

HUMN/SSCI
4251/5251
Introduction to Legal Studies
MHMSS Program
University of Colorado Denver
Fall 2017

Meeting Times: T/R 3:30-4:45 p.m.

Meeting Place: King 318

Professor: Omar Swartz, JD, PHD

Office: Student Commons Building, 3201

Office Hours: T/R 2-3:15 p.m. & by appointment

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MHMSS Program Web Address: <http://clas.ucdenver.edu/ict/index.html>

COURSE DESCRIPTION

This course consists of a comprehensive survey of the United States legal system utilizing a variety of different lenses (i.e., normative, historical, critical, and philosophical) to situate students within the complexity, structure, strengths/weaknesses and biases of our legal system and our style of government. Topics we will cover include the organization and powers of federal and state law making institutions, court procedures, expectations, and powers along with methods for the analysis of constitutional and statutory provisions and judicial opinions. We will also explore issues regarding the determination of jurisdiction, rules of procedure (civil and criminal), and professional ethics. Finally, we will review major principles of business law, corporate rights, contracts, estates & probate, family law, property, and torts. In sum, this course provides students with an introduction to a range of principles, policies, and legal norms most likely to affect the lives of everyday citizens. Contrary to what many people believe, law is not esoteric and disconnected from everyday life; rather, law stems from--and contributes to--the construction of everyday life. Upon completion of this course, students should be able to comprehend the myriad ways that the law affects everything we do. Being able to *see* this influence allows us to ask questions about *why* society is structured in the way it is as well as potential avenues for initiating social change.

Besides being a General Education elective, this is one of two required cores course for the Law Studies minor in the College of Liberal Arts and Sciences at the University of Colorado Denver (the other is HUMN 4050: Legal Advocacy and Social Engagement). The minor in Law Studies is an interdisciplinary series of course work intended to help students become intelligent and critical scholars of legal and political discourse. While the minor may be useful for students contemplating law school, it is also intended to appeal to a wider group of students interested in issues relating to law and society and careers in public policy related fields or in criminal justice. The minor (and this course in particular) is designed to achieve the following three interrelated goals. **First**, to introduce students to the major areas of law that affect life in the United States and important legal issues that influence current events. **Second**, to enable students to become familiar and fluent with a legal vocabulary and legal reasoning. **Third**, to prepare students with the analytical and conceptual tools to be critical citizens in our constitutional republic. Graduate or other advanced students in this course can look forward to gaining a foundation upon which to construct a specialized knowledge in a legal area of interest such as Art Law, Gender Law, GLBTQ Rights, or Religious Freedom. In the spring semester, I will offer a course on First Amendment law for which this introductory course will be excellent preparation.

In addition to the above course goals, students who complete the minor and who intend to attend law school may find themselves more prepared for the mystifying and rigorous first year of law school (i.e., the so-called "One L" experience). To help these students, the minor contains a strong advising component of me assisting students who are contemplating law school to provide them with a realistic appraisal of law school and of the legal profession. You do not have to be officially enrolled in the minor to take advantage of advising with me. I will aid all interested students with the law school application process, including help drafting personal statements.

REQUIRED READINGS

The casebook for this course consists of three parts and each component must be engaged conscientiously in order to be successful in this course. First, there are the assigned court cases (an alphabetical listing of these cases appears on pages 10-11 of this syllabus). These cases range in length from one page to no more than 20 pages (most are about 5-8 pages long). All the cases have been edited significantly by me to accentuate the legal point we will be discussing (please notify me of any typos you find). In reading the cases, it is not enough to discern the rule each represents, but, rather, it is important to understand the *reasoning* behind the rule and how it relates to other cases/issues in a particular area of law. Each of the assigned cases need to be read in advance of class and will serve as the bases for our class discussion. *This class is discussion based and it is vital that students come prepared for class.* Cases should be read in the order they appear in the weekly assignments. Second, my lectures and PowerPoint slides will be posted on Canvas and students should treat them as if they were a textbook. They should be consulted *alongside* the cases and reviewed carefully outside of class as I have much more information in the slides than I can cover in lecture and there are many examples and illustrations that will help you to understand the material better.

[Students can login to Canvas at <http://canvas.cuonline.edu> using their UCD Access credentials. Students with questions about Canvas should contact the CU Online Help Desk at cuonline_help@ucdenver.edu or 303-315-3700. If, for whatever reason, you cannot get access to the readings, please contact me immediately and I will arrange for you to get them. If a case is missing or if the file is corrupted, please inform me ASAP.]

Third, a concise and *general* narrative overview of each area of law we will discuss is provided by Beth Walstron-Dunham, whose *Introduction to Law* 6th ed. (Delmar, 2012) has been heavily edited by me to help contextualize the cases and lectures. This can also be downloaded from Canvas. Optional scholarly commentary on select topics appear can be found on canvas as well for students who want them.

COURSE ASSIGNMENTS

Listed below are the course assignments for the semester for students enrolled at the 4000 level. (Students enrolled at the 5000 level will have *additional* requirements described on page 6.) All written work must be well organized and clearly presented, typed, double spaced, and professionally presented with a minimum of typographical errors. Please pay attention to deadlines, as no late work will be accepted unless students have an officially documented illness or family emergency and have notified me in a timely fashion. Unless I give permission in advance, I will **not** accept any work turned in via email attachments.

Two exams (100 points each): The exams will consist of 50 multiple-choice questions and one extra credit essay. The exam will be open notes/open book. (*I will provide students with a detailed study guide for each exam.*) These exams are **difficult** and require you to engage and apply a great deal of information in a short amount of time.

Paper (100 points): Students must write a 12-15 page paper on one of the topics covered in the course. The paper must involve original library research and should have a clearly articulated thesis that is supported by main points and reasoned argument. In addition, the paper should contain a title page, citation page, and little or no typographical errors. Authority needs to be properly cited in the text. Unless permission is given otherwise, students should use the style manual for the American Psychological Association (APA) (for information on APA style, see <http://www.apastyle.org/>). A **minimum** of 12 citations from sources that are not part of the assigned reading is required. If students have any questions as to what will be an appropriate topic, come see me to discuss your ideas. Students must turn in a rough draft of their paper by **Thursday, October 26**. I will return the papers to students within a week with my comments on how to improve. (*Since one of my goals as an educator is to help students improve their writing skills, I will read additional drafts prior to that time by students who start working early on their papers; note, I will not read any drafts after Tuesday, November 28*). Final paper is **due on Thursday, December 7** at the beginning of class (students must *also* return their rough drafts).

Class Participation/Preparedness (100 points): Because *active student participation* is imperative for maximizing the learning potential of this course, students are expected (i.e., *required*) to contribute regularly to the classroom discussion as well as to the creation of a positive and supportive classroom learning environment. Note, this means *more* than merely showing up for class, although that is expected (**I will take role**). Grading criteria for participation include the following behaviors: *active listening; demonstrating cumulative learning; making of thoughtful comments; preparedness; questions and responses to the course material; showing initiative; soliciting feedback from instructor and other students and responding well to feedback, and willingness to allow others to speak*. In other words, I expect students to come to class having read the material and willing to volunteer to discuss the readings in light of the current or historical events that I, or others, bring to class each day. When I do call on a student in class (as I will to ensure that everyone has an opportunity to contribute), I expect that student to be familiar with the readings, issue, or case at hand. Because class participation is *one quarter* of your final grade for this course you should take very seriously a commitment to regular attendance and to keeping up with the reading assignments.

****Note: Students are encouraged to take any position on the course material they want and they will not be graded on their ideological/political/religious or other points of view. I do, however, expect students to back up their beliefs/opinions/perspectives, etc. with reasoned argument and evidence and to be committed, generally, to principles of free and open discussion and debate, tolerance, as well as civility and respect for others. I also recognize that the material is difficult to comprehend and I request that you make a good faith effort to grapple with the material. It may be that you do not fully understand the readings when discussing them before your peers. That's okay, do your best and we collectively will work through the legal reasoning involved. Our class discussions need to be uninhibited and robust.*

Grading Scale: 400-373 (A); 372-360 (A-); 359-346 (B+); 345-333 (B); 332-320 (B-); 319-306 (C+); 305-293 (C); 292-280 (C-); 279-266 (D+); 265-253 (D); 252-240 (D-); 239 and below (F).

Students should note that the grading scale for this course is 5% more generous than the traditional 10% grading scale. This is to take into consideration the fact that the material covered in this course is *challenging* and *unique* for college students with little or no legal training. With only some small exceptions, little in your previous education will have

prepared you for the material in this course; consequently, it may be the most difficult class you will take this semester—but it will also be one of the most interesting courses you will experience. Students are not expected to become legal experts as a result of this course (that's what law school is for). Rather, the goal is for students to develop a **working knowledge** of the **vocabulary** and **major ideas** in the area being studied so that they can be more cognizant of the role that the law plays in our lives, how different important social interests are balanced, as well as an ability to think critically about these choices. In other words, an important goal of this course is to help the student to become a better informed citizen with regard to the law and to the important function it plays in U.S. democracy, as well as its use/misuse in partisan political discourse.

ADDITIONAL COURSE INFORMATION

Census Date: All students must be officially registered in this class by census date (see registration and academic deadlines attached to this syllabus). Students who are not officially registered by this date will **not** be allowed to add the course. *Please make sure also that you are registered for the correct section of this course (i.e., 4000/5000, HUMN or SSCI).*

CLAS Incomplete (IW/IF) Policy: The faculty in the College of Liberal Arts and Sciences (CLAS) passed the following policy relating to the awarding of incomplete grades. This CLAS policy is consistent with the CU Denver campus policy. Incomplete grades (IW or IF) are NOT granted for low academic performance. To be eligible for an Incomplete grade, students MUST (1) successfully complete a minimum of 75% of the course, (2) have special circumstances beyond their control that preclude them from attending class and/or completing graded assignments, and (3) make arrangements to complete missing assignments **with the original instructor**. Verification of special circumstances is required. Completion of a CLAS Course Completion Agreement is strongly suggested. Incompletes cannot be awarded that stipulate (1) a student may repeat the entire course, (2) repeat or replace existing grades, (3) allow the student an indeterminate period of time to complete a course, or (4) allow the student to repeat the course with a different instructor. The CLAS Course Completion Agreement is available from the CLAS Advising Office, NC 1030.

Classroom Decorum: Class discussions that give voice to a variety of perspectives on what will often be controversial topics will greatly enhance this learning experience. Therefore, prompt and regular attendance is essential, as is preparation and polite/respectful and thoughtful engagement. Please be aware that it is your responsibility to obtain missed assignments, notes, etc., from a classmate when you are absent, as classes may not be recorded without express permission from the instructor. Instructor will not email assignments, handouts, etc. Also, it is your responsibility to accept any penalties incurred due to your absence. Please also note that respect for each other and the contributions made to class discussions is expected of each student. *It is my priority to make this one of the most interesting and dynamic courses you will take in college and encourage all students to be similarly committed to this class as well.*

Disability Accommodations: The faculty at the University of Colorado system have both a legal and moral obligation to provide reasonable accommodations to students with disabilities. To be eligible for accommodations, students **must** be registered with the CU Denver Office of Disability Resources and Services (DRS), located in the Student Commons Building, Suite 2116. The DRS staff has experience to assist faculty in determining reasonable accommodations and to coordinate these accommodations. If a student is given accommodations, they must be followed. If a student chooses not to accept the accommodations set forth by the DRS, they MUST complete all assignments and do all course work in the same

manner as all other students. No exceptions or alternate forms of evaluation can be used except those mandated by the DRS. Faculty cannot arbitrarily decide to give a student extra time, extra assistance or other forms of aid unless it is formally mandated by the DRS.

Format of Paper: The paper shall be typed, double-spaced, on letter size white paper using 12 pt. Times New Roman font with 1" margins and left justification, with each page numbered starting on the first page of text. Do not include the cover page as a numbered page. Additionally, the last name of the student shall be included on the top right corner of each page. Please use only one side of the page and do not enclose your papers in plastic folders and the like. Papers will be graded on content and argument, organization, presentation style (e.g., paragraph structure, grammar, spelling), and proper use of citations. Please note that unless expressly permitted by the instructor, emailed assignments will not be accepted. If you are going to be absent the day the assignment is due, it is your responsibility to get your paper delivered to me before that class.

Handheld Technology: Cell phones should be turned off before coming to class. Laptop computers, tablets, and other similar technology are to be used only for taking notes or for utilizing the PowerPoint slides. Students who use electronic devices for other purposes (i.e., checking email, playing games, etc.) will be asked to turn off their devices. Please do not engage in texting during class.

MHMSS Incomplete Policy: Incomplete grades are not given to students simply because they are receiving lower grades than they would like. To be eligible for an incomplete grade, students must have completed 75% of the course assignments with passing grades and have special circumstances outside of their control that preclude completion of the course. The incomplete grade that will be given if the above conditions are met is an IF, which means that if the student does not complete the work for the course within 12 months, the grade reverts to an F.

Military Personnel: If you are a student in the military with the potential of being called to military service and/or training during the course of the semester, you are encouraged to contact your school/college Associate Dean or Advising Office immediately so we can plan for appropriate accommodations.

Plagiarism Statement: Plagiarism and cheating is not tolerated at this university. At *minimum*, students who are caught cheating on an exam or plagiarizing a paper in this course will receive *zero points* for that assignment. At my discretion, a student caught cheating or plagiarizing a paper may be assigned an "F" *for the course* and may be reported to the CLAS Ethics Committee for further action, including suspension and possible dismissal from the University. Students are responsible for being attentive to, or observant of, campus policies about academic honesty as stated in the University's Student Conduct Code. Information regarding academic integrity can be found at [http://thunder.cudenver.edu/clas/Academic Integrity.htm](http://thunder.cudenver.edu/clas/Academic%20Integrity.htm). **When in doubt ask! I am here to help you learn.**

Plagiarism Statement for Graduate Students: If a finding of plagiarism has been made by the instructor and by other members of the MHMSS graduate faculty, the student may be assigned a failing grade in the course. At the discretion of the graduate faculty, the student may be asked to leave the graduate program.

Policy for Returning Papers & Exams: I encourage students to provide me with a SESE at the end of the semester so I can return their papers. I will keep student work (i.e., papers and exams) in my office for exactly *one* semester, after which they will be destroyed.

Religious Holiday Accommodations: Faculty in the University of Colorado system have both a legal and moral obligation to provide reasonable accommodations to students who must be absent from classes because of religious holidays. Faculty are expected to develop course-consistent accommodations for students who miss class or graded assignments in order to observe religious holidays. Faculty are encouraged to (1) avoid examinations during major religious holidays and (2) ask students to identify privately all course conflicts at the beginning of the semester. For a list of such holidays, please consult <http://www.interfaithcalendar.org>.

Requirements for Graduate Students: Graduate students (or those enrolled at the 5000 level) are expected to complete all of the assignments listed on pages 2-3, with the paper page length increased to 20-25 pages. In addition, such students will have an additional reading tailored to each student's specific interest (i.e., Art Law, Gender & Law, GLBTQ Rights, etc.). We will meet also meet one hour every other week individually to discuss these additional readings and the progress of your research papers. For a list of this additional reading, please see the instructor.

Student Complaints/Grievances about Course or Instructor: Students with complaints or grievances about the course or instructor should (1) meet with the instructor face-to-face to discuss the issue; (2) if not satisfied, they then must meet with the head/chair of the department/unit; and (3) if not satisfied, students may appeal to the Associate Dean and the formal CLAS appeals process. No step in this process may be skipped. See "Procedures for Student Grievances about Courses or Faculty, CLAS" which can be found online.

Student Email Policy: Email is an official means of communication for students at the CU Denver. All official university email, *including email I send as part of this class (which I will do on a fairly regular basis)*, will be sent to each student's assigned CU Denver email address. CU Denver will *only* use CU Denver student email accounts if it elects to send email communications to students. CU Denver email accounts are available through IT Services. Students are responsible for reading emails received from CU Denver. Official emails sent through this system will be presumed to have been received by students.

Tardiness: Students who are going to be more than ten minutes late should call me earlier in the day to let me know your situation (i.e., bad weather); alternatively, you can leave a message with my Program Assistant, Ms. Angela Beale (303) 315-3569. Excessive and/or disruptive tardiness may result in a penalty for your class participation grade.

Reading Assignments and Course Schedule

This schedule may be adjusted slightly depending on how the class progresses and/or other contingencies.

August 22 & 24

LAW, ITS TYPES, AND FUNCTIONS

"Law" is not *one* thing and it serves many different functions in our society. Thus, the course begins with an overview of the different types, functions, and characteristics of law and the legal systems in the United States, including the philosophy of law, the Rule of Law, Equal Protection and Due Process, the U.S. Constitution (its structure and purpose), principles of constitutional interpretation, and judicial subjectivity.

*****Reading Assignment***** Walston-Durham, Chapters 1 & 2 and the following cases: *Korematsu v. United States*; *Erotic Service Provider Legal Education & Research Project v. Gascon*; *United States v. Lopez*; *Gonzales v. Raich*; *Rogers v. Tennessee*;

Youngstown Sheet & Tube Co. v. Sawyer; Zivotofsky v. Kerry; Planned Parenthood of Southeastern Pennsylvania v. Casey; Arizona v. United States; and Crosby v. National Foreign Trade Council.

August 29, & 31, September 5

LEGISLATIVE AND EXECUTIVE BRANCHES & ADMINISTRATIVE LAW

The relationship between the legislative and executive branches is complex, particularly in the context of the administrative state which dominates national life, often with significant controversy. Here, we will explore the purpose and process of legislation, powers and authority of the President, and the forms, functions, and authority of administrative agencies. We will also explore the political and social context of administrative agencies in light of federalism and the perennial concern with overreaching government and its impact on individual liberty.

***** Reading Assignment***** Walston-Durham, Chapters 3 & 4 and the following cases: *Mistretta v. United States; Gardner v. U.S. Bureau of Land Management; Britton v. Colvin; EEOC v. Alamo Rent-A-Car; FDA v. Brown & Williamson Tobacco; Barry v. Barchi; and Town of Castle Rock v. Gonzales.*

September 7, 12 & 14

CIVIL PROCEDURE AND COURT JURISDICTION

Procedure and jurisdiction are less splashy areas of law, but are fundamental to our system of justice. We will study procedural law and the process of civil trials from pretrial proceedings to appellate review and the basic rules for evidence, as well as jurisdictional issues that determine what types of cases can be heard in what type of court and other rules of justiciability and court authority (i.e., mootness, political questions, ripeness, and standing issues) that place limits on the judiciary.

***** Reading Assignment***** Walston-Durham, Chapters 5 & 6 and the following cases: *Wallis v. Smith; Christian v. Lincoln Automotive; Seattle Times v. Rhinehart; Gray v. Commonwealth; Skilling v. United States; Boyan v. The Orchards at Holmdel Condominium Assoc.; People v. Prominski; Smith v. Ross Dress for Less; Hertz v. Friend; El-Shifa Pharmaceutical Indust. Co. v. U.S.; Allen v. Wright; DeFunis v. Odegaard; and Nixon v. United States.*

September 19, 21 & 26

LEGAL PROFESSIONALS AND ETHICS

There are over a million lawyers in this country and, fairly or not, we are often suspicious of what they do or how they do it. We question their morals and worry about the high cost of legal services. Here, we will study what we can expect from lawyers and how well they and other legal professionals are regulated and under what principles. We will explore judges, attorneys, law school, and the normative ethics that guide the life of legal practitioners, including imperatives for licensing, ethical canons and rules, professional competency, confidentiality, conflict of interest, and commitment to zealous representation.

***** Reading Assignment***** Walston-Durham, Chapters 7 & 8 and the following cases: *Caperton v. Massey Coal Co.; People v. Gionis; Strickland v. Washington; Bridges v. Diesel Service, Inc.; Maples v. Thomas; In re Elgart; Florida Bar v. Hall; Slovensky v. Friedman; and Cincinnati Bar Association v. Bailey.*

September 28, October 3, 5, 10, 12 & 17

LAW OF TORTS

While TV dramas sensationalize the criminal law and make us fear being victims of crime, most of what people have to worry about as a practical matter with regard to the legal system involves the law of torts: that is, being sued for something we have done (or failed to do) or need to sue others who have harmed our interests in some legally cognizable manner. How prepared are you to protect yourself in our increasingly litigious society? We will learn about the different types of torts, duty which we owe or are owed, standard of care, damages, and contentious issue of tort reform.

***** Reading Assignment***** Walston-Durham, Chapter 9 and the following cases: *Koffman v. Garnett*; *New York Times v. Sullivan*; *Hustler Magazine v. Falwell*; *McCann v. Walmart*; *Katko v. Briney*; *Shulman v. Group W. Productions*; *Sipple v. Chronicle Publishing*; *DeShaney v. Winnebago County Dept. of Social Services*; *Yania v. Bigan*; *Farwell v. Keaton*; *McFall v. Shimp*; *Jackson v. Cadillac Cowboy*; *Iowa v. Leckington*; *Baker v. East Coast Properties*; *Wiener v. Southcoast Childcare Centers*; *Ybarra v. Spangard*; *Schick v. Ferolito*; *Sutton v. Eastern New York Youth Soccer*; *Southern Railway Co. v. Jefferson*; *Westberry v. Blackwell*; *Philip Morris v. Williams*; *Routh Wrecker Service v. Washington*; *Food Lion v. ABC*; and *McDonald v. Scripps Newspapers*.

October 19

Exam #1

October 24, 26, & 31

FAMILY LAW

All of us have families of one sort or another (legally recognized or not), but how many of us understand what rights and obligations come from these voluntary and involuntary associations? What is a family, legally speaking and how does this notion change over time? What is marriage and in what ways is it important? How does the law assist or interfere with our most important and intimate of relationships or our relationships with our children? In this unit, we will cover the law of marriage and its history, rights of non-married couples (i.e., palimony), divorce, paternity conflicts, child custody, and domestic violence.

***** Reading Assignment***** Walston-Durham, Chapter 10 and the following cases: *Loving v. Virginia*; *State v. Holm*; *Smith v. State*; *Kirkpatrick v. Nevada*; *Goodridge v. Department of Public Health*; *Obergefell v. Hodges*; *United States v. Windsor*; *Fitch v. Valentine*; *Hutelmyer v. Cox*; *Kavanaugh v. St. Mary's Medical Center*; *Hagerty v. Hagerty*; *Blakely v. Blakely*; *Sanchez v. Hernandez*; *Sanders v. Shephard*; *O'Brien v. O'Brien*; *Marvin v. Marvin*; *Hewitt v. Hewitt*; *State v. Norman*; *Myer v. Nebraska*; *Pierce v. Society of Sisters*; *Prince v. Massachusetts*; and *Commonwealth v. Dorvil*.

November 2

ESTATES AND PROBATE

Death and taxes are the subject matter of this unit where we will learn how to deal with both, as far as the law is concerned. In particular, we will discuss the importance of estate planning, the function of probate court, the types and functions of trusts, wills, intestate succession, and guardianships for people who are deemed by the law to be incapable of regulating their own affairs due to youth, old age, or mental/physical incapacitation.

***** Reading Assignment***** Walston-Durham, Chapter 11 and the following cases: *In re Estate of Marc R. Beauregard*; *Miami Rescue Mission v. Roberts*; *Paine v. Sullivan*;

In Re Guardianship of Kowalski, and In re Guardianship of the Person of Meyer.

November 7, 9 & 14

LAW OF PROPERTY

What is Property? Rather, what are the different ways in which property rights are articulated and governed? How do we regulate it (i.e., zoning, nuisance)? Under what conditions can people take our property from us (i.e., adverse possession, eminent domain, easements,), and what exactly do we mean by the landlord/tenant relationship?

***** Reading Assignment***** Walston-Durham, Chapter 12, and the following cases: *Montana v. Blount*; *Felgenhauer v. Soni*; *Nahrstedt v. Lakeside Village Condominium Association*; *Armory Park Neighborhood Assn. v. Episcopal Community Services*; *Hawaii Housing Authority v. Midkiff*; *Kelo v. City of New London*; *Koontz v. St. Johns River Water Mgmt. Dist.*; *Krona v. Brett*; *Brown v. Scheussler*, and *Stambovsky v. Ackley*.

November 16, 28, & 30

LAW OF CONTRACTS AND BUSINESS

Contracts, business, and corporations are ubiquitous in life. Here we will study the legal status of promises and the types of contracts we may encounter. We explore what makes a contract? Why is consent and consideration important? What happens when a person breaks a contract? What are the types of business organizations one can create (i.e., sole proprietorships, partnerships, corporations, limited liability companies) and why would someone choose one form over the other? In what ways are corporations “people”? Under whose authority does a business organization act?

***** Reading Assignment***** Walston-Durham, Chapters 13 & 14 and the following cases: *Petitte v. DSL.NET*; *Sheets v. Teddy’s Frosted Foods*; *Vokes v. Arthur Murray, Inc.*; *King v. Head Start Hair Salon*; *Carnival Cruise Lines, Inc. v. Shute*; *Williams v. Walker-Thomas Furniture*; *Hillme v. Chastain*; *Sayles v. Piccadilly Cafeterias*; *Kinney Shoe Corp. v. Polan*; *Citizens United v. FEC*; *Burwell v. Hobby Lobby Stores*; and *Commonwealth v. Life Care Centers of America*.

November 21 and 23

FALL BREAK (NO CLASS)

December 5 & 7

CRIMINAL LAW AND PROCEDURE

TV courtroom dramas, however entertaining, can be misleading. This unit provides the rules and policies behind the drama, including what constitutes a crime, how crimes are classified, elements of criminal offences, rationales for punishment, and limitations on punishments, inchoate crimes, and defenses to criminal liability, as well as what happens before, during, and after an arrest.

***** Reading Assignment***** Walston-Durham, Chapters 15 & 16 and the following cases: *Missouri v. Hicks*; *Auman v. People*; *Stannard v. Florida*; *McClain v. Indiana*; *United States v. Baker*; *Commonwealth v. Jones*; *Miranda v. Arizona*; *Duncan v. Louisiana*; *Heath v. Alabama*; and *Miller v. Alabama*.

Exam #2 will take place during the time scheduled for this course during finals week.

Alphabetical List of Assigned Cases for Which Students are Responsible

Allen v. Wright (1984)
Arizona v. United States (2012)
Armory Park Neighborhood Assn. v. Episcopal Community Services (1985)
Auman v. People (2005)
Baker v. East Coast Properties (2011)
Barry v. Barchi (1979)
Blakely v. Blakely (2009)
Boyan v. The Orchards at Holmdel Condominium Assoc. (2010)
Bridges v. Diesel Service, Inc. (1994)
Britton v. Colvin (2015)
Brown v. Scheussler (2010)
Burwell v. Hobby Lobby Stores (2014)
Caperton v. Massey Coal Company (2009)
Carnival Cruise Lines, Inc. v. Shute (1991)
Christian v. Lincoln Automotive (2010)
Cincinnati Bar Association v. Bailey (2006)
Citizens United v. FEC (2010)
Commonwealth v. Dorvil (2015)
Commonwealth v. Jones (2010)
Commonwealth v. Life Care Centers of America (2010)
DeFunis v. Odegaard (1974)
DeShaney v. Winnebago County Department of Social Services (1989)
Duncan v. Louisiana (1968)
EEOC v. Alamo Rent-A-Car (2006)
El-Shifa Pharmaceutical Industries Co. v. United States (2010)
Erotic Service Provider Legal Education & Research Project v. Gascon (2016)
Farwell v. Keaton (1976)
FDA v. Brown & Williamson Tobacco (2000)
Felgenhauer v. Soni (2004)
Fitch v. Valentine (2007)
Florida Bar v. Hall (2010)
Food Lion v. ABC (1999)
Gardner v. U.S. Bureau of Land Management (2011)
Gonzales v. Raich (2005)
Goodridge v. Department of Public Health (2003)
Gray v. Commonwealth (1984)
Hagerty v. Hagerty (1979)
Hawaii Housing Authority v. Midkiff (1984)
Heath v. Alabama (1985)
Hertz v. Friend (2010)
Hewitt v. Hewitt (1979)
Hillme v. Chastain (2002)
Hustler Magazine v. Falwell (1988)
In re Elgart (2010)
In re Estate of Marc R. Beauregard (2010)
In re Guardianship of Kowalski (1991)

In re Guardianship of the Person of Meyer (2010)
Iowa v. Leckington (2006)
Jackson v. Cadillac Cowboy, Inc. (1999)
Katko v. Briney (1971)
Kavanaugh v. St. Mary's Medical Center (2003)
Kelo v. City of New London (2005)
Kinney Shoe Corp. v. Polan (1991)
King v. Head Start Family Hair Salons, Inc. (2004)
Kirkpatrick v. Nevada (2003)
Koffman v. Garnett (2003)
Koontz v. St. Johns River Water Mgmt. Dist. (2013)
Korematsu v. United States (1944)
Krona v. Brett (1967)
Loving v. Virginia (1967)
Maples v. Thomas (2012)
Marvin v. Marvin (1976)
McCann v. Walmart (2000)
McClain v. Indiana (1997)
McDonald v. Scripps Newspapers (1989)
McFall v. Shimp (1978)
Meyer v. Nebraska (1923)
Miami Rescue Mission v. Roberts (2006)
Miller v. Alabama (2012)
Miranda v. Arizona (1966)
Missouri v. Hicks (2006)
Mistretta v. United States (1989)
Montana v. Blount (1998)
Nahrstedt v. Lakeside Village Condominium Association (1994)
New York Times v. Sullivan (1964)
Nixon v. United States (1993)
Obergefell v. Hodges (2015)
O'Brien v. O'Brien (1985)
Paine v. Sullivan (2011)
People v. Gionis (1995)
People v. Prominski (2013)
Petitte v. DSL.NET (2007)
Philip Morris v. Williams (2007)
Pierce v. Society of Sisters (1925)
Planned Parenthood of Southeastern Pennsylvania v. Casey (1992)
Prince v. Massachusetts (1944)
Rogers v. Tennessee (2001)
Routh Wrecker Service v. Washington (1998)
Sayles v. Piccadilly Cafeterias (1991)
Sanchez v. Hernandez (2010)
Sanders v. Shephard (1994)
Schick v. Ferolito (2001)
Seattle Times v. Rhinehart (1984)
Sheets v. Teddy's Frosted Foods (1980)
Skilling v. United States (2010)
Sipple v. Chronicle Publishing (1984)
Shulman v. Group W. Productions (1998)

Slovensky v. Friedman (2006)
Smith v. Ross Dress for Less (2006)
Smith v. State (1999)
Southern Railway Co. v. Jefferson (1946)
Stambovsky v. Ackley (1991)
Stannard v. Florida (2013)
State v. Holm (2006)
State v. Norman (1989)
Strickland v. Washington (1984)
Sutton v. Eastern New York Youth Soccer (2004)
Town of Castle Rock v. Gonzales (2005)
United States v. Baker (1986)
United States v. Lopez (1995)
United States v. Windsor (2013)
Vokes v. Arthur Murray, Inc. (1968)
Wallis v. Smith (2001)
Westberry v. Blackwell (1978)
Wiener v. Southcoast Childcare Centers, Inc. (2004)
Williams v. Walker-Thomas Furniture Co. (1965)
Yania v. Bigan (1959)
Ybarra v. Spangard (1944)
Youngstown Sheet & Tube Co. v. Sawyer (1952)
Zivotofsky v. Kerry (2015)

**The follow two pages contain important information
from the College of Liberal Arts and Sciences (CLAS).**

Academic Policies

The following policies, procedures, and deadlines pertain to all students taking courses in the College of Liberal Arts and Sciences (CLAS). They are aligned with the Official University Academic Calendar found on the [Registrar's website](#).

Schedule Verification

It is each student's responsibility to verify that their official registration and schedule of courses is correct in UCDAccess (not Canvas) before courses begin and by the university census date. Failure to verify schedule accuracy is not sufficient reason to justify late adds. Access to a course through Canvas is not evidence of official enrollment.

Email

Students must activate and regularly check their official CU Denver email account for university related messages. Note: Canvas is not the location to access your CU Denver email account. Log into <http://www.ucdenver.edu/email/Pages/login.aspx>

Administrative Drops

Students may be administratively dropped if they do not meet the pre- and/or co-requisites for a course as detailed in the UCDAccess registration system. Students may also be administratively dropped from a course if the course syllabus articulates attendance expectations prior to census date and they do not meet those attendance expectations. Please note: this procedure does not apply to all courses and students should not rely upon it; if students plan to no longer complete a course, they are responsible to drop or withdraw from the course.

Late Adds and Late Withdrawals

Late adds (i.e., adding a course after census date) require a written petition, verifiable documentation, and dean's approval via CLAS Advising. Late withdrawals (i.e., withdrawing from one or more full-semester courses after the withdrawal deadline) require a written petition and [Schedule Adjustment Form](#). If late-withdrawing from individual courses, instructor signatures are required. If late-withdrawing from the entire semester, instructor signatures are not required. Contact CLAS Advising (NC 1030 – 303-315-7100) for more information on late adds and late withdrawals.

Co-Requisites and Drops/Withdrawals

Students dropping a course with co-requisite(s) before or by census date must drop the course and co-requisite(s). After census date, students withdrawing from a course with co-requisite(s) before or by the withdrawal deadline must withdraw from the course and co-requisite(s). After the withdrawal deadline, until the late withdrawal deadline, students may be able to withdraw from a course or co-requisite(s) based on instructor permission and approval of a Late Withdrawal Petition.

Waitlists

The Office of the Registrar notifies students via their CU Denver email account if they are added to a course from a waitlist. Students will have access to Canvas when they are on a waitlist, but this does not indicate that the student is officially enrolled or guaranteed a seat in the course. If a student is not enrolled in a course after waitlists are purged, instructor permission is required for the student to enroll in the course. The student must complete an [Instructor Permission to Enroll Form](#) and bring it to the CLAS Advising Office (NC 1030) or have their instructor email it to clasinstructorpermission@ucdenver.edu by census date in order to enroll in the course.

Applicable Forms

Schedule Adjustment Form

Submit to Registrar (SCB 5005)

Purpose:	Approval Signatures Required:	Dates:
Receive an academic overload	Student and CLAS Advising signatures	before Sep. 6 (5pm)
Receive a time conflict override	Student and instructor signatures	before Sep. 6 (5pm)
Designate a course pass/fail or no credit	Student signature	before Sep. 6 (5pm)
Withdraw from an intensive course before the withdrawal deadline	Student signature	Sep. 7 – Oct. 30 (5pm)
Late-withdraw from a course after the withdrawal deadline (Late Withdrawal Petition also required)	Student, instructor, and CLAS Advising signatures	Oct. 30 – Dec. 1 (5pm)
Late-withdraw from <u>all courses</u> in the semester after the withdrawal deadline (Late Withdrawal Petition also required)	Student and CLAS Advising signatures	Oct. 30 – Dec. 1 (5pm)

Instructor Permission to Enroll Form

Submit to CLAS Advising (NC 1030)

Purpose:	Approval Signatures Required:	Dates:
Add a course after the add deadline but before census date	Student and instructor signatures	Aug. 29 - Sep. 6 (5pm)

Late Add and Late Withdrawal Petitions

Visit CLAS Advising (NC 1030) for more information

Purpose:	Approval Required:	Dates:
Petition to add one or more full-semester courses after census date (verifiable documentation required)	Submitted petitions are reviewed by the CLAS Assistant Dean	after Sep. 6
Petition to withdraw from one or more courses after the withdrawal deadline (Schedule Adjustment Form also required)	Submitted petitions are reviewed by the CLAS Assistant Dean	Oct. 30 – Dec. 1 (5pm)

Academic Calendar

August 21	Beginning of Semester – First day of classes.
August 27 (11:59 pm)	Add Deadline – Last day to add or waitlist a course using UCDAccess. After the add deadline, instructor permission on an Instructor Permission to Enroll Form is required to add courses.
August 28 (11:59 pm)	Drop Deadline – Last day to drop a course without \$100 drop fee, including section changes (i.e., changing to a different section of the same course). Students may drop courses using UCDAccess. No Adding of Courses is Permitted Today Waitlists Purged – All waitlists are eliminated today. Students should check their schedule in UCDAccess to confirm the courses in which they are officially enrolled. Canvas does not reflect official enrollment.
September 4	Labor Day Holiday – No classes. Campus closed.
September 6 (5 pm)	Final Add Deadline (Instructor Permission Required) Last day to add full-semester courses. To add a full-semester course between the first add deadline and the final add deadline, instructor permission on an Instructor Permission to Enroll Form is required. Students may submit a completed Instructor Permission to Enroll Form to CLAS Advising (NC 1030) or have the instructor email it to clasinstructorpermission@ucdenver.edu . After census date, a written petition, verifiable documentation, and dean's approval via CLAS Advising (NC 1030 – 303-315-7100) are required to add a full-semester course. If a student's late add petition is approved, the student will be charged the full tuition amount. College Opportunity Fund (COF) may not apply to courses added late, and these credits may not be deducted from students' lifetime hours.
Census Date	Final Drop Deadline Last day to drop full-semester courses with a financial adjustment. Each course dropped, including section changes, between the first drop deadline and census date generates a \$100 drop fee. Students may drop courses in UCDAccess. After census date, withdrawal from courses appears on transcripts with a grade of "W," and no financial adjustment is made. After census date but before the withdrawal deadline, students may withdraw from full-semester courses using UCDAccess (instructor permission is not required).
	Graduation Application Deadline Last day to apply for graduation. Undergraduates are expected to make an appointment to see their academic advisors before census date to apply for graduation. Graduate students must complete the Intent to Graduate and Candidate for Degree forms.
	Pass/Fail, No Credit Deadline – Last day to request No Credit or Pass/Fail grade for a course using a Schedule Adjustment Form .
October 30	Withdrawal Deadline After census date, students may withdraw from full-semester courses using UCDAccess (instructor permission is not required). To withdraw from an intensive course, students may use a Schedule Adjustment Form . Withdrawal from courses appears on transcripts with a grade of "W" and no financial adjustment is made. Students withdrawing from a course with co-requisite(s) should refer to the <i>Co-Requisites and Drops/Withdrawals</i> section on the reverse side of this sheet. After the withdrawal deadline, students may late-withdraw by submitting a Late Withdrawal Petition and Schedule Adjustment Form to CLAS Advising (NC 1030 – 303-315-7100). Contact CLAS Advising (NC 1030 – 303-315-7100) for more information.
November 20 - 26	Fall Break – No classes. Campus open.
November 23	Thanksgiving Day Holiday – No classes. Campus closed.
December 1 (5 pm)	Late Withdrawal Deadline Last day to late-withdraw from one or more full-semester courses. Students may late-withdraw by submitting a Late Withdrawal Petition and Schedule Adjustment Form to CLAS Advising (NC 1030 – 303-315-7100). If late-withdrawing from individual courses, instructor signatures are required. If late-withdrawing from the entire semester, instructor signatures are not required. Contact CLAS Advising (NC 1030 – 303-315-7100) for more information. Students late-withdrawing from a course with co-requisite(s) should refer to the <i>Co-Requisites and Drops/Withdrawals</i> section on the reverse side of this sheet. After the late withdrawal deadline (or after grades are posted, whichever is sooner), only retroactive withdrawals are considered and verifiable documentation is required. Contact CLAS Advising (NC 1030 – 303-315-7100) for more information on retroactive withdrawals.
December 11 - 16	Finals Week
December 16	End of Semester Fall Commencement
December 21	Final Grades Available – Official grades available in UCDAccess and transcripts (tentative). Canvas does not display final grades.
Dec. 25 – Jan. 2	Winter Break – No classes. Campus closed.