

Vermont Law School
CRIMINAL LAW CLINIC SPRING 2018Nina Thomas Room

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

Professors:

Brian Marsicovetere Marsicovetere & Levine Law Group, PC.
brian@rivercitylawyers.com
(802) 296-6200

Heidi Remick Windsor County Deputy State's Attorney
Heidi.Remick@vermont.gov
(802) 295-8870

Anna Saxman Office of the Defender General
Anna.Saxman@vermont.gov
(802) 598-3593

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. For additional Clinic requirements, please review and abide by the terms of the Student Manual in Course Materials on TWEN.

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).

CLASS ASSIGNMENTS

1/10/18 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.

1/17 CLASS 2 Sentencing Options, Plea Bargaining and PSIs (Professor Remick)

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

1/24 CLASS 3 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.

1/31 CLASS 4 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. Students will tell the story of their case as if it were an opening based on the fact patterns and be able to discuss their choices.

2/7 CLASS 5 Working with victims and witness preparation (Professor Remick)

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

2/14 CLASS 6 Direct Examination (Professor Marsicovetere)

*Materials: Mauet, Chapter Five, Direct Examination, Modern Trial Advocacy (Nita)

2/21 CLASS 7 Direct Examination Continued #2 (Professor Marsicovetere)

2/28 CLASS 8 Cross Examination #1(Professor Marsicovetere)

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

***** NO CLASS 3/7 SPRING BREAK!**

3/14 CLASS 9 Cross examination Continued #2 (Professor Marsicovetere)

3/21 CLASS 10 Vermont Search and Seizure Issues & How to identify issues in suppression cases! (Professor Saxman)

*Materials: *State v. Savva*, 159 Vt. 75 (1991); *State v. Kirchoff*, 156 Vt. 1, 14 (1991); *State v. Geraw*, 173 Vt. 350 (2002); *State v. Sprague*, 175 Vt. 123 (majority opinion); *Missouri v. McNeely*, 133 S.Ct. 1552; and handout comparing Vermont's Article 11 jurisprudence with the 4th Amendment.

3/28 CLASS 11: Arguing Suppression Motions (Professor Saxman) *

Students will argue suppression motions pro and con in front of a judge or justice and Professor Saxman. Motions will be based upon the facts as stipulated ahead of time.

4/4 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 (2000); short fact pattern handout. Students will be assigned to argue pro or con on these issues based upon a fact pattern.

4/11 CLASS 13: Sentencing Hearings (Professor Remick)

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

4/18 CLASS 14 : Review/Wrap-up (All professors)