

**INTRODUCTION TO PROSECUTION  
LAW 6930**

**COURSE SYLLABUS  
SPRING 2021**

**INSTRUCTOR'S CONTACT INFORMATION:**

Sarah H. Wolking

Office Location: 126 Bruton-Geer Hall

Office Phone: (352) 273-0815

Cell: (510) 376-7837

Email: wolking@law.ufl.edu

Virtual Office Hours: Mondays 4-6pm. Please join Sarah Wolking's Personal Meeting Room <https://ufl.zoom.us/j/9800804098>. Students should feel free to contact the professor at any time to discuss legal issues or to ask questions. Students are welcome to contact the professor via email, text, or phone.

**COURSE OBJECTIVES AND GOALS:**

This week-long, 1-credit course is designed to introduce students to the art and craft of prosecution. Prosecutors must learn to wield the power of the state ethically and deliberatively. Students will become familiar with the practices and procedures of prosecutors in the 8th Judicial Circuit so that they are prepared to hit the ground running when the Prosecution Clinic begins. Students will trace the life of a criminal case, learn basic case preparation, and discuss the challenges they will face in the courtroom and in the criminal justice system more broadly. Students will develop insight into the strategy and logic of preparing and presenting cases in this arena.

In this compressed course, students will also tackle the multiplex ethical issues that define prosecutors' fundamental duty to seek justice. Selected readings and recordings will explore the institutional strengths and weaknesses of the players in the criminal justice system, and the impact of race, gender, and class on the quality of justice. Finally, students will begin to think about or refine their professional identity, recognizing a criminal justice system in crisis, and becoming motivated to do something about it. Prosecutors have enormous power to make real and lasting changes and this introductory course will challenge students to think critically about how to solve problems in this system.

**LEARNING OUTCOMES:**

At the conclusion of this course, students should be able to:

- Demonstrate an understanding of the life of a criminal case—from investigation and charging, to interviewing, motion-writing, jury selection and argument;
- Negotiate with opposing counsel in the spirit of a just resolution of cases, with an understanding of Adverse Childhood Experiences (ACEs) and Restorative Justice alternatives to prosecution;
- Identify and work to address brokenness within the criminal justice system including bail reform, prosecution of misdemeanors, implicit bias, police training and resources, extreme prison sentences, racism and over criminalization;
- Make timely and appropriate legal objections;
- Develop or refine a professional identity which reflects the core values of the legal profession and embraces ethical problem-solving in the criminal justice arena.

**CLASSROOM AND CLASS TIME:**

This course will meet in *Holland Hall room 382* on the following dates and times:

Monday, January 11 - 9am-noon

Tuesday, January 12 - 9am-noon

Wednesday, January 13 - 9am-noon

Thursday, January 14 - 9am-noon

Friday, August 21 - 9am-2pm *at the State Attorney's Office 120 W. University Ave.*

**CLASS ATTENDANCE:**

Whether in person or online, attendance at each session of this compressed course is mandatory. Any missed session will result in a 5-point reduction in a student's final grade (on the 100 point scale) for each missed session. Further information about the Levin College of Law's attendance policy is available here:

<https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies#3>

**COVID-19 PROTOCOLS:**

We will have participatory instructional sessions to accomplish the student learning objectives of this course. In response to COVID-19, the following policies and requirements are in place to maintain your learning environment and to enhance the safety of any in-class interactions:

- You are required to wear approved face coverings at all times during class and within buildings. Following and enforcing these policies and requirements are all of our responsibility. Failure to do so will lead to a report to the Office of Student Conduct and Conflict Resolution. You also will no longer be permitted on the UF Law campus.

Finally, any noncompliance will be reported to the relevant state board of bar examiners.

- This course has been assigned a physical classroom with enough capacity to maintain physical distancing (6 feet between individuals) requirements. Please utilize designated seats and maintain appropriate spacing between one another. Please do not move desks. Sanitizing supplies are available in the classroom if you wish to wipe down your desks prior to sitting down and at the end of the class. Practice physical distancing to the extent possible when entering and exiting the classroom.
- If you are experiencing COVID-19 symptoms (<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>), please do not come to campus or, if you are already on campus, please immediately leave campus. Use the UF Health screening system and follow the instructions about when you are able to return to campus. <https://coronavirus.ufhealth.org/screen-test-protect/covid-19-exposure-and-symptoms-who-do-i-call-if/>. Course materials will be provided to you with an excused absence, and you will be given a reasonable amount of time to make up work. <https://catalog.ufl.edu/UGRD/academic-regulations/attendance-policies/>.

#### **ONLINE PARTICIPATION:**

Students participating remotely must be on video in order to be counted as in attendance and should be prepared to participate in class discussion on the same terms as if they were physically in the classroom. The ABA requires that remote participants are actually in attendance and engaged with course material.

#### **PROHIBITION ON STUDENT RECORDING, PHOTOGRAPHY & SOCIAL MEDIA POSTING:**

Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and UF's Office of Student Conduct and Conflict Resolution.

#### **RECOMMENDED TEXTS:**

Paul Butler, Chokehold (2017)

Richard J. Crawford and Charlotte A. Morris, The Persuasive Edge (2nd ed. 2011)

Ibram X. Kendi, How to be an Antiracist (2019)

Angela J. Davis, Arbitrary Justice (2007)

Thomas A. Mauet, Trial Techniques (8th ed. 2019)

Florida Rules of Criminal Procedure

ABA Standards for Criminal Justice: Prosecution and Defense Functions

NDAA National Prosecution Standards, 3rd Ed.

ABA Model Rules of Professional Conduct  
Florida Rules of Professional Conduct

**REQUIRED READING AND VIEWING:**

- *Victims Rights from a Restorative Perspective* by Lara Bazelon & Bruce A. Green in Canvas under “Restorative Justice”
- *The Ethics of Charging*, collection of articles, cases and problems in Canvas "files" under “unfiled”
- Adam Foss, *A Prosecutor's Vision for a Better Justice System*  
[https://www.ted.com/talks/adam\\_foss\\_a\\_prosecutor\\_s\\_vision\\_for\\_a\\_better\\_justice\\_system?language=en](https://www.ted.com/talks/adam_foss_a_prosecutor_s_vision_for_a_better_justice_system?language=en) (15:50)
- *The Problem of Prisons*, collection of articles, cases and problems in Canvas "files" under “unfiled”
- William Ury, *The Power of Listening*  
<https://www.youtube.com/watch?v=saXfavo1OQo> (15:40)
- Gretchen Casey, *Restoring Justice: Repairing the Harm After Sexual Assault*, TedxUF  
<https://www.youtube.com/watch?v=eGzjM1JEbwo> (12:02)
- Van Jones, *The Redemption Project (Ashlee Stokes)*,  
[https://www.youtube.com/watch?v=fNjXn\\_V0McQ&t=903s](https://www.youtube.com/watch?v=fNjXn_V0McQ&t=903s) (42:14)  
<https://implicit.harvard.edu/implicit/takeatest.html>
- Catharine Wells, *Microaggressions in the Context of Academic Communities*,  
[http://law.scu.edu/wp-content/uploads/socialjustice/Catharine\\_Wells\\_Paper.pdf](http://law.scu.edu/wp-content/uploads/socialjustice/Catharine_Wells_Paper.pdf)
- *Developing a Good Goal Statement and Prosecution Clinic Professional Development Plan* in Canvas under “files”
- John Oliver, *On Bail: Last Week Tonight with John Oliver (HBO)*  
<https://www.youtube.com/watch?v=IS5mwymTIJU> (17:49)
- Petula Dvorak, *Don't Defund the Police.” Reimagine the Police*  
[https://www.washingtonpost.com/local/dont-defund-the-police-reimagine-the-police/2020/06/11/9d827cd0-abe6-11ea-94d2-d7bc43b26bf9\\_story.html](https://www.washingtonpost.com/local/dont-defund-the-police-reimagine-the-police/2020/06/11/9d827cd0-abe6-11ea-94d2-d7bc43b26bf9_story.html)
- Suhail Gharaibeh, *Defund the Pittsburg Police*  
<https://www.pittsburghcurrent.com/guest-opinion-defund-the-pittsburgh-police/>
- John Oliver, *On Municipal Violations: Last Week Tonight with John Oliver (HBO)*  
<https://www.youtube.com/watch?v=0UjpmT5noto&list=LL3eOIVUPaQc5QrVjZhcIY7Q&index=2328> (17:54)
- *US District Court Western District of Washington-unconscious bias video*  
<https://www.wawd.uscourts.gov/jury/unconscious-bias> (10:54) and *Criminal Jury Instructions*  
<https://www.wawd.uscourts.gov/sites/wawd/files/CriminalJuryInstructions-ImplicitBias.pdf>.

- Eric Johnson, *Seattle is Dying* <https://komonews.com/news/local/komo-news-special-seattle-is-dying>

**PERFORMANCE EXPECTATIONS AND INFORMATION ON GRADING:**

The components of the final grade for the course are listed below:

- Comments and written assignments on readings in syllabus: 40% (responses are due prior to class and should be submitted in Canvas)
- Classroom preparation and participation: 60%

The law school grading policy is available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies#3> The law school recognizes the following grades:

A 4.00 (excellent)	C 2.00 (satisfactory)
A- 3.67	C- 1.67
B+ 3.33	D+ 1.33
B 3.00 (good)	D 1.00 (poor)
B- 2.67	D- 0.67
C+ 2.33	E 0.00 (failure)

**CLASS PREPARATION AND CIVILITY:**

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This course has 17“ classroom hours” of in-class instruction, requiring at least 34 hours of preparation outside of class.

Assignments will be posted on Canvas prior to the beginning of class. Please note that due to the compressed nature of this course, the bulk of your preparation must be done in the days prior to the start of class.

**GETTING HELP:**

For technical difficulties with E-learning in Canvas, please contact the UF Help Desk at: [helpdesk@ufl.edu](mailto:helpdesk@ufl.edu) or 352-392-HELP

<http://elearning.ufl.edu/> (See “Message Us” at the top of the page)

**UF LAW HONOR CODE:**

The University of Florida College of Law Honor Code represents a commitment by students to adhere to the highest degree of ethical integrity. Teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of

relationships. The Honor Code helps create a community in which students can maximize their intellectual and academic potential. Students are bound by the UF Honor Code, which may be found at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>.

**STATEMENT RELATED TO 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 the law school Office of Student Affairs. Students with disabilities are encouraged to follow this procedure as early as possible.

**LEARNING ENVIRONMENT AND PREFERRED NAME:**

It is important to the learning environment that you feel welcome and safe in this class; and that you are comfortable participating in class discussions and communicating with me on any issues related to the class. If your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or phone. I would like to acknowledge your preferred name, and pronouns that reflect your identity. Please let me know how you would like to be addressed in class, if your name and pronouns are not reflected by your UF-rostered name. I welcome you to the class and look forward to a rewarding learning adventure together.

You may also change your "Display Name" in Canvas. Canvas uses the "Display Name" as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as "Ally" instead of "Allison." To update your display name, go to [one.ufl.edu](http://one.ufl.edu), click on the dropdown at the top right, and select "Directory Profile." Click "Edit" on the right of the name panel, uncheck "Use my legal name" under "Display Name," update how you wish your name to be displayed, and click "Submit" at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

**NETIQUETTE: COMMUNICATION COURTESY:**

Please follow rules of common courtesy in all email messages, threaded discussions and chats. See <http://teach.ufl.edu/wp-content/uploads/2012/08/NetiquetteGuideforOnlineCourses.pdf>

**STATEMENT REGARDING ONLINE COURSE EVALUATION:**

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available

at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.

## ASSIGNMENTS:

### MONDAY TOPICS

The role of the prosecutor and the charging decision

The life of a criminal case

Expectations and goal setting

### Due by 9am Monday January 11, 2021

Watch/read and be prepared to discuss:

- William Ury, *The Power of Listening*, TEDxSanDiego (15:40)
- Adam Foss, *A Prosecutor's Vision for a Better Justice System* (15:50)
- Collection of readings in Canvas on "The Ethics of Charging" (in "files" under "unfiled")
- "Tempering the Law: Problems and Questions" in Canvas
  - Upload your written response to these questions: 1) Should the prosecutor have tempered the legislature's judgement regarding the crime of statutory rape? *State v. Bartlett*, and 2) Should the prosecutor have respected the legislature's judgment in this case and gone ahead with the prosecution? *Commonwealth v. Leno*
- Reports by Det. Janice Barth and Sgt. Gregory Buckley in Canvas
  - Upload your written response to the following questions: 1) Would you, on this evidence, prosecute Steve R. for rape? Is there probable cause to believe R raped D? Are you convinced beyond a reasonable doubt that R raped D? If there is probable cause, is it appropriate to try R for rape and let a jury decide whether the charge has been proved beyond a reasonable doubt? and, 2) Assume you proceed to charge R with rape. Shortly before trial, you learn from one of D's doctors that she has a history of "pre-psychotic" disturbance, including occasional hallucinatory symptoms. Must you disclose this information to defense counsel? Would it matter that the defendant has been charged with rape twice before?

## TUESDAY TOPICS

Over criminalization

Alternatives to Prosecution

Guest speaker: Gretchen Casey, President, Florida Restorative Justice Association

**Due by 9am Tuesday January 12, 2021**

Watch/read and be prepared to discuss:

- *Victims Rights from a Restorative Perspective* by Lara Bazelon & Bruce A. Green in Canvas
- Gretchen Casey, *Restoring Justice: Repairing the Harm After Sexual Assault*, TedxUF <https://www.youtube.com/watch?v=eGzjM1JEbwo> (12:02)
- Van Jones, *The Redemption Project (Ashlee Stokes)*, [https://www.youtube.com/watch?v=fNjXn\\_V0McQ&t=903s](https://www.youtube.com/watch?v=fNjXn_V0McQ&t=903s) (42:14)
- Eric Johnson, *Seattle is Dying* (1:00:35)
- John Oliver, *On Municipal Violations: Last Week Tonight with John Oliver (HBO)* (17:54)
- Upload your 1-2 page written critique of the policies outlined in these articles:
  - <https://www.sfchronicle.com/crime/article/San-Francisco-DA-Chesa-Boudin-sets-new-policies-15091160.php>
  - <https://www.sfdistrictattorney.org/press-release/sf-da-boudin-announces-primary-caregiver-diversion-program/>

## WEDNESDAY TOPICS

Implicit and unconscious bias

The problem of prisons

Adverse childhood experiences (ACEs)

Guest speaker: Professor Teresa Drake, Director, Intimate Partner Domestic Violence Clinic (IPVAC)

**Due by 9am Wednesday, January 13, 2021**

- Please take at least one implicit association test (IAT) which can be found here: <https://implicit.harvard.edu/implicit/takeatest.html> Upload to Canvas 1-2 pages describing your result(s), your reaction to your result(s), or the effectiveness of IATs in training people who work in the criminal justice system (prosecutors, police, judges, defense lawyers, etc.)
- Review video from US District Court Western District of Washington on unconscious bias <https://www.wawd.uscourts.gov/jury/unconscious-bias> (10:54) and read criminal jury instructions



<https://www.wawd.uscourts.gov/sites/wawd/files/CriminalJuryInstructions-ImplicitBias.pdf>. Be prepared to discuss.

- Read and be prepared to discuss *The Problem of Prisons*, collection of articles, cases and problems in Canvas "files" under "unfiled."

#### THURSDAY TOPICS

Microaggressions

Policing—defunding, training, Black Lives Matter

Bail and the beginning of the formal adversary system

#### Due by 9am Thursday, January 14, 2021

Read and be prepared to discuss:

- Catharine Wells, *Microaggressions in the Context of Academic Communities*, [http://law.scu.edu/wp-content/uploads/socialjustice/Catharine\\_Wells\\_Paper.pdf](http://law.scu.edu/wp-content/uploads/socialjustice/Catharine_Wells_Paper.pdf)
  - Describe a microaggression that you have suffered or made and what lessons you took from it (1-2 pages)-upload to Canvas
- Petula Dvorak, *Don't "Defund the police." Reimagine the police* [https://www.washingtonpost.com/local/dont-defund-the-police-reimagine-the-police/2020/06/11/9d827cd0-abe6-11ea-94d2-d7bc43b26bf9\\_story.html](https://www.washingtonpost.com/local/dont-defund-the-police-reimagine-the-police/2020/06/11/9d827cd0-abe6-11ea-94d2-d7bc43b26bf9_story.html)
- Suhail Gharaibeh, *Defund the Pittsburg Police* <https://www.pittsburghcurrent.com/guest-opinion-defund-the-pittsburgh-police/>
- John Oliver, *On Bail: Last Week Tonight with John Oliver (HBO)* <https://www.youtube.com/watch?v=IS5mwymTIJU> (17:49)

#### FRIDAY TOPICS

Orientation

Practices and procedures at SAO8

Security/computer training

#### Due by 11:59pm Sunday, January 24, 2021

- Prepare a goal statement and upload it in Canvas. This statement should be for spring semester Prosecution Clinic. See "Developing a Good Goal Statement" in Canvas and please follow the template outlined in "Prosecution Clinic PDP Spring PDP" in Canvas.

#### Due by 6pm on Wednesday January 27, 2021

Please read and be prepared to discuss:

- *The Persuasive Edge*, Chapter 1 "Developing a Practical Approach to Persuasion" and Chapter 2 "Building an Honest Relationship with the Jury"