

## *Criminal Procedure – Adversary System*

### **Course Policies: Fall 2018**

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Criminal Procedure – Adversary System  
Room 285C  
T, Th 1:00 – 2:15 pm  
Office Hours: T, 2:30 – 4:00 pm

**Coverage & Course Objectives:** This course is the criminal analogue to civil procedure, covering the criminal process from arrest through sentencing. The class will focus on federal constitutional case law, but we will also consider Florida law where it differs significantly from the norm.

**Student Learning Outcomes:** After completing this course, students should be able to:

- Elucidate the constitutional and statutory foundations of federal criminal procedure;
- Apply the procedural rules and statutes that govern the process of criminal litigation in federal and Florida courts;
- Articulate the purposes animating, and the procedures inherent in, the various stages of the federal and state criminal justice process;
- Identify and establish, from a given fact pattern, possible violations of procedural rules and statutes governing the process of criminal litigation;
- Defend the values underlying the criminal justice system;
- Explain a defense attorney's ethical and legal obligations to his or her client throughout the pendency of a criminal case;
- Explain a prosecutor's ethical obligations to the defense during federal and Florida criminal litigation;
- Apply strategic and practical considerations throughout the process of litigating a federal or Florida criminal case;

- Explain how procedural policy choices have implications for the accuracy, fairness, and efficiency of adjudications; the actual and perceived legitimacy of the criminal justice system; the dignity of the defendant; and victims.

**Assessment of Student Learning:** I will assess your attainment of competency in these learning outcomes through an in-class examination at the end of the semester.

**Textbook:** The textbook will be Yale Kamisar et al, Advanced Criminal Procedure (14th ed. 2015). You may also use Modern Criminal Procedure (14th ed. 2015), by the same authors. I believe the page numbers are identical in both books.

**TWEN:** You will need to sign up for the TWEN site for this course.

**Workload and Assignments:** ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Criminal Procedure-Adversary System has 3 “classroom hours” of in-class instruction each week, requiring at least 6 hours of preparation outside of class. This requirement will be met through your completing the assigned reading in the case book and assigned practice materials.

**Assignments:** All assignments will be from the Kamisar book and supplementary materials on federal and Florida law. We will not cover all assigned material in class, but we will discuss those points that I consider to be most important. The exam will cover all assigned material.

Actual Syllabus: Tentative assignments for the first two weeks of class are included in a separate document, titled “Actual Syllabus.” I will update this document weekly on TWEN. In the syllabus, I will list the cases, rules, and statutory provisions on which we will focus in class.

Florida Law: Because Florida criminal procedure will be tested on the Florida bar exam, I have included relevant statutory and rule provisions in the syllabus. I will expect you to read these provisions and will answer questions about them in office hours. We may not discuss these rules in class, however, and the only area of Florida law that may be tested on the exam for this course includes Florida law on discovery.

Tentative Course Outline: In case you want to read ahead or are curious as to the direction of the course, I have posted a tentative course outline on TWEN.

**Attendance Policy:** Attendance is required. On the first day of class, I will circulate a seating chart. Your seat that day will be your seat for the semester. At the beginning of each

class meeting, students must sign an attendance roster. Missing more than six classes is grounds for dismissal from the course.<sup>1</sup> Please plan accordingly.

**Classroom Preparation & Conduct:** Each student is required to be fully prepared to discuss the assigned material, including assigned problems, each day. Your grade may be lowered if I call on you and you are unprepared for class. Each student is entitled to email me, up to two times over the course of the semester, to inform me that he or she will be unprepared for class. I will only excuse those two days for lack of preparation.

You are welcome to take class notes on a laptop computer. No other use of computers during class is authorized unless I specify to the contrary. No class may be recorded by any means without my prior written permission.

**Accommodations for Students with Disabilities:** Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to Dean Rachel Inman when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**The Honor Pledge:** UF students are bound by The Honor Pledge, which states: “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honesty and integrity. On all work submitted for credit by students at the university, the following pledge is either required or implied: ‘On my honor, I have neither given nor received unauthorized aid in doing this assignment.’”

The Honor Code (<https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/>) specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel (i.e., Dean Rachel Inman). If you have any questions or concerns, please ask me or Dean Inman.

**Final Exam:** The final examination will be an open book, limited-space examination. It may include multiple choice, short answer, and essay questions. The exam will be graded anonymously by exam number. To aid in your studying, I have posted copies of several past exams, along with model answers. The law school policy on delay in taking exams can be found at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

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<sup>1</sup> University recognized religious holidays are exempt. Please provide me with advance notification of such absences.

**Grading Policy:** Your grade for the course will be based predominately on the grade you receive on your final examination. Superb class participation may result in an increase in grade of up to 0.33 grade points; failure to participate when called on may result in a decrease in grade of up to 0.33 grade points.

I adhere to the College's posted grading policy (<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies>). Grades carry the following point equivalents:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

**Office Hours:** My office hours are on Tuesdays, from 2:30 – 4pm. You may also speak to me by appointment. My office is in Holland 305.

**Online Course Evaluation:** Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.