

**SYLLABUS for Professor Parker's CRIMINAL LAW (Law 106, § 3), Spring 2009**

**Course Materials and TWEN site.** The required casebook for this course is Kadish, Shulhofer, & Steiker, *Criminal Law and its Processes* (8<sup>th</sup> ed. 2007: Aspen) (ISBN 0-7355-5794-2) (cited below as "CB"). Additional required and optional materials will be posted to the course's TWEN site. Students must register at the TWEN site.

**Class Meetings.** This is a three-hour course that will meet twice weekly, on Tuesdays and Thursdays at 6:15-7:30 P.M., in Room 225, in one 75-minute session without a break. Student participation in class discussions, primarily through Socratic dialog with the instructor, will be stressed. A seating chart will be distributed at the first class meeting, and will be used as the definitive indicator of students' presence and location throughout the semester. Students also are required to complete index cards that will be used to make contemporaneous evaluations of student performance.

**Reading Assignments.** The following reading assignments are assigned tentative dates for class discussion. Inevitably, there will be some slippage in the pace of class discussions, and the student is responsible for remaining prepared until the materials are reached. In connection with all reading assignments in the Casebook, students also are required to review and study the pertinent provisions of the Model Penal Code (CB Appendix), which will be our principal example of a codified system of criminal law throughout the semester.

<b>Topics and Reading Assignments</b>	<b>Dates</b>
<b>I. Introduction: Criminal Law in Context</b>	
A. The Criminal Justice Business: CB1-17	1/8
B. Evidence and Proof: CB17-42	1/8
C. The Role of the Jury: CB42-65	1/13
D. Punishment versus Remedy; Tort Law Compared: CB67-73	1/13
<b>II. Crime and Punishment</b>	
A. The Justification and Regulation of Punishment: CB79-105 (background); CB73-79, 105-20 (class discussion)	1/15
B. Criminalization: CB121-32	1/20
<b>III. Basic Elements of Criminal Liability</b>	
A. Actus Reus: CB133, 182-212	1/22

<b>Topics and Reading Assignments, continued</b>	<b>Dates</b>
<b>B. Mens Rea:</b>	
1. Basics: CB213-33	1/27
2. Mistake of Fact: <i>Reg. v. Morgan</i> (TWEN site); CB234-48	1/29
3. Strict Liability: CB248-67; <i>U.S. v. Arthur Andersen</i> (TWEN site)	2/3
4. Mistake of Law; Cultural Heterogeneity: CB267-90	2/5
<b>C. Causation:</b>	
1. Basics; Distinguishing Crime from Tort: CB509-37	2/10
2. Unintended Harm: CB538-44	2/12
<b>D. Inchoate Crime: Attempt and Impossibility</b>	
1. Elements of Attempt Liability; Solicitation: CB544-874	2/17
2. Impossibility: CB575-88; <i>Reg. v. Taaffe</i> (TWEN site)	2/19
<b>IV. Punishment Revisited: Legality and Proportionality</b>	
A. Legality: CB133-67	2/24
B. Proportionality-How Much Is Enough, or Too Much?: CB167-82	2/26
<b>V. The Law of Homicide:</b>	
A. Introduction: CB373-80 (background)	3/3
B. Intended Killings: CB381-410 (class discussion)	3/3
C. Unintended Killings: Distinguishing Tort from Crime, and Murder from Manslaughter: CB410-35	3/5
[No classes on 3/10 and 3/12; Spring Break]	
D. Strict-Liability Murder: the Felony-Murder Rule: CB435-66	3/17

**Topics and Reading Assignments, further continued**

**Dates**

**VI. Complicity and Conspiracy; Corporate Crime**

A. Complicity:

CB589-610	3/19
CB610-32	3/24

B. Conspiracy:

CB663-95	3/26
CB695-721	3/31

**VII. Justification and Excuse**

Introduction to the Concepts: CB737-38	4/2
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A. Justification:

1. Self-Defense and Syndromes: CB738-86	4/2
2. Property and Law Enforcement; Choice of Evil: CB786-821	4/7

B. Excuse:

1. Basics: CB831-63	4/9
2. Insanity:	
a. Competing formulations: CB863-86	4/14
b. Other issues: CB886-911	4/16

C. Excuse versus Status: CB911-31	4/21
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**Academic Policies**

1. Class attendance is required in order to earn academic credit, in accordance with the academic policies of the School, and students are required to certify their own compliance as a condition to taking the final examination. Under the School's policies, excessive absences may result in denial of residence credit and/or reduction of the course grade. It is neither necessary nor desirable to notify the instructor regarding inability to attend, either before or after class. All absences from class will be deemed excused by the instructor for purposes of the School's attendance policies, but not for purposes of assigning class participation grades.

2. Making audio or video recordings of class sessions is prohibited, and will not be considered as a substitute for attendance.
3. A seating chart will be distributed at the first class meeting. Subscription of the seating chart is mandatory, and students are required to remain in their assigned seats. Students are responsible for assuring that their actual location corresponds with the information on the seating chart. Absence from that location will be considered absence from class. Students also are required to complete index cards which will be used when calling upon students in class and recording their class performance marks.
4. Student participation in class discussions is mandatory when called upon the instructor, and will be graded based upon the instructor's contemporaneous judgment. Failure to respond when called upon (whether due to absence or other reasons), lack of preparation, or simply poor performance, will result in negative evaluations, though of course not equally negative. Evaluations of class performance may be considered in assigning final grades for the course. The relative weighting of class marks and written examination grades will be determined by the instructor at the end of the semester, and may vary by student, depending upon the nature and quality of class performance or lack thereof. Each student's participation in class discussion is to be approached as an individualized assignment, regardless of what technical or communications resources are available to students.
5. There is a TWEN site for the course, accessible to all students having a Westlaw password and an email address, which should be all students. Registration on the TWEN site is mandatory for all students, as it permits email notices to be sent to all students simultaneously and provides a mechanism for announcing changes to the schedule, the syllabus, or other materials. Both mandatory and optional materials are available to students through the TWEN site. Students are responsible for assuring that operative email addresses are maintained on the TWEN site; if notices are returned as undeliverable, the corresponding registrant will be removed.
6. The instructor's office is Room 421. Office hours will be announced at a later date. Weather permitting, office hours may be held either in Room 421 or on the outside veranda of the Law School, overlooking the parking lot. If visits outside of office hours are necessary, please email (jparke3@gmu.edu) in advance to arrange an appointment. When sending messages, please indicate what days and hours would be convenient, and give telephone numbers where you may be reached both day and evening.
7. There will be a final examination, which may be either an essay or short-answer type, or both types combined, and may be either open-book or closed-book. Unexcused absence from the final examination will result in a failing grade. Absence from the final examination excused by the instructor will result in the administration of a make-up examination that may differ substantially from the regular examination. The regular final examination is scheduled for Friday, May 8, 2009, at 6 P.M. Students should bring any examination scheduling conflicts first to the attention of the Recorder, and then to the attention of the instructor, at the earliest possible time.