

COURSE SYLLABUS
INTRODUCTION TO PROSECUTION—LAW 6930
Fall 2022

INSTRUCTOR'S CONTACT INFORMATION:

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Office Hours: Tuesdays from 2-4pm. 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:

Classroom location: Bruton-Geer 220-D

This course will meet on the following dates and times:

Monday, August 15 - 10am-noon and 1-3pm

Tuesday, August 16 - 10am-noon and 1-3pm

Wednesday, August 17 - 9am-noon at RMC in Lake Butler

Thursday, August 18 - 10-noon

Friday, August 19 - 9am-1pm at the State Attorney's Office 120 W. University Ave.

CLASS ATTENDANCE:

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>.

REQUIRED READING AND VIEWING:

- Olwyn Conway, Beyond Binary Thinking: Addressing the Biases That Threaten the Progressive Prosecution Movement in Canvas (2022)
- Victims 'Rights from a Restorative Perspective by Lara Bazelon & Bruce A. Green in Canvas under "Restorative Justice"
- Avanindar Singh and Sajid A. Khan, A Public Defender Definition of Progressive Prosecution in Canvas and here: <https://www-cdn.law.stanford.edu/wp-content/uploads/2021/03/Singh-and-Khan-Public-Defender-Definition-of-Progressive-Prosecution.pdf>
- Darcy Covert, The False Hope of the Progressive-Prosecutor Movement (The Atlantic 06/14/21) in Canvas
- Gretchen Casey, Restoring Justice: Repairing the Harm After Sexual Assault, TedxUF <https://www.youtube.com/watch?v=eGzjM1JEbwo> (12:02)
- <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”
- Collection of readings on *The Police* in 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
- Suhail Gharaibeh, Defund the Pittsburg Police <https://www.pittsburghcurrent.com/guest-opinion-defund-the-pittsburgh-police/>
- 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>
- Jarrell Daniels TedTalk: What prosecutors and incarcerated people can learn from each other (11:54)
- Restorative Justice: A Best Practice Guide for Prosecutors in Smaller Jurisdictions (2022) <https://static1.squarespace.com/static/5c4fbee5697a9849dae88a23/t/61f18ead2f9f040ed03aa1f1/1643220659137/FINAL+Restorative+Justice+Paper+2022.pdf>

RECOMMENDED TEXTS:

- I. Eagly, G. Fisher, and R. Tyler, *Criminal Practice: A Handbook for New Advocates* (2021)
- 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)
- Florida Rules of Criminal Procedure
- ABA Standards for Criminal Justice: Prosecution and Defense Functions
- NDAA National Prosecution Standards, 3rd Ed.
- ABA Model Rules and Florida Rules of Professional Conduct

PERFORMANCE EXPECTATIONS AND INFORMATION ON GRADING:

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

- Written assignments on the readings in syllabus: 50% (responses are due prior to class and should be submitted in Canvas)
- Classroom preparation and participation: 50%

This course follows the grading policies at the Levin College of Law, available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law->

student-handbook-and-academic-policies. 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)

The law school policy on exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

CLASS PREPARATION:

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.

UF LAW HONOR CODE:

Academic honesty and integrity are fundamental values of the University community. 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>.

COMMUNICATION COURTESY AND CIVILITY:

Please follow rules of common courtesy in all email messages, threaded discussions and chats. Do not arrive late to class, leave early, or leave to take a break during class absent extenuating circumstances. Please turn off your cell phone during class. I reserve the

right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:

Students requesting accommodations for disabilities should first register with the Disability Resource Center (352-392-8565, <https://disability.ufl.edu/> by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Asst. Dean Brian Mitchell). Students with disabilities are encouraged to follow this procedure and to share their accommodation letter with me as early as possible in the semester.

CLASS RECORDING POLICY:

The Office of Student Affairs will continue to record all classes via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time and it is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

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
- Microaggressions
- Adverse childhood experiences (ACEs)
- Guest speaker: Professor Teresa Drake, Director, Intimate Partner Domestic Violence Clinic (IPVAC)
- Expectations and goal setting

Due by 9am Monday August 15, 2022:

Watch/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.

Upload to Canvas your written response: Describe a microaggression that you have suffered or made and what lessons you took from it (1-2 pages)

- “Tempering the Law: Problems and Questions” in Canvas

Upload to Canvas 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 to Canvas 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

-Implicit and unconscious bias

-Alternatives to Prosecution

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

Due by 9am Tuesday, August 16, 2022:

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.thedreamcorps.org/redemptionproject-lifeforeveraltered/> (42:21)

- 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), and your view of 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.

WEDNESDAY TOPICS

- Over-criminalization
- “Progressive” Prosecution

Due by 9am Wednesday August 17, 2022:

Read and be prepared to discuss:

- Olwyn Conway, Beyond Binary Thinking: Addressing the Biases That Threaten the Progressive Prosecution Movement in Canvas (2022)
- Avanindar Singh and Sajid A. Khan, A Public Defender Definition of Progressive Prosecution (Stanford Journal of Civil Rights and Civil Liberties) in Canvas and here: <https://www-cdn.law.stanford.edu/wp-content/uploads/2021/03/Singh-and-Khan-Public-Defender-Definition-of-Progressive-Prosecution.pdf>
- Darcy Covert, The False Hope of the Progressive-Prosecutor Movement (The Atlantic 06/14/21) in Canvas
- Jarrell Daniels TedTalk: What prosecutors and incarcerated people can learn from each other (11:54)
- Restorative Justice: A Best Practice Guide for Prosecutors in Smaller Jurisdictions (2022)
<https://static1.squarespace.com/static/5c4fbee5697a9849dae88a23/t/61f18ead2f9f040ed03aa1f1/1643220659137/FINAL+Restorative+Justice+Paper+2022.pdf>

Upload to Canvas your 1-2 page critique of the Progressive Prosecution Movement in light of what we’ve discussed this week. Is it only a “false hope?”

THURSDAY TOPICS

- The police
- Practices and procedures at SAO8
- Security/computer training

Due by 9am Thursday August 18, 2022:

Read and be prepared to discuss:

- Collection of readings on *The Police* in 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
- Suhail Gharaibeh, Defund the Pittsburg Police
<https://www.pittsburghcurrent.com/guest-opinion-defund-the-pittsburgh-police/>

Upload to Canvas 1-2 pages (total) answering each of these prompts:

1. Think back to the reasons you came to law school. What was your original vision? What kind of lawyer did you intend to be? If your vision has changed since you've been in law school, what is your current vision?
2. Imagine yourself in 10 years in your dream job. What do you love about it? What do you do on a day-to-day basis?
3. What are the attributes, knowledge, and skills possessed by lawyers whom you admire?

ADVANCE ASSIGNMENTS FOR PROSECUTION CLINIC:

Due by 6pm on Wednesday August 24, 2022:

Please read and be prepared to discuss:

Criminal Practice: A Handbook for New Advocates, Chapters 1-4 (pp. 1-52) and Chapter 14 (pp. 259-269)

Due by 11:59pm Sunday, August 28, 2022:

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

Due by 6pm Wednesday, August 31, 2022:

Criminal Practice: A Handbook for New Advocates, Chapters 6-9 (pp. 71-160)

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

Due by 6pm Wednesday, September 7, 2022:

Criminal Practice: A Handbook for New Advocates, Chapters 10-13 (pp. 161-257)

The Persuasive Edge, Chapters 3-4