn To Play By The Rules In-Class Exercises | In-Class Exercises: Learn To Play By The Rules; See Learn To Play By The Rules - Assignments and Instructions.  
Ensure Supervisor returns Supervisor’s Mid-Semester Evaluation.  
Submit: Theory of the case worksheet 3  
**Participate in TWEN Forums** |
Read: Witness Examination – Basic Guidelines (found in Advocacy Skills Assignment document).  
Submit: Theory of the case worksheet 4  
Submit: Professional responsibility exercise  
**Participate in TWEN Forums** |
| 6/23   | 6    | Advocacy Skills In-Class Exercises | In-Class Exercises: In-Class Advocacy Skills Exercises; See In-Class Advocacy Skills Exercises Assignments and Instructions.  
Submit: Advocacy Skills Preparation Form; See Advocacy Skills Assignments and Instructions.  
**NOTE:** You may wish to start preparing for the upcoming assignment, “How To Prepare” as the preparation will take some time.  
**Participate in TWEN Forums** |
| 6/30   | 7    | Group Presentations: Reflections on Lawyering | In-Class Exercises: Student - led group presentations; See Group Presentations - Assignments and Instructions.  
Submit: Student’s End-of-Semester Evaluations.  
Ensure Supervisor returns Supervisor’s End-of-Semester Evaluation.  
**Participate in TWEN Forums** |
| 7/7    |      | How to prepare a case written assignment | Submit: How to prepare a case written assignment  
**Participate in TWEN Forums** |
STUDENT NAMES & CPC STUDENT #s

All assignments are assigned by your “CPC Student #.”

<table>
<thead>
<tr>
<th>CPC #</th>
<th>Student Name</th>
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<tbody>
<tr>
<td>1</td>
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<td>5</td>
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NOTE: There may NOT be a student assigned to a student number above - typically, the latter numbers, for various reasons. This may create difficulties with some of the in-class exercises, such as the criminal procedure motions argument exercises and the advocacy skills exercises. If there is an exercise to which a number is assigned, but no student is assigned to that number and you are affected, please contact the professor and we will discuss it and solve the problem before your assignment.

COURSE POLICIES & GRADING

The Criminal Practice Clinic is a six (6)-credit class, four (4) pass / fail credits for the placement component, and two (2) credits for the classroom component for which you receive a traditional letter grade. The factors which will be considered in awarding a grade for the classroom component include the below chart and:

1. Improvement throughout the semester,
2. Preparation, thoroughness, creativity and organization,
3. Compliance with instructions, deadlines and timeliness, and
4. Initiative and responsibility.

In all assignments, your conclusions are of far less importance than your thought process. Whether the instructions expressly say so or not, you must “show your work” – explain the reasoning supporting any and every conclusion.

Summary of Assignment Weights and Grading

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Points Possible</th>
<th>Keep Track of YOUR Points</th>
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<tbody>
<tr>
<td>CJS - From Complaint to Release</td>
<td>P/F</td>
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<tr>
<td>Criminal Law Written Assignment # 1</td>
<td>10</td>
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<tr>
<td>Prof. Resp. Written</td>
<td>5</td>
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<tr>
<td>TWEN forum participation</td>
<td>10</td>
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<tr>
<td>Procedural / Advisements Assignment</td>
<td>P/F</td>
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<tr>
<td>Criminal Procedure Oral / Written Combined</td>
<td>10</td>
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<tr>
<td>Oral Exercise for Learn To Play By The Rules</td>
<td>10</td>
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<tr>
<td>Theory of the case worksheets</td>
<td>2.5 points each (10 total)</td>
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Grades on Individual Assignments. Numerical grades on a 10-point scale will be given for all individual assignments and will have the following meaning: 10+=A+; 10=A; 9=A-; 8=B+; 7=B; 6=B-; 5=C+; 4=C; 3=C-; 2=D+; 1=D; 0.5=D-; 0=F. For assignments worth more or fewer than 10 points, the grades will have the same proportional meaning.

Final Course Grades. Final course grades will be awarded as follows, with the professor retaining discretion to modify the final grade: 100-96=A+; 96-90=A; 89-88=B+; 87-80=B; 79-77=C+; 76-70=C; 69-67=D+; 66-60=D; 59=D-; 58-0=F.

Missed In-Class Exercise - 0. If you miss an in-class exercise, even if your absence is excused, you will receive a “0” on that assignment. If a missed in-class exercise is the result of an EXCUSED absence or lateness and points are lost as a result, on request by the student and at the discretion of the professor, the student may receive an extra credit assignment to give the student a chance to make up points lost.

MISSING A CLASS IS NEVER SUFFICIENT CAUSE TO FAIL TO SUBMIT A WRITTEN ASSIGNMENT ON TIME.

P/F = Pass / Fail Assignments. A few assignments and all evaluations will be graded on a pass / fail basis. If you properly and timely complete and submit a Pass / Fail assignment, you get a Pass. Otherwise, you get a Fail. A Fail on a Pass / Fail assignment will result in 10 points being deducted from your total points in calculating your final grade.

As to Supervisor Evaluations, I understand that the student has limited ability to compel the supervisor to turn in the supervisor’s evaluations in a timely fashion; however, the student must make best efforts by providing the supervisor with a copy of the evaluations at the appropriate time and encouraging the supervisor to turn in the evaluations. Failure of the student to make such best efforts will be treated as if the student did not turn the evaluation in, and 5 points will be subtracted from your total points / final grade for each evaluation not turned in. (Don’t worry about this. In more than 10 years of teaching the clinic, I have never had to sanction a student for a supervisor’s failures.)
Contempt of Course

In this Clinic, you are actually licensed to practice law; you are no longer *just* a law student. As such, you are expected to conduct yourself as if you are a practicing lawyer. If a lawyer knows she will be late for Court, unable to appear for a Court date, must miss a filing deadline or violate other Court rules, she has an obligation to contact the Court and any supervisor to give adequate notice and some explanation. Absent good cause, a good reason for the failing *and* a good excuse for not providing sufficient prior notice, that lawyer may be held in Contempt of Court and sanctioned. Comparable behavior in the classroom component of this Clinic will be deemed *Contempt of Course* and may result in sanctions as follows:

**CLASS ATTENDANCE AND PUNCTUALITY:** Class attendance is mandatory and counted. Unexcused lateness for class and unexcused absences are treated as Contempt of Course. Sanctions will be imposed as follows:

1. If a student is **absent without excuse** from one class, that student’s final letter grade will be reduced by one (1) whole letter grade. (e.g., a B+ would be reduced to a C+)
2. If a student is **absent without excuse** from two (2) or more classes, that student’s final letter grade will be an “F” for the Clinic.

SEE THE UB POLICY ABOUT CLASS ABSENCES. THE UB POLICY IS INCORPORATED INTO THIS COURSE’S POLICIES, BUT IN THE CASE OF CONFLICTS, THIS COURSE’S POLICIES CONTROL.

4. If a student is **late without excuse** for class two (2) times, this will be treated as one (1) unexcused absence.
5. If a student is **late with excuse or without excuse** for class three (3) times or more, the third lateness and each lateness thereafter will be treated as an additional unexcused absence.

Definitions: Excused Absence or Excused Lateness. An absence from or lateness to class is **excused** if the student has obtained the professor’s approval for the absence or lateness prior to the class to which the student is to be absent or late. An absence or lateness for which prior approval has not been obtained may be deemed excused, in the sole discretion of the professor, if a sufficient emergency caused the absence or lateness and prevented notification of the professor a reasonable time before the absence or lateness. Any absence or lateness that is not excused is unexcused.

IF YOU MISS OR ARRIVE LATE FOR A CLASS, IT IS YOUR RESPONSIBILITY TO DETERMINE WHAT, IF ANY, ASSIGNMENTS OR ANNOUNCEMENTS YOU MISSED. MISSING OR ARRIVING LATE FOR A CLASS IS NOT AN ACCEPTABLE EXCUSE FOR FAILING TO FOLLOW INSTRUCTIONS.

**ASSIGNMENTS:** Assignments that are submitted after the due date are late and will be treated as Contempt of Course. Sanctions will be imposed as follows:

1. For an assignment submitted **less than seven days after its due date:**
   a. For a graded assignment, the student’s letter grade on that assignment will be reduced by three (3) points, an entire letter grade. (e.g., a B+ would be reduced to a C+).
   b. For a Pass/Fail assignment, the student will receive a minus five (5) points for that assignment.
2. For an assignment submitted **seven days or more after its due date:**
   a. For a graded assignment, the student’s letter grade on that assignment will be reduced to no better than a one (1), a “D.”
   b. For a Pass/Fail assignment, the student will receive a minus ten (10) points for that assignment.
3. If **two or more assignments are submitted late**, the student will receive a minus ten (10) points for each late assignment.
4. If a student **fails to submit any single assignment**, the student will receive a minus ten (10) points for that assignment.
5. If a student **fails to submit two or more assignments**, that student’s final letter grade for the Clinic will be an “F”.

**Do not misconstrue your professor’s response, even a sympathetic one, to an unexcused absence or lateness, particularly the first, as a waiver of these sanctions. Any after-the-fact explanations and conduct may be considered by your professor in mitigating these sanctions.**
**CELL PHONE USAGE**

**Students may not use their phones during class for any reason.**

Any improper cell phone use during class, no matter how brief, will be treated as an honor code violation AND will be sanctioned as follows:

1) **1st violation:** The student will be asked to leave the class, the student will be considered to be absent from class without excuse AND the student’s final grade will be lowered by one full letter grade (e.g., a B+ would be reduced to a C+).

2) **2nd violation:** The student’s final grade for **all six (6) credits of the CPC** will be an “F”.

**Computer Use**

Students are permitted to use computers during class for matters related to what we are doing in the CPC at the moment of use. Students may not use computers during class for any other purpose (e.g., using email, instant messaging, “surfing” the web, doing an assignment for a past or future CPC class or other law school class, etc.). **Having a computer program that is NOT related to what we are doing in the CPC at the moment open, but in the background (e.g., having an email program open while the current computer screen shows a Maryland Rule section on Westlaw that we are discussing in the class), creates an IRREBUTABLE presumption of improper computer use during class.**

Any improper computer use during class, no matter how brief, will be treated as an honor code violation AND will be sanctioned as follows:

1) **1st violation:** The student will be asked to leave the class, the student will be considered to be absent from class without excuse AND the student’s final grade will be lowered by one full letter grade (e.g., a B+ would be reduced to a C+).

2) **2nd violation:** The student’s final grade for **all six (6) credits of the CPC** will be an “F”.

**Assignments – Form**

All assignment to be submitted must be typed in a MS Word-compatible format and **SUBMITTED VIA the TWEN site by 11:00 p.m. the date the assignment is due, unless you are directed otherwise. It must be on an 8.5”x11” (letter size, NOT legal size) document, with 1” margins on all sides, double spaced, 11-point font, using either Arial or Times New Roman font.**

**Texts**

There is no required text for this course, but you will need to print out documents from the TWEN site. However, the following will be used regularly: Annotated Code of Maryland - Maryland Rules, Volumes 1 and 2; Criminal Law Volume; Criminal Procedure Volume; Courts and Judicial Proceedings Volume; Transportation Volume

**End of / Extending Your Placement**

Because your supervisor does not live on a semester dominated calendar, be sure to TELL YOUR SUPERVISOR WHEN, BECAUSE OF A SEMESTER HOLIDAY, YOU WILL NOT BE PRESENT IN YOUR PLACEMENT. ALSO, TELL YOUR SUPERVISOR, AND REMIND HER NEAR THE END OF THE SEMESTER, WHEN THE SEMESTER, AND THEREFORE YOUR PLACEMENT, ENDS.

The last day you can practice under Rule 16 is the **last day of the exam period** for the semester. Please check the UB academic calendar for that exact date. Often, students want to extend their Rule 16 certification to continue to handle cases beyond that date. Certification can be extended for **non-graduating students only and only until the date grades are due for the next semester.** It cannot be extended beyond that date. If you want your certification extended, contact
the Clinic Administrator, Laura Garcia, lgarcia@ubalt.edu and send a copy to me. Sadly, certification for students graduating at the end of the semester in the CPC can NOT be extended.