



## **REQUIRED TEXTS**

Moskovitz and Dillard, Cases and Problems in Criminal Law (7th ed., Carolina Academic Press 2017)

Coughlin et al., A Lawyer Writes (3d ed., Carolina Academic Press 2018)

The Bluebook: A Uniform System of Citation (21st ed., The Harvard Law Review Ass'n 2021)

## **ATTENDANCE POLICY**

Per ABA rules, failure to attend more than five classes should result in failure of the course, barring extraordinary circumstances. Calculation of attendance will include submission of all assignments. Please email me when you expect to miss class, especially for illness, whether your own or someone in your care group.

## **COURSE DESCRIPTION, OBJECTIVES, AND STUDENT LEARNING OUTCOMES**

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 in solving problems. Through these methods and others, you will develop your 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. You will practice and perform written legal analysis, fundamental research tasks, and spoken legal argument throughout the semester.

## **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: <http://www.ubalt.edu/titleix>.

## **COURSE EXPECTATIONS – PROFESSIONALISM AND COLLABORATION**

My goal in this course is, primarily, to set you on your path to becoming a lawyer. In that effort, I will treat you like lawyers, and you should aim to act like lawyers, specifically, to treat your classmates and me with respect and professionalism. I expect you to: arrive early for class and be ready to begin on time; attend every class unless significant personal circumstances interfere; alert me by email when you plan to miss class; and be prepared for every class by reading the assigned texts and *thinking about* the material.

The American Bar Association Accreditation Standards 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 this class, though some of that work will be more concentrated around the production of graded, written assignments. For perspective, that is 18 hours of in and out of class time devoted to this course each week.

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

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

## **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 the School of Law. Violations of academic integrity include, but are not limited to: cheating; plagiarism; misuse of library materials; use of another's book or study materials without consent; unapproved multiple submissions; material misrepresentation of one's academic history or standing; misrepresentation of any academic matter; intentionally giving another student false or inaccurate information about class requirements; inappropriate discussion of exams; and misrepresenting or falsifying class attendance reports. [Reference to School of Law Honor Code, [https://law.ubalt.edu/academics/policiesandprocedures/honor\\_code/index.cfm](https://law.ubalt.edu/academics/policiesandprocedures/honor_code/index.cfm)]

## **ASSIGNMENTS AND GRADING**

You will receive two grades for this class. You will receive one grade worth three credits in Criminal Law. You will receive one grade worth three credits in Introduction to Layering Skills.

### ***Three Credits in Criminal Law***

There will be one three-hour, limited-materials Criminal Law exam at the end of the semester worth 90% of your final grade

There will be five asynchronous reading reflections/problem assignments. Each assignment is worth two points, and you will receive two points so long as your work demonstrates good faith effort. Late assignments will receive a grade of zero. These five assignments will make up 10% of your final grade.

Law Scholars will serve as tutors to supplement your primary instruction in Criminal Law. Your attendance in these sessions is not required, though I strongly encourage you to attend and participate. The law scholar will provide a global review of each problem assignment so that you may self-assess the substance of your work.

### ***Three Credits in Introduction to Lawyering Skills***

You must complete two graded, writing assignments, two individual consultations with the professor, several small group sessions with the professor, and an interactive, asynchronous research and citation curriculum. I will provide grading criteria in advance for each writing assignment.

You must submit all assignments electronically to Sakai, unless otherwise directed, and you must maintain a copy. Failure to submit an assignment on time, will result in a 20% deduction, provided that you submit the assignment within 24 hours of the due date/time. After 24 hours, you will receive a ZERO for the assignment; however, you must turn in all assignments to pass the course.

Teaching Assistants and Law Librarians will supplement the primary instruction for citation, research, and core grammar skills.

Closed-Research Office Memo (25%) [POSTED 8-27-2021 // DUE 09-19-2021]

This exercise focuses on the skills of legal writing, analysis, and reasoning. The memo shall not exceed five pages.

Open-Research Office Memo (50%) [POSTED 10-15-2021 // DUE 11-21-2021]

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.

Memo Consultations, Small Group Meetings, Research/Citation Modules, and Core Grammar (25%)

You will be graded on the following criteria:

- Presenting a complete draft of each memo assignment at consultations;
- Demonstrating preparation and participating fully in your consultation;
- Completion of Research and Bluebook exercises; and
- Completion of Core Grammar exercises.

You will complete a series of online instructional videos, CALI (Computer-Assisted Legal Instruction) Lessons, and Assignments relating to legal research and citation. You may work on these assignments AT ANY TIME during the semester, but you will be assessed for good faith completion by the listed due dates. If you need assistance, please email [croche@ubalt.edu](mailto:croche@ubalt.edu) and [bshah@ubalt.edu](mailto:bshah@ubalt.edu) (with a cc: to [lawlibref@ubalt.edu](mailto:lawlibref@ubalt.edu)).

- Getting Started with Research in ILS – due „before 6 p.m. on Monday, August 23, 2021.
- Module 1 (Civics and the Legal Research Process) – due before 6 p.m. on Monday, August 23, 2021.
- Module 2 (Secondary Sources) – due before 6 p.m. on Friday, September 3, 2021.
- Module 3 (Case Law) – due before 6 p.m. on Monday, September 6, 2021.
- Module 4 (Statutes) – due before 6 p.m. on Friday, September 10, 2021.

- Module 5 (Federal Legal Research) – due before 6 p.m. on Monday, September 13, 2021.

Core Grammar for Lawyers Online Exercises (CGL): You must test out of or pass each lesson by the date indicated below. The exercises will not be graded, but failure to complete them by the appropriated deadline will be factored into my assessment of 25% of your grade in ILS. Each “lesson” takes about 30 minutes to complete. You are welcome to complete them in advance of the due dates, and I encourage you to do so. The class code for CGL is 321-116-1253.

- CGL Pretest: Weds., Aug. 25 before 6 p.m.
- CGL, Ex. A (Sentence Structure) 1–4: Friday, August 27, before 6 p.m.
- CGL, Ex. B (Quotations) 1–4: Monday, August 30, before 6 p.m.
- CGL, Ex. D (Verbs and Agreement) 1–4: Weds., Sept. 1, before 6 p.m.
- CGL, Ex. C (Organizing Complex Ideas) 1–4: Friday, Sept. 3, before 6 p.m.
- CGL, Ex. E (Style Manual Eccentricities) 1–4: Weds., Sept. 8, before 6 p.m.
- CGL, Ex. F (Clarity) 1–4: Friday, Sept. 10, before 6 p.m.

### **Team Assignments**

You have been grouped into teams. During any substantive criminal law class, you will be on-call as a team. For ILS instruction, you will often meet with the professor in your small team. You may always participate, and you may work with any group you choose for study. These groups are a starting, organizing point to encourage participation.

#### Team One

Amin, Azad, Baer, Brown, Cedeno, and Corelli

#### Team Two

Davis, Duffy, Elefant, Esterson, Faulkner, and Gartner

#### Team Three

Jones, Lourenco, Mahdi, Manley, Mitchell, and Murphy

#### Team Four

Norris, Peitsch, Rand, Ray, Smith, Williams, and Wolz

## **COURSE EVALUATIONS**

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.

## **DISABILITY POLICY**

If you are a student with a documented disability who requires an accommodation for academic programs, exams, or access to the University's facilities, please contact the Office of Academic Affairs, at [ublawacadaff@ubalt.edu](mailto:ublawacadaff@ubalt.edu) or (410) 837-4468.

## **CLASS RECORDINGS**

All class recordings are for the sole use of the class and may not be reproduced by students for any other purpose. Faculty cannot reproduce students' voices or images from the class for any other purpose without additional student consent. All such recordings are protected by a UB login process based on where they are posted. Students may mute their microphone or turn off their camera if they do not consent to be recorded, but this may mean they need to find additional ways to participate in the class discussion. Students may be required to turn on their cameras and participate in graded class activities. In addition, students who turn off their camera and do not remain present for the class session may be subject to the Honor Code for misrepresenting attendance.

## **CLASS CANCELLATION**

If the professor must cancel a class, notices will be sent to students via UB email. (To comply with ABA 310, classes that are canceled must be made up.)

## WEEK ONE

### TUESDAY, 8-24-2021

- Coughlin -- How Attorneys Communicate, Sources and Systems of Law, Reading Statutes and Reading Cases, and One Legal Argument
  - Ch. 1, 2, 3, 6
- Vehicles in the Park (Sakai)
- *State of Washington v. Van Wolvelaere* (Sakai)
- *Shuttlesworth/Walker/MLK Letter* (Sakai)

### WEDNESDAY, 8-25-2021

- Moskowitz & Dillard – Introduction and Mistake
  - Introduction, pp. 3-18
  - Ch. 1, pp. 19-34
- Adam Liptak, *The Robber, the Judge, and the Case for Leniency* (Sakai)

### THURSDAY, 8-26-2021

- Moskowitz & Dillard – Larceny
  - Chapter 4, pp. 81-114
- Coughlin – Organizing Your Legal Authority
  - Ch. 5

## WEEK TWO

### TUESDAY, 8-31-2021

- Coughlin, Finding Your Argument and Explaining the Law
  - Chs. 4, 7
- Read and brief cases for first memo assignment (Sakai)
- Meet with professor in teams as assigned to work on first memo assignment

### WEDNESDAY, 9-01-2021

- Coughlin, Statutory Analysis
  - Ch. 11
- Virginia Code 18.2-308 and Rules of Statutory Construction (Sakai)

### THURSDAY, 9-02-2021

- Coughlin, Rule-Based Reasoning, Conclusions to One Legal Argument, and Discussion Section
  - Ch. 8, 9, 12
- Meet with professor in team as assigned to work on first memo assignment

## WEEK THREE

### TUESDAY, 9-07-2021

- Moskowitz & Dillard – Embezzlement and False Pretenses
  - Ch. 5, 6, pp. 115-156

### WEDNESDAY, 9-08-2021

- Introduction to Citation

### THURSDAY, 9-09-2021

- Moskowitz & Dillard – Robbery
  - Ch. 8, 181-205
- Coughlin – Question Presented, Brief Answer, Statement of Facts, Conclusion
  - Chs. 13, 14, 15

## WEEK FOUR

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.

### TUESDAY, 9-14-2021

- Meet with professor individually as assigned to review your complete draft
- **Coughlin** – Editing and Polishing
  - Ch. 16

### THURSDAY, 9-16-2021 – Dillard

- Meet with professor individually as assigned to review your complete draft
- **Coughlin** – Editing and Polishing
  - Ch. 16

**MEMO ASSIGNMENT DUE BEFORE 6:00 P.M. ON SUNDAY, SEPTEMBER 19, 2021.**

## **WEEK FIVE**

### **TUESDAY, 9-21-2021**

- Moskowitz & Dillard – Burglary
  - Ch. 7, 157-180

### **THURSDAY, 9-23-2021**

- Moskowitz & Dillard – Attempt and Accomplices
  - Ch. 2, pp. 35-66
  - Ch. 3, pp. 67-82
  - Re-read *State v. Holley*, pp. 202-204

## **WEEK SIX**

### **TUESDAY, 9-28-2021**

- No Class
- Complete Assessments One and Two

### **THURSDAY, 9-30-2021**

- Moskowitz & Dillard -- Rape; MPC 213.1-213.4
  - Ch. 9, pp. 207-244
  - Additional materials on Sakai
  - Complete Assessment Three

## WEEK SEVEN

### TUESDAY, 10-05-2021

- Moskowitz & Dillard -- First Degree Murder
  - Ch. 10, pp. 247-269

### WEDNESDAY, 10-06-2021

- Moskowitz & Dillard – Voluntary Manslaughter
  - Ch. 11, pp. 271-290

### THURSDAY, 10-07-2021

- Moskowitz & Dillard – Depraved Heart Murder and Involuntary Manslaughter
  - Ch. 12, pp. 291-320
  - *Walking in America*, by Tom Vanderbilt (Sakai)

## WEEK EIGHT

### TUESDAY, 10-12-2021

- Moskowitz & Dillard -- Felony Murder
  - Ch. 13, pp. 321-342

### WEDNESDAY, 10-13-2021

- Moskowitz & Dillard – Causation
  - Ch. 14, pp. 359-384

### THURSDAY, 10-14-2021

- Moskowitz & Dillard – Felony Murder
  - Ch. 13, pp. 342-358
  - Re-read *Rodriguez I and II*, pp. 77-80
  - Re-read *State v. Holley*, pp. 202-204

## WEEK NINE

### TUESDAY, 10-19-2021

- Research Session Second Memo Assignment
- Complete Assessment Four

### THURSDAY, 10-21-2021

- Moskowitz & Dillard – Self-Defense, Defense of Habitation, Prevention of Felony & Escape
  - Chs. 15, 17

## WEEK TEN

### TUESDAY, 10-26-2021

- Complete Assessment Five
- Memo Assignment

### THURSDAY, 10-28-2021

- Moskowitz & Dillard – Insanity, Diminished Capacity, and Incompetency
  - Ch. 18, pp. 503-547
  - Excerpt from *In Cold Blood*, Truman Capote (Sakai)

## WEEK ELEVEN

### TUESDAY, 11-02-2021

- Memo Assignment

### THURSDAY, 11-04-2021

- Moskowitz & Dillard – Solicitation and Conspiracy
  - Ch. 19, pp. 551-578
  - Ch. 20, pp. 579-658

## WEEK TWELVE

### TUESDAY, 11-09-2021

- Meet with professor in teams as assigned to work on second memo assignment

### THURSDAY, 11-11-2021

- Meet with professor in teams as assigned to work on second memo assignment

## WEEK THIRTEEN

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.

### TUESDAY, 11-16-2021

- Meet with professor individually as assigned to review your complete draft
- **Coughlin** – Editing and Polishing
  - Ch. 16

### THURSDAY, 11-18-2021

- Meet with professor individually as assigned to review your complete draft
- **Coughlin** – Editing and Polishing
  - Ch. 16

## WEEK FOURTEEN

### TUESDAY, 11-23-2021

- Review Session

## WEEK FIFTEEN

### TUESDAY, 11-30-2021

- Open office hours