

**Habeas Corpus**  
**Southern Illinois University School of Law**  
**Spring 2020**

Professor: Angela Hill  
Office Hours: By Appointment  
E-mail: [areaney@siu.edu](mailto:areaney@siu.edu)

**Course Description and Objectives:** This course provides an overview of the history of habeas corpus and its use in today's federal courts. The course will review cases that demonstrate the difficulties in applying habeas corpus law to various forms of detention of individuals, including state and federal prisoners, immigrants, and enemy combatants.

**Required Reading:**

1. Brandon L. Garrett & Lee Kovarsky, *Federal Habeas Corpus: Executive Detention and Post-Conviction Litigation* (2013).
2. Cases and Readings posted on TWEN

**Class Participation:** Your class participation grade is based on your participation in online discussions.

**Workload Expectation:** The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), "a 'credit hour' is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time." This is a 3-credit hour online class, meaning that the amount of assigned reading and out of class preparation should take you about 6 hours for the week. Applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of 9 hours per week (lecture, video, reading & class preparation) on course-related work.

**Professional Behavior:** You are expected to be courteous and respectful to everyone in the class at all times. During this class, we will discuss many topics on which personal and political views are likely to vary greatly. In order to test ideas, I strongly encourage open discussion and the expression of different viewpoints in a professional, respectful, and civil manner.

**TWEN:** You should register for this course on TWEN no later than the first week of classes. I will post the syllabus and reading assignments on TWEN, as well as other relevant material and information. You will be expected to check TWEN at least weekly and are responsible for any materials posted on TWEN. I will also

periodically send class-related e-mails to the address you list on TWEN, so be sure you list an email address that you check regularly.

**Evaluation:** Your grade will be based on three main components. First 20% of your grade will be based on your class participation, including your participation in class discussions. Participation points for above average class participation are awarded in my discretion based both the quality and quantity of a student's participation in the class discussion and activities. Second, there will be a timed a Mid-term/Multi-State Essay Exam (MEE)-style question that will be worth 40% of your grade. Third, there will be a final writing assignment worth approximately 40% of your grade. The final writing assignment will be distributed during the last week of classes and will be due during the final exam period. More information will be provided regarding these assignments at the appropriate time. I also reserve the right to administer ungraded individual or group assignments throughout the semester.

**Plagiarism:** Plagiarism is contrary to the SIU School of Law Honor Code ([http://www.law.siu.edu/\\_common/documents/rules-code/honor-code.pdf](http://www.law.siu.edu/_common/documents/rules-code/honor-code.pdf)). Any student who plagiarizes will receive an "F" for the course and be reported to the law school for academic misconduct. For a definition of plagiarism, review SIU's plagiarism guidelines, <http://siusystem.edu/about/section91.shtml>, or contact me directly.

**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](http://www.bert.siu.edu), Department of Safety's website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in 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.

**Disability Policy:** Disability Support Services 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. <http://disabilityservices.siu.edu/>. 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.

**Saluki Cares:** 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, 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](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>.

Course overview (additional reading/assignments will be added as the semester progresses):

Date	Topic	Reading
Week 1 Jan. 13	Habeas Corpus History	Chapter 1
Week 2 Jan. 20	The Constitution & Habeas Corpus	Chapter 2
Week 3 Jan. 27	State Conviction Review	Chapter 3
Week 4 Feb. 3	Procedural Hurdles in Federal Post-Conviction Review	Chapter 4
Week 5 Feb. 10	Federal Merits Review	Chapter 5
Week 6 Feb. 17	Federal Conviction Review	Chapter 6
Week 7 Feb. 24	Immigration Detention	Chapter 7
Week 8 Mar. 2	Midterm	
<b>Spring Break: March 9 – 13</b>		
Week 9 Mar. 16	Civil Detention	Chapter 8
Week 10 Mar. 23	Military Commissions	Chapter 9
Week 11 Mar. 30	National Security Detention	Chapter 10
Week 12 Apr. 6	Post-Conviction Procedure	Chapter 11
Week 13 Apr. 13	Future of Habeas Corpus	Chapter 12

Week 14 Apr. 20	Recap/Conclusion	TBA
Final exam due during the last week of finals.		