COURSE INFORMATION

Professor Amy Dillard
adillard@ubalt.edu
Office LC-406

Class Meetings: 
Mondays, 9:00-11:45 a.m. BC 319
Wednesdays, 9:00-11:45 a.m. BC 319
Thursdays, 9:00-10:15 a.m. BC 219

Office Hours: 
Mondays, Noon to 1:00 p.m. (email for appointment)
Wednesdays, Noon to 1:00 p.m. (email for appointment)

Writing Specialist: 
Professor Heather McCabe
heather@mccaberussell.com

Teaching Assistants: 
Peggy Chu
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Cheryl Jones
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Law Scholar: 
Katie Walsh
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REQUIRED TEXTS


The Bluebook: A Uniform System of Citation (19th ed., The Harvard Law Review Ass’n 2010)

Neumann and Simon, Legal Writing (2d ed., Aspen 2011)


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. 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.

COLLABORATION

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

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

ASSIGNMENTS AND GRADING

You will receive two grades for this class. You will receive a grade worth three credits based on your Criminal Law 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 a grade worth three credits for your legal research and writing assignments and your demonstrated preparation in class and consultations.

You must submit all written assignments electronically to TWEN, and you must maintain a copy. If you fail to submit an assignment on time, you will receive a 10% deduction, provided that you submit the assignment within 24 hours of the due date/time. After 24 hours, you will receive an additional 10% deduction for each 24-hour period or fraction thereof. You must turn in all assignments to pass the course.

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. If you identify any conflicts, you must alert the professor no later than Wednesday, August 24, 2011, of all known conflicts.
THREE CREDITS IN CRIMINAL LAW

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.

Any class marked with AD will be counted towards the P&P System. There are 25 classes marked with AD.

A Law Scholar will serve as a tutor to supplement your primary instruction in Criminal Law. She will conduct sessions most Thursdays, 10:50-11:50 a.m. Your attendance in these sessions is not required, though I strongly encourage you to attend and participate.

THREE CREDITS IN LEGAL ANALYSIS, RESEARCH, AND WRITING

You must complete four graded assignments, as detailed below. I will provide grading criteria in advance for each graded assignment.

Professor McCabe and three Teaching Assistants will supplement the primary instruction in this portion of the course. Any class marked with HM and/or TA will be counted towards your class participation in your final Introduction to Legal Skills grade, as detailed below. There are ten classes marked with HM and/or TA (and without AD), plus several classes reserved for consultations.

Plain Language Drafting (10%) [POSTED 8-22-11 // DUE 8-29-11]

You will analyze a legal document and translate it into plain English using plain language drafting principles.

Closed-Research Office Memo (25%) [POSTED 9-5-11 // DUE 10-03-11]

This exercise focuses on the skills of legal writing, analysis, and reasoning. The paper shall not exceed five pages.
Research Exercises (5% total) [POSTED 10-03-11 // DUE 10-24-11]

Working with a team, you must complete the assigned Sloan Exercises in a timely, competent manner, and the quality of your work must demonstrate good faith in completing each exercise. You must submit a time sheet for every research exercise. Failure to submit the assignment on time and with a complete set of time sheets will result in a grade of ZERO on the assignment for the entire team.

Open-Research Office Memo (50%) [POSTED 10-10-11 // DUE 11-21-11]

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 Consultation Preparation and Participation (10%)

You will be asked to complete a self-assessment of your class and consultation participation on 9-29-11. 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:

- Demonstrating preparedness for class and consultation;
- Demonstrating knowledge and understanding of material;
- Participating constructively in class discussion;
- Expressing and countering arguments constructively;
- Expressing abstract and complex ideas orally;
- Listening;
- Contributing to all in-class exercises;
- Restricting computer use during class time to class work;
- Cooperating and contributing to all team and partner assignments;
- Satisfactory, on-time completion of all research and citation assignments;
- Progressively improving reasoning, analysis, and writing skills;
- Regularly attending class and arriving on time; and
- Presenting a complete draft of each memo assignment at consultations.
WEEK ONE

PLAIN LANGUAGE ASSIGNMENT POSTED TO TWEN
MONDAY, 8-22-11
9 AM

MONDAY, 8-22-11  (AD)

MOSKOVITZ: Introduction
pp. 1-14

NEUMANN/SIMON: Judicial decisions and case briefing
Chs. 1, 5, 6

ADDITIONAL READING:
  ●  This Is What I’m Thinking, Mark Herrmann
  ●  In-class exercise

Introduction to Westlaw and TWEN
Introduction to Lexis

WEDNESDAY, 8-24-11  (AD)

MOSKOVITZ: Mental States and Mistake
pp. 17-37

NEUMANN/SIMON: Effective style
Ch. 21, 22

THURSDAY, 8-25-11  (HM/TA)

READING POSTED TO TWEN: Laurel Currie Oates, Leveling the Playing Field: Helping Students Succeed by Helping Them Learn to Read Like Expert Lawyers

Case briefing review
Plain language lecture
Review SEC Handbook
Library orientation
WEEK TWO

PLAIN LANGUAGE ASSIGNMENT DUE
MONDAY, 8-29-11
9 AM

MONDAY, 8-29-11 (AD)

MOSKOVITZ: Larceny
pp. 43-57

NEUMANN/SIMON: Rule-based reasoning
Ch. 2, 3
  • Work on rule-synthesis exercises from TWEN

WEDNESDAY, 8-31-11 (AD)

MOSKOVITZ: Larceny
pp. 58-68

NEUMANN/SIMON: Citations and working with cases
Chs. 16, 23
  • Work on rule-synthesis exercises from TWEN

BLUEBOOK: Introduction
pp. 1-15 (B1-B5)

THURSDAY, 9-01-11 (HM/TA)

NEUMANN/SIMON: CREAC
Ch. 16
  • Written Vehicles in the Park Exercise
  • Citation in CREAC
WEEK THREE

CLOSED-RESEARCH MEMO ASSIGNMENT POSTED TO TWEN
MONDAY, 9-5-11
9 AM

MONDAY, 9-05-11

LABOR DAY – NO CLASS

WEDNESDAY, 9-07-11  (AD)

MOSKOVITZ: Embezzlement
pp. 69-87

NEUMANN/SIMON: Working with precedent and facts/CREAC
Ch. 9, 16
- Before class, prepare with teammates, Neumann Exercise II-A (Teddy Washburn’s Gun) [posted to TWEN].

BLUEBOOK: Rules 10-10.5
pp. 87-99

THURSDAY, 9-08-11  (AD)

MOSKOVITZ: False Pretenses
pp. 89-108
WEEK FOUR

MONDAY, 9-12-11  (AD)

MOSKOVITZ: Robbery
pp. 109-130

NEUMANN/SIMON: Statutes
Ch. 4
  • Virginia Robbery and Carjacking Statutes – Va. Code §§18.2-58, 18.2-58.1


WEDNESDAY, 9-14-11  (AD)

MOSKOVITZ: Burglary
pp. 131-149

NEUMANN/SIMON: Office Memorandum and the Art and Process of Writing
Chs. 11, 12, 13, 14, Appendix A
  • Review parts of the Memo
  • Bring a draft of your Issue and Facts to class.

THURSDAY, 9-15-11  (HM/TA)

REVIEW CREAC

Review case briefs
  • Bring a list of rules and sub-rules to class for outlining.

Assignment: As a team, draft assigned written legal analysis and email to Professors Dillard and McCabe as directed by Sunday, 9-18-11 at 6:00 p.m.
WEEK FIVE

MONDAY, 9-19-11 (AD)

MOSKOVITZ: Accomplices
pp. 679-701

NEUMANN: Predictive writing
Chs. 15, 16
  • Review team writing

WEDNESDAY, 9-21-11 (AD)

MOSKOVITZ: Murder and Involuntary Manslaughter
pp. 151-180

NEUMANN/SIMON: Paragraphing and quoting
Chs. 20, 24
  • Final organization of memo

Review BLUEBOOK: Rules 10-10.5
Prepare citations, full and short, for all cases in the pending memo assignment.

THURSDAY, 9-22-11 (HM/TA)

Review final organization of memo
Review CREAC
WEEK SIX

***NO REGULAR CLASS THIS WEEK***

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 Thursday, 9-29-11 at 6:00 p.m.

MONDAY, 9-26-11

Consultations
Sign-up sheets posted on TWEN

Instead of your usual class this week, 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.

WEDNESDAY, 9-28-11

Consultations
Sign-up sheets posted on TWEN

Instead of your usual class this week, 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.

THURSDAY, 9-29-11

Follow-up consultations, as directed, with HM and/or TA.
WEEK SEVEN

CLOSED-RESEARCH MEMO DUE
MONDAY, 10-03-11
9 AM

INSTRUCTIONS FOR RESEARCH EXERCISES AND TIME SHEET POSTED TO TWEN
MONDAY, 10-03-11
9 AM

MONDAY, 10-03-11  (AD/HM)

In this class, you will work with some advanced legal analysis techniques that will help with the open memorandum, preparation for exams, and with your work next semester. Using extracts from two Supreme Court cases, you will analyze, compare, and contrast the rhetorical techniques used. This exercise will help you understand the significance of context and hone the written legal analysis you need to perform as you complete your open memorandum this semester. This skill is a crucial building block for the persuasive writing you will do in the spring.

- Rev. Dr. Martin Luther King, Jr., *Letter from a Birmingham Jail* [posted to TWEN]

SLOAN:  Intro, Search Terms, Secondary Sources, Cases, Citators, Statutory Research and Federal Legislative History
Chs. 1, 2, 3, 4, 5, 6, 7

WEDNESDAY, 10-05-11  (AD)

MOSKOVITZ:  Felony Murder
pp. 181-233

NEUMANN/SIMON:  Working with Statutes
Ch. 10
  - Virginia concealed weapon statute

BLUEBOOK:  Rules 12-12.3.2
pp. 111-115

THURSDAY, 10-06-11  (TA)

Lexis training
Work on Research Exercises
WEEK EIGHT

MONDAY, 10-10-11, 9AM
INSTRUCTIONS FOR OPEN-RESEARCH MEMO ASSIGNMENT POSTED TO TWEN

- For the open memorandum, you must work with a partner on research, planning, and editing. You will attend a consultation with your partner; however, your final written product must be your own work. You must not collaborate with anyone (student or otherwise) on the writing of the memorandum. **You will need to choose a partner by Monday, 10-17-11.**

MONDAY, 10-10-11 (AD)

MOSKOVITZ: First Degree Murder
pp. 235-256

NEUMANN/SIMON: Selecting authority and public policy
Chs. 7, 8
  - Hierarchy of Authority exercise

WEDNESDAY, 10-12-11 (AD)

MOSKOVITZ: Voluntary Manslaughter
pp. 257-273

Planning research strategy for memo

THURSDAY, 10-13-11 (TA)

Westlaw Training
Work on Research Exercises
WEEK NINE

MONDAY, 10-17-11  (AD)

MOSKOVITZ: Causation
pp. 279-309

Choose a partner for research and editing on the pending memo assignment.

WEDNESDAY, 10-19-11  (AD)

MOSKOVITZ: Self-Defense
pp. 375-417

Draft Facts and Question Presented for memo assignment.

THURSDAY, 10-20-11  (HM/TA)

SLOAN: Intro, Search Terms, Secondary Sources, Cases, Citators, Statutory Research and Federal Legislative History [REVIEW]
Chs. 1, 2, 3, 4, 5, 6, 7

Bring draft list of authorities for memo to class.
Review authorities for memo.
WEEK TEN

RESEARCH EXERCISES DUE
MONDAY, 10-24-11
9 AM

MONDAY, 10-24-11 (AD)

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

WEDNESDAY, 10-26-11 (AD)

MOSKOVITZ: Attempt
pp. 553-591

NEUMANN/SIMON: CREAC paradigm, adding depth
Chs. 16, 17
- Bring a list of rules and sub-rules to class for outlining.

THURSDAY, 10-27-11 (HM/TA)

Open office hours for partners to meet with HM/TA
WEEK ELEVEN

MONDAY, 10-31-11 (AD)

MOSKOVITZ: Insanity, Diminished Capacity, and Incompetency
pp. 313-347

NEUMANN/SIMON: Advanced CREAC
Chs. 18, 19
▪ Outlining the memo

Prepare and email an annotated outline for your open memo by 6 p.m. on Tuesday, 10-31-11, to both Professors Dillard and McCabe.

WEDNESDAY, 11-02-11 (AD)

MOSKOVITZ: Insanity, Diminished Capacity, and Incompetency
pp. 347-373

Bring citations, full and short, for all cases you intend to use in your memo.

THURSDAY, 11-03-11 (HM/TA)

Review annotated outlines
WEEK TWELVE

MONDAY, 11-07-11 (AD)

MOSKOVITZ: Solicitation
pp. 523-552

WEDNESDAY, 11-09-11 (AD)

MOSKOVITZ: Conspiracy
pp. 593-615

THURSDAY, 11-10-11 (HM/TA)

NEUMANN/SIMON: Working with CREAC (review)
Chs. 16, 17, 18, 19
WEEK THIRTEEN

MONDAY, 11-14-11

Consultations
Sign-up sheets posted on TWEN

Instead of your usual class this week, 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, 11-16-11

Consultations
Sign-up sheets posted on TWEN

Instead of your usual class this week, 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.

THURSDAY, 11-17-11

Extended Office Hours with TAs
Consultations with HM
WEEK FOURTEEN

OPEN-RESEARCH MEMO DUE
MONDAY, 11-21-11
9 AM

MONDAY, 11-21-11  (AD)

MOSKOVITZ: Conspiracy
pp. 617-634

WEDNESDAY, 11-25-11  (AD)

MOSKOVITZ: Conspiracy
pp. 635-665

THURSDAY, 11-26-11

Class cancelled for Thanksgiving
WEEK FIFTEEN

MONDAY, 11-28-11   (AD)

EXAM REVIEW

NEUMANN/SIMON: Writing exam answers
Review information on Neumann/Simon website