

CRIMINAL LAW COURSE INFORMATION AND SYLLABUS

Professor Zina Makar

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Crim Law Scholars

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Law Scholar Meeting Time

TBA (Section 319A)
TBA (Section 419)

Class Meeting Times (AL 803)

Tue/Thu: 3:00-4:15pm (Section 319A)
Tue/Thu: 7:45-9:00pm (Section 419)

Office Hours: *Tuesdays/Thursdays* 5:15-6:15pm

My office is located in AL 1113. I do group office hours so students are welcome to come by my office to either talk, ask questions, or simply listen. I am also happy to meet outside of office hours with small study groups or individuals about class, internships, etc. Please email me to set up an appointment for an in-person or remote meeting.

Required Texts

- Cynthia Lee & Angela P. Harris, *CRIMINAL LAW* (4th ed. 2019)

Suggested Materials

- Joshua Dresser, *UNDERSTANDING CRIMINAL LAW* (6th ed. or later). This is an excellent treatise and useful reference for complicated areas, although it covers far more than we will cover in a semester. The library has several copies of recent editions for reference, it is also relatively cheap to rent on-line.

Key Links

Class TWEN page: TBA

Goals and Learning Outcomes

Course goals include: (a) developing knowledge and understanding of core criminal law doctrine and its sources with particular emphasis on statutory analysis; (b) gaining an understanding of the actors and institutions involved in the criminal legal system as practiced by prosecutors, defense attorneys, and judges; and (c) engaging in the discourse and debates that affect the development of criminal law.

Upon successful completion of this course, students should be able to: (a) explain core criminal law concepts; (b) identify the elements of various crimes as set out in cases and statutes; (c) employ tools of statutory construction and apply criminal law doctrine to new factual scenarios from the perspective of a prosecutor, defense attorney and/or judge; and (d) discuss and critique the way criminal law is carried out, including the role of discretion, as well as articulate the differing perspectives of those involved in criminal cases by participating in classroom discussion and/or debates.

Methods of Evaluation

Your final grade will be based on three factors: (1) a mid-term exam to be given at the date listed in the class schedule below, representing 20% of the final grade, (2) a final exam to be given during the December examination period, representing 70% of the final grade; and (3) the extent of your participation in class discussions, representing 10% of the final grade.

Please note that grading in Criminal Law is subject to a mandatory curve. This curve is explained in the student handbook:

All first-year courses and Civil Procedure II are subject to the following grading guidelines: Each faculty member teaching a section of any first year course shall have an average grade for the section taught by that faculty member, i.e., the arithmetic average of all of the grades assigned to students in the section, that is no lower than 2.67 and is no higher than 3.00. Grades shall be distributed within the required first year courses as follows: between 15-25% shall be grades of A or higher and between 7-14% shall be grades of C- or below, except that, in each section of Introduction to Lawyering Skills the 7-14% range of grades of C- or lower is recommended but not required.

Optional “Knowledge Checks”: I will post short formative assessments on TWEN after some (but not all) classes so that you can get feedback on how well you understand the material going into class. I **do not** grade your answers, but instead post a sample answer that you can review as soon as you submit. Occasionally, and instead of posting a sample answer, I will recommend that students engage with one another through the discussion page on TWEN. Knowledge Checks will be available for one week from the date the question is posted. Please take advantage of this opportunity to test your knowledge and stay on top of the material!

Syllabus

Please find below the topics and reading assignments for the semester. Please note that **LH** refers to “Lee and Harris” (aka our crim course textbook), **MPC** refers to the Model Penal Code (available via TWEN and in LH), and **SR** refers to supplemental readings that provide social context (SRs are not tested but give students the opportunity to go deeper into issues that the law is connected to in order to understand nuances or affects a certain doctrine may create). Circumstances may require that I modify our schedule from time to time, but I do intend to abide fairly closely to the listed reading assignments. You are free to read ahead within topics, but it is generally not a good idea to skip ahead to a major topic that has not yet been introduced in class. It will be necessary to bring the course textbook with you to every class.

I will notify students in class and via TWEN if I’ve made any updates to the syllabus. For version 1.0, you only have the first two weeks. Please make sure you have the latest version (see footer).

CLASS	SUBJECT MATTER	READING ASSIGNMENT
TOPIC I: OVERVIEW OF THE CRIMINAL LEGAL SYSTEM		
WEEK 1		
Tu 8/24 – Class 1	The Aims of Criminal Law and Punishment <i>Regina, Suitte</i>	LH: 1-20 SR: LH 20-31
Th 8/26 – Class 2	Presumption of Innocence and Criminal Law Procedural Protections <i>Curly</i>	LH: 38-49 MPC 1.02, 1.04 (LH)
Knowledge Check available on TWEN after Class 2		
WEEK 2		
Tu 8/31 – Class 3	Jury Nullification and Statutory Interpretation <i>Williams, Dauray</i>	LH: 49-57; 65-73 SR: LH 57-65 (Bulter) MPC: 1.12 (TWEN)
Th 9/2 – Class 4	The Dilemma of Discretion <i>Kolender, Dimaya, McCleskey</i>	LH: 75-76; 81-88; 101-107; 134-145; 914-16 SR: LH 96-100
Knowledge Check available on TWEN after Class 4		

Class Policies

Attendance. Regular class attendance is mandatory. A student who exceeds five absences 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. Note that under this policy, there are no “excused” or “unexcused” absences (with the exception for religious holidays).

Attendance will be taken using a daily sign-in sheet. I reserve the right to count as “absent” a student who appears late repeatedly or without a valid explanation.

Class Participation and Preparation. I take some volunteers but generally **cold call on students randomly**. This class relies on everyone being fully prepared to participate in the day’s discussion. At the most basic level, this means completing the assigned reading materials and/or videos. **Please note that I expect that you will carefully read all of the assigned material—including assigned dissenting opinions, case notes, footnotes, etc.** Often, you will still have lingering confusion, even after reading a case multiple times. That is perfectly fine. Socratic questioning is intended to help you work through those lingering questions. To that end, I am happy to work with students who are struggling to understand. However, I have less patience for students who are unprepared.

TWEN. Please enroll in the TWEN site for this course, which is available through Westlaw. The TWEN site will host a lot of important information and links. Please check the site regularly.

Professionalism. Learning cannot effectively take place in an environment that is unprofessional or uncivil. To that end, I expect that you will observe basic professional courtesies such as arriving on time and turning off your cell phone. **Given our subject matter, it is my hope that we can have lively class debates where all students feel comfortable participating and expressing their opinions.** What’s more, the people you attend class with are not simply your classmates. They are your colleagues. Colleagues who you will come to know over the course of the next three years and who you may work with beyond the walls of this classroom. Respect for your colleagues is vital to fostering a healthy learning environment. That said, at all times, remain mindful of the diversity of perspectives and experiences in our classroom and be respectful as you articulate your arguments. We need not agree on everything, but we do need to disagree professionally.

Note: Please contact me or your Crim law scholar if something related to our class debates or discussions makes you feel uncomfortable or otherwise interferes with your ability to learn. You may speak confidentially with me or confidentially/anonymously with your law scholar. I will make every effort to address any issues raised.

Class Cancellations. If I must cancel a class, notices will be sent to students via email.

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/

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> .

Disability Policy. If you are a student with a documented disability who requires an academic accommodation, please contact Keri Hickey, Director of Student Support at khickey@ubalt.edu.

Course Evaluations. Course evaluations are incredibly important for your professors because student feedback helps us to continue to improve our course, semester after semester. It is a requirement of this course that students complete a course evaluation. The evaluation will be available later in the semester and is entirely anonymous. Faculty members will not have access to the feedback provided on course evaluations until after all grades are submitted.