CRIMINAL LAW SYLLABUS (LAW 516 § 1)
Fall 2018

DAY/TIME/ROOM: M/W/F 10:00-10:50 am (Room 102 on M/W & Courtroom on Fridays)

INSTRUCTOR: Prof. Jennifer Brobst; Office 244, jbrobst@siu.edu, 618-453-8702; Teaching Assistant Erin Hodgson (erin.hodgson@siu.edu)

OFFICE HOURS: Regular office hours on Monday (11:00 – 12:00) and Thursday (4:15 – 5:00). Also feel free to contact me directly or faculty assistant Cynthia Alexander (calexndr@siu.edu) if you need assistance with scheduling. Additional office hours may be added as the course progresses. If my office door is open, walk-ins are fine for a quick chat, but office hours are better for longer discussions and right before class is not a good time.

COURSE DESCRIPTION: This three credit required first year course will provide law students with a basic understanding of the American criminal justice system and the structure, policies, interpretation, and application of substantive criminal law. Substantive criminal law addresses common law charges and defenses, as well as related complex topics such as liability for the actions of others, and coverage of some key distinctions in the states that follow the Model Penal Code. Our course will not address criminal procedure (e.g., arrest, search and seizure, Miranda warnings and custodial interrogation, and sentencing) or evidence (e.g., admitting evidence and examining witnesses in criminal trials), which are separate courses taught in the second and third years of law school.

LEARNING OBJECTIVES: Students will learn to effectively advocate for defendants and the state within the criminal justice system, both orally and in writing. Students will learn to interpret and apply the general principles of criminal law and the specific elements of common law crimes and defenses to varying facts, as well as certain Model Penal Code distinctions. Students will also understand the judicial standards in trial and appellate courts in determining whether to permit a charge or defense to be presented and what may constitute sufficiency of the evidence to support a conviction.

GRADED ASSIGNMENTS:

- **Class Participation** (10%) [attendance, prepared discussion, ungraded but mandatory small assignments (e.g., problems, case briefs, practice essays) with satisfactory completion]
- **Midterm** [closed book multiple choice, mandatory completion to receive a grade in the course, but ungraded/feedback only]
- **Final Exam** (90%) [comprehensive closed book, 3 hour multiple choice and essay]

REQUIRED TEXTBOOK: ELLEN S. PODGOR ET AL., CRIMINAL LAW: CONCEPTS AND PRACTICE (3rd ed. 2013, Carolina Academic Press) (available used and for rent); other materials as assigned on syllabus or TWEN

RECOMMENDED BUT OPTIONAL MATERIALS:

- Free library resources: Wayne LaFave, Criminal Law (hornbook) (5th ed., West Publications, 2010) is an excellent free resource to look at certain materials in depth if you need. In our law library, you can browse through the criminal law treatise section for similar resources and check them out (see section KF9219.3 in the law library).  
- Check out our Academic Support Library for Criminal Law Bar Exam materials and practice bar exams.
MATERIALS NOT RECOMMENDED:

- I do not recommend use of *Emanuel on Criminal Law*, *Dressler's Black Letter Outline on Criminal Law*, or any "nutshell", because they are either too detailed or too superficial.
- Other students’ outlines from past years or outlines from other schools. Students in their first year will not be able to sufficiently identify whether material obtained from other courses or students is helpful or accurate. Also, it is quite obvious (and frustrating) when students raise issues on exam answers that were not part of our course instruction because the student learned the material from other course materials. **Regular class attendance is the only way to be sure of what is covered in the course and what will be tested.**

TWEN: You must register on TWEN to be able to access it, using your Westlaw username and password. This will be given to you during 1L orientation. To register as a law student, go to: [http://lawschool.westlaw.com](http://lawschool.westlaw.com). TWEN is in the top bar in the middle, next to Law Resources. You will find course pages available and you will need to “add course”. Our course is “Criminal Law– section 1”. You can also check out other courses and their syllabi for fun by temporarily scrolling through and adding other courses – no one minds, but you wouldn’t usually keep the course added once the semester gets under way or the professor might get a little confused. If, instead, you access the Westlaw system via [www.westlaw.com](http://www.westlaw.com) (as practicing attorneys do), which I often do to go directly to legal research first, at the top left of the page there should be a blue bar, with “All Content” on the left to “Tools” on the right -- “TWEN” is under “Tools”. When you register, be sure to use your preferred e-mail address (you do not need to use your SIU Law School account), because this is the address that I will use for any class announcements.

**FIRST WEEK READING (1L ORIENTATION WEEK)** [you may bring your laptops to class in orientation]

<table>
<thead>
<tr>
<th>DATE</th>
<th>SUBJECT</th>
<th>READING</th>
</tr>
</thead>
</table>
| F 8/17     | Procedural Overview and Critical Reading in Crim Law | (1) Chapter 2 (Podgor) pp. 53-61 (upload Donaldson case brief)  
(2) *Creighton v. State*, 2018 WL 2638384 (Mo. Ct. App. 2018) (this is a difficult case, but good crim procedure overview) |

**CLASS PARTICIPATION:** This class will involve primarily calling on students at random to discuss the reading and problems (i.e., “cold calling”). Take your time in answering and continually improve how you take notes and brief cases before class so that you can anticipate the questions. Law school should be intellectually challenging, while also preparing students for ethical and professional practice in service to others. Treat your class participation as an opportunity to practice through professionally consistent and reliable preparation, good time management, and effective communication. This is a learned set of skills, so do not worry too much about how you appear when you speak, especially in your first year of law school. The class participation mark for your grade is essentially an assessment of academic effort, including your degree of preparedness and thoughtful and professional responses. It is not an assessment of who is more confident or outgoing or who gets the answer “right” every time. You need to get the law right and learn the process of legal analysis, but please know that I welcome diverse interpretations of policy and how the law applies to various facts. Criminal lawyers must learn to argue.

**ATTENDANCE:** In accordance with SIU School of Law Rules III.5(f)-(g), students may miss up to a maximum of five (5) classes. There is no excused or unexcused absence policy at SIU. Students who exceed the maximum number of absences at any time, including the last week of class, will be referred to the Associate Dean with the recommendation that the student be withdrawn from the course. Late arrival should be rare and may be counted as an absence at the professor’s discretion and/or the student may be asked to leave class that day if it interrupts the class. It is your responsibility to sign the attendance sheet at each class; you may not sign for anyone else. If you
WORKLOAD EXPECTATIONS: A student should study and prepare for approximately 2 hours before each 50 minute class. Students should take extensive notes in class, but in an organized and selective manner, and take time after each class to re-read and clarify their notes. The first semester of the first year of law school can be difficult, because most students are unsure how to gauge how much preparation is required and the level of competition among their peers. Approach the course as a marathon — be consistent from the beginning and pace yourself so that you have energy for the final push at the end. You’ll know you’ve done enough of the right kind of preparation when you begin to anticipate the legal points of discussion in class.

INTERNET, LAPTOP, AND PERSONAL DEVICE POLICY: Use of laptops, tablets, smartphones, and other devices that provide internet access will NOT be permitted in this course during lectures, unless specifically permitted. Research in adult learning has consistently shown that physically writing organized notes in class, later reread, highlighted, and typed after class, is a proven strategy for better understanding and retention of material. As the exams in most “bar exam courses” like criminal law are closed book and require significant memorization throughout the course, this is the best approach. Do not hesitate to contact me or Academic Support for suggestions on note-taking and outlining. We’re here to help.

CLASS RECORDINGS: Unauthorized recording or distribution of class recordings will be prohibited.

CLASS EMAIL AND TWEN: Per the law school regulations, students must regularly check and be responsive to email communications with faculty (see SIU Email Policy). Students are expected to regularly check the TWEN course page.

ACADEMIC INTEGRITY: Students must adhere to the SIU Student Conduct Code policies prohibiting plagiarism, cheating on examinations, false statements regarding assignment completion and authorship, false assertions regarding attendance, and other forms of dishonesty in academic performance. Academic Support is available from Prof. McCubbin and other staff and can be very helpful.

CIVILITY AND PROFESSIONALISM: Students are expected to treat everyone in the class with respect and thoughtful restraint, including conduct both in and out of the classroom and on social media that may impact the educational experience in the course. The professor retains the right to address incivility as needed, including in extreme cases asking the student to leave the classroom if behavior is disruptive to learning. If a student needs to move an assigned seat for any reason, please do not hesitate to ask. Criminal law addresses serious topics and they will be addressed directly – it is important to learn to engage in discourse in a way that communicates effectively and persuasively with others. Unlike what you may have seen through the years in media and entertainment, in my experience criminal attorneys are some of the most professional legal counsel, with strong capabilities of sensitivity, compassion, restraint, and courage when working with at-risk and low-income clients.

STUDENT SERVICES: SIU has multiple resources through the law school, as well as Saluki Cares across campus for students who need some help (see http://www.law.siu.edu/about/student-experience/support-services.html). These support services are subsidized by your tuition dollars for a good reason. Law school is renowned for being academically difficult, but law students are also adults who frequently have other demands on their time, such as work and family. It is a professional strength, not a weakness, to seek additional support to cope with the isolation and demands of law school when needed. The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, discriminatory, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or siucares@siu.edu, http://salukicares.siu.edu/index.html. At the School of Law, Assistant Dean Judi Ray is also available to help you access university resources. Her email is judiray@siu.edu, and her phone number is 618-453-3135.
DISABILITY DISCLOSURE STATEMENT: Students with disabilities are entitled to reasonable accommodations and academic adjustments (see http://disabilityservices.siu.edu). Disability Support Services (DSS) provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

EMERGENCY PROCEDURES: Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at www.bert.siu.edu, Department of Safety’s website www.dps.siu.edu (disaster drop down) and in the Emergency Response Guideline pamphlet. Know how to respond to each type of emergency. Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.