

Vermont Law School
CRIMINAL LAW CLINIC Fall 2017 Nina Thomas Room

*TO CONTACT PROFESSORS, PLEASE USE THEIR EMAIL ADDRESSES LISTED BELOW-
NOT THE VLS EMAIL!*

Professors:

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Learning Outcomes:

- a. Students should be able to have practical knowledge of the VT Rules of Criminal Procedure;
- b. Students should understand the basics of courtroom practice;
- c. Students should understand ethical obligations as they apply to prosecutors and to defense counsel. Students must read the VT Rules of Professional Conduct within the first week;
- d. Students should demonstrate professionalism in their practice settings; and
- e. For a-d, students must be able to demonstrate their understanding through performance in their clinic experiences and in class.

GENERAL INFORMATION

Please register for the course on TWEN. Class meets on Wednesdays from 5:25 until 7:25 p.m. *Attendance is required, and active participation in class is expected.*

You will be graded as follows: High Pass, Pass, Low Pass, or Fail. Grading will be based on your preparation for and participation in class as well as your organization, preparedness, research, writing and advocacy during the field placement. Your grade will be decided by your supervising faculty who may receive input from the other faculty members.

Textbooks: Posner & Dodd, *The Science of Cross Exam* is on reserve at the VLS Library. Please try to look it over during the semester. (There are no other texts to purchase at this time for this Clinic).

For additional Clinic requirements, refer to the Student Manual, which you are expected to read.

CLASS ASSIGNMENTS

8/30 CLASS 1 Intro to Vermont Practice/Overview of Clinic/Charging documents/Arraignment (Intro- all professors; Class: Professor Remick)

*Materials: 13 V.S.A. § § 7553- 7556, V.R.Cr.P. 5; *U.S. v. Berger*. Also, review the case materials in *State v. Dane & Carter* (the course fact pattern) on TWEN. Evaluate the charging decisions made in those cases and be prepared to discuss.

9/6 CLASS 2 Discovery/Brady/Ethics (Professor Marsicovetere)

*Materials: V.R.Cr.P. 16 & 16.1, *Brady v. Maryland*, 373 U.S. 83 (1963) and any additional material posted on TWEN prior to date of class.

9/13 CLASS 3 Developing a theory of the case - Storytelling as an effective means of communicating your case. (Professor Saxman)

*Materials: Handouts and fact patterns for class exercise telling the best story that fits the facts that cannot be changed. Students will present openings based on the fact patterns and be able to discuss their choices.

9/20 CLASS 4 Working with victims and witness preparation (Professor Remick)

*Materials: 13 V.S.A. §§ 5301-5321, V.R.Cr.P. 15 (f).

9/27 CLASS 5 Direct Examination (Professor Marsicoverte)

- Mauet, Chapter Five, Direct Examination, Modern Trial Advocacy (Nita)

10/4 CLASS 6 Cross Examination #1(Professor Marsicovetere)

*Materials: Mauet, Chapter Seven, Cross Examination, Modern Trial Advocacy (Nita)

10/11 CLASS 7 Cross examination #2 (Professor Marsicovetere)

*Materials: Mauet, Chapter Seven, Cross Examination, Modern Trial Advocacy (Nita)

10/18 CLASS 8 Vermont Search and Seizure Issues (Professor Saxman)

*Materials: *State v. Savva*, 159 Vt. 75, 616 A.2d 774 (1991); *State v. Kirchoff*, 156 Vt. 1, 14, 587 A.2d 988, 996 (1991); *State v. Geraw*, 173 Vt. 350, 357-58, 795 A.2d 1219, 1225 (2002); *State v. Sprague*, 175 Vt. 123, 824 A.2d 539 (majority opinion); *Missouri v. McNeely*, 133 S.Ct. 1552; and handout comparing Vermont's Article 11 jurisprudence with the 4th Amendment.

10/25 CLASS 9: Arguing Suppression Motions (Professor Saxman) *

Students will argue suppression motions pro and con in front of Justice Skoglund and Professor Saxman. Motions will be based upon the facts as presented at the direct and cross classes

Note 11/1 follows the Monday schedule (unless no students have Monday classes)

11/8 CLASS 10: Sentencing Options and PSIs (Professor Remick)

*Materials: V.R.Cr.P. 32; 13 V.S.A. § 7031, selected statutes as relevant to our case.

11/15 CLASS 11: Plea Bargaining (Professor Remick)

*Materials: Homework, if any, will be emailed 5 days prior to class.

11/22 CLASS 12: Competency/Sanity/Diminished Capacity/Dealing with the Mentally Ill in Criminal Court (Professor Saxman)

*Materials: 13 V.S.A. § § 4801, 4814-4822; *State v. Bean*, 171 Vt. 290, 295, 762 A.2d 1259 (2000); short fact pattern handout. Students will be assigned to argue pro or con on these issues based upon a fact pattern.

11/29 CLASS 13: Sentencing Hearings (Professor Marsicovetere & Remick)

*Materials: TBA. Students will argue for sentences based upon Dane and Carter fact patterns.

12/6CLASS 14 : Review/Wrap-up (All professors)