Class Times: Mon. & Wed. 10:30 A.M.-12:00 P.M.        Classroom: CLC 1403

Professor Contact: Office: CLC 1328        Phone: (312) 915-7862        E-mail: jdehn@luc.edu

Office Hours: Thurs. 1:00-3:00 P.M. (walk-in); Fr. 9:00 A.M. - 12:00 P.M. (by appointment)

Attendance: Any student frequently missing or late to class may be reported to the Dean of Students and/or Registrar and is subject to being dropped from the course. E-mail me to explain every absence or tardiness. Excessive attendance issues will affect your grade.

Recording: No voice or video recording of class sessions is permitted unless approved in advance.

TWEN: Course materials, homework assignments, and other matters will be posted on TWEN. Tutors will use TWEN for homework submissions. You must register for the TWEN page for the course.

Text: Dressler & Garvey, Cases and Materials on Criminal Law (West, 7th edition)

Course Scope/Focus: This course examines the behavior that society deems deserving of condemnation and punishment. It includes detailed study of some crimes, such as murder and other homicides. The course also examines why and how we punish, defenses to crimes, inchoate crimes (acts punishable though the intended crime was not necessarily completed), accomplice liability, and culpability for crimes committed by more than one person. Other crimes, such as burglary and theft offenses, will be discussed throughout the course. This course material is tested on the bar exam. The main practical skill you will develop is reading and comprehending statutes and related case law.

Overall Course Goals: (Specific learning objectives are identified for each reading assignment.)
   i. Develop and demonstrate comprehension of all criminal law doctrines and general principles examined in the course
   ii. Develop and demonstrate the ability to interpret and apply statutes and related case law to analyze facts and make legal arguments
   iii. Analyze appellate opinions to extract relevant principles and rules, and to develop legal arguments by drawing analogies and distinctions
   iv. Communicate appropriate legal and factual arguments and analysis orally and in writing

Grades/Evaluation: Your grade will be determined by a final exam (70%) and your class preparation (30%). Class preparation grades are assigned based upon your demonstrated effort in completing two homework assignments as well as your performance when called upon to review a case in class. The final exam is (Monday, May 6, 2019 at 1:00 PM). It will be three and a half hours long. The final exam will be open book/open note, meaning you may reference any physically printed materials. Contact the Registrar with any additional questions.
Teaching Philosophy/Course Approach: In this course, I endeavor to balance the need to prepare you for the bar exam with the need to prepare you for the practice of law. Although most criminal law has now been codified in state and federal criminal statutes, the bar exam tests common law crimes and defenses as well as general principals of criminal law. The bar exam also tests the Model Penal Code (MPC), which is a “theoretically pure” model criminal code written by law professors and practitioners to assist states with updating their criminal laws.

Studying common law crimes and defenses is helpful not only for the bar exam but also for the practice of law. As we will discuss in our first class, the common law still plays a significant role in how courts interpret criminal statutes and identify/apply general criminal law principles.

Studying only the MPC is helpful for the bar exam, but not, in my view, for the practice of law. Many states have not adopted the MPC and those that did modified it. Additionally, unlike actual criminal codes, the MPC is explained by commentary rather than interpreted and implemented by case law. For these reasons, in this course you will learn specific aspects of the Illinois criminal code related to the common law crimes, defenses, and general principles that we study. Studying Illinois criminal law introduces to an integrated criminal code and, because Illinois adopted the MPC (with variations), to the MPC. However, by examining Illinois statutes and surveying the principle cases that interpret them, you will continue to hone important skills. These include the careful reading of codified rules and related case law and using them to analyze facts and predict results.

Final Exam Format and Content: The final exam will consist of both objective (True/False & multiple choice) questions and, typically, 2-3 essay questions.

Objective questions will comprise approximately one third of the final exam grade. Objective questions may relate to any aspect of the course material, but will primarily test your knowledge of common law crimes, defenses, and related doctrines, as well as general and key constitutional principles. Objective questions will be similar to bar exam questions; you may therefore prepare for this part of the exam using bar exam preparatory materials, some of which are free.

The essay questions will comprise approximately two-thirds of the final exam grade. They will require you to use Illinois criminal law statutes and cases to analyze hypothetical facts and predict results. Essay questions will test only those aspects of Illinois criminal law discussed in the course.

Class Preparation Credit Criteria: Class preparation grades will consist of homework problem submissions and your performance when called upon to review a case in class.

Homework Problems: The main component of your class preparation grade will be based upon homework problems. After each major substantive criminal law topic that we examine I assign a homework problem. The problem allows you to gauge your understanding of the material and to practice writing an analytical essay. This prepares you not only for the final exam but also for practice.

Homework Submission: You must submit the homework by the date and time indicated to receive class preparation credit. You must submit two homework problems during the semester, at least one before spring break. (You are welcome to submit any or all homework assignments, if you wish, for additional practice and feedback.) You are responsible for choosing which homework assignments to submit for credit given your school and other (work, weddings, funerals, etc.) commitments.
Homework Feedback: Immediately after the due date for each homework problem, I will provide and review a sample answer in class. That sample answer will then be posted to TWEN. A tutor will also provide written feedback on your homework submission. I will review all homework submitted for credit but will not provide feedback unless you specifically request it and arrange to meet with me during my office hours to discuss it. If after my review of your submission I am concerned about your comprehensive or performance, I will contact you to arrange an appointment to discuss it.

Homework Credit: The main purpose of each homework problem is to provide you with a basic formative assessment of your comprehension of the course material and your ability to apply that material to a given set of facts. For that reason, you will receive full credit for making substantial effort to analyze the facts using relevant statutes and case law. You may then use the written feedback, in-class review, and sample answer to enhance your understanding of the material and its application.

Case Review: The other component of your class preparation grade is your ability to orally review an assigned court decision in class. You will not receive notice before you are called upon (known as “cold calling”). The main purpose of this approach is to encourage everyone to read each assignment carefully. You will receive full credit for demonstrating firm knowledge of the facts and adequate effort to understand the legal reasoning of the decision. Unlike the homework, I will not inform you whether you received full credit. You remain subject to being called upon throughout the course.

Sensitivity and Inclusivity: For a variety of reasons, criminal law can be a difficult topic to discuss. It sometimes involves graphic details and often touches upon contentious societal issues as well. Furthermore, statistics suggest that at least one person in our class will have been the victim of a crime that we will discuss. It is also likely that several more of us have been affected by crime less directly, perhaps because a colleague, friend, or relative was a crime victim. It is therefore essential that we have considerate class discussions that are respectful of different viewpoints and remain mindful of someone’s potential life experiences.

Please Note: Tutors are not university employees and should therefore be viewed, treated, and relied upon solely as peers who assist other students with course material. Any concerns, including matters related to disability accommodations, safety in the classroom, unethical conduct, academic dishonesty, etc. should be brought to the attention of the instructor, or if unavailable, either the Associate Dean for Administration or the Associate Dean for Student Affairs.

Loyola is committed to education, training, and services that encourage healthy, safe, and respectful relationships. Loyola goes beyond compliance with federal laws regarding gender-based violence and aspires to provide a survivor-friendly environment rooted in our Jesuit traditions of justice and respect for others. If you observe or are the victim of a crime, please call Chicago Police at 911 or Loyola Campus Safety at 773-508-6039. Please report all incidents of gender based misconduct, including dating violence, sexual assault, harassment and stalking via the EthicsLine Reporting Hotline website or by calling 855-603-6988, which is available 24 hours a day, seven days a week. Notifications submitted via this hotline will be handled as promptly and discreetly as possible, with facts made available only to those who need to investigate and resolve the matter. More information is available at: http://www.luc.edu/president/departments/administrativeservices/titlenine.shtml
ASSIGNMENTS

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STUDY QUESTIONS/LEARNING OBJECTIVES:

- In what ways is criminal law different from other types of law?
- What is proof beyond a reasonable doubt and why is it required in criminal cases?
- What roles do various parts of government and society play in the criminal justice system? How do they differ from the early days of the United States?
- What is “jury nullification?” Is it an essential aspect, or simply an unavoidable aspect, of a jury system?
- What are “common law” crimes and defenses, and how do they typically relate to criminal statutes?
- Of what relevance is the common law today?
- Do you have any questions about the course or the information on the previous pages?

Jan. 16 31-42, 52-60, 62-63 Justifications for & Goals of Punishment

- Who is deserving of punishment and why?
- What are the justifications for (or moral philosophies underlying) criminal punishment?
- What should be considered when punishing someone? What approach does the Du case take?
- What is “indeterminate sentencing” and how does it differ from “determinate” sentencing?

Jan. 23 73-92 Proportionality of Punishment

- How do courts determine whether punishment is proportionate to a crime?
- How does the Supreme Court address proportionality under the Eighth Amendment? Is its approach based in retributivist theory, utilitarian theory, or both?
- Professor Dehn will provide a brief history of the Eighth Amendment death penalty case law. Interested students may read pp. 365-406.

Jan. 28 93-107, 112-14 Legality Principle & Statutory Clarity

- What is “legality” and why is it important?
- Is it always true that ignorance of the law is no excuse for a failure to comply with it?
- How does the concept of legality square with the concept of common law crimes?
- What are “crimes by analogy” and what concerns exist with regard to them?
- Why/in what ways is statutory clarity important? Is it a necessary aspect of legality?
- How do courts determine whether a statute is sufficiently clear?
- Professor Dehn will give brief lecture on statutory interpretation
- Professor Dehn will provide an overview of the Illinois criminal code, available on TWEN. Statutes for which you will be responsible on the final exam will be introduced and explained throughout the course.