**INTRODUCTION TO PROSECUTION**

**LAW 6930 (26864) §693W**

**COURSE SYLLABUS**

***Fall 2020***

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 Eighth Judicial Circuit so that they are prepared to hit the ground running when the Prosecution Clinic begins.  Students will participate in an objection workshop, trace the life of a criminal case, learn basic case preparation, and review courtroom skills. Students will develop insight into the strategic and logistical challenges 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 prison conditions and sentencing reform, the institutional strengths and weaknesses of the players in the 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, prosecuting municipal violations, implicit bias, extreme prison sentences, and racism;
* 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 on the following dates and times:

Monday, August 17 - no class

Tuesday, August 18 - no class

Wednesday, August 19 - 9:00am-noon and 1-3pm

Thursday, August 20 - 9am-noon and 1-3pm

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

Classroom: Virtual via Zoom and Bruton-Geer 229

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 too 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)
* Thomas A. Mauet, *Trial Techniques* (8th ed. 2019)
* Ibram X. Kendi, *How to be an Antiracist* (2019)
* Angela J. Davis, *Arbitrary Justice* (2007)
* 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:

* 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> (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> (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>
* Developing a Good Goal Statement and Prosecution Clinic Professional Development Plan in Canvas under “files”

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: 30% (responses are due prior to class and should be submitted in Canvas)
* Classroom preparation and participation: 70%

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 (excellent) 4.0

A- 3.67

B+ 3.33

B 3.00

B- 2.67

C+ 2.33

C (satisfactory) 2.00

C- 1.67

D+ 1.33

D (poor) 1.00

D- 0.67

E (failure) 0.00

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 15 “classroom hours” of in-class instruction, requiring at least 30 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, 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:

Due by 9am Wednesday, August 19, 2020:

* Watch 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)
    - 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> (42:14)
* Read the collection of readings in Canvas on "The Ethics of Charging" (in "files" under “unfiled”)
* Read “Tempering the Law: Problems and Questions” in Canvas and 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***
* Read reports by Det. Janice Barth and Sgt. Gregory Buckley in Canvas and 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?

ATTEND CLASS—9am-noon and 1pm-3pm

*Morning Topics:*

* Role of the Prosecutor and the Charging Decision
* The Life of a Criminal Case
* Expectations and goal setting

*Afternoon Topics:*

* Alternatives to Prosecution
* Guest speaker: Gretchen Casey, President, Florida Restorative Justice Association

Due by 9am Thursday, August 20, 2020:

* Please take at least one implicit association test (IAT) which can be found here: <https://implicit.harvard.edu/implicit/takeatest.html> Write 1-2pp 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.)
* Watch and be prepared to discuss Eric Johnson's, Seattle is Dying (1:00:35)
* Watch and be prepared to discuss: John Oliver, On Bail, Bail: Last Week Tonight with John Oliver (HBO) (17:49) and John Oliver, On Municipal Violations, Municipal Violations: Last Week Tonight with John Oliver (HBO) (17:54)
* 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.

ATTEND CLASS—9am-noon and 1pm-3pm

 Morning Topics:

* Implicit and unconscious bias
* Bail
* Overview: Policing, Juries, and Mass Incarceration

*Afternoon Topics:*

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

Due by 9am Friday, August 21, 2020:

* 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>
  + - Describe a microaggression that you have suffered or made and what lessons you took from it (1-2pp)-upload to Canvas

ATTEND CLASS—9am-2pm at the State Attorney's Office 120 W. University Ave., Gainesville

* Orientation and division overview
* 8th Judicial Circuit State Attorney's Office practices and procedures

Due by 9am Monday, August 31, 2020:

* Prepare a goal statement and upload it in Canvas. This statement should be for fall semester Prosecution Clinic. See “Developing a Good Goal Statement” and "Prosecution Clinic PDP 2020" in Canvas.