

## Fall Syllabus – 2008

Criminal Law – Misdemeanors  
Prof/Judge Jim Morrow  
Fall 2008  
Friday: 2:30-4:20 pm  
Room 105

Work Phone: 651-523-2407  
Cell Phone: 763-670-1236  
Email [jmorrow01@hamline.edu](mailto:jmorrow01@hamline.edu)

Office hours: Friday 4:30 – 6:00 pm  
Or Anytime by appointment

**Do not hesitate to see, call or email me with questions.  
I am always available after class.**

### COURSE DESCRIPTION

This course will examine several misdemeanor crimes including: driving under the influence, domestic assault, disorderly conduct, orders for protection, driving after suspension, no insurance, etc,. The course concentrates on teaching the student the elements of the crimes, prosecutorial charging decisions and in some cases appropriate defenses. The course also deals with chemical dependency issues and the battered women's syndrome. This limited enrollment course will consist of five essay tests that count 65% of your grade, five multiple choice tests that count 10% of your grade and a Final which counts for 25% of your grade.

### GOALS

1. Provide extensive testing and test feedback.
2. Provide substantive knowledge and practical skills about common misdemeanor crimes.
3. Study the inter-relationship between these crimes and alcohol/drugs.

### CLASS MATERIALS:

1. **Required Text:** *Reading Like A Lawyer: Time-Saving Strategies for Reading Law Like an Expert*, Ruth Ann McKinney (Carolina Academic Press 2005)  
ISBN 1-594760-032-5, Available in Law School Book Store
2. Criminal Statutes (available through Syllabus &/or TWEN)
3. Assigned cases/readings (available through Syllabus &/or TWEN)
4. Weekly handouts.
5. You must register for the TWEN site for this course on Westlaw.
6. **Recommended If Needed:** *Bridging the Gap From College to Law School: Strategies for Success*, Ruta K. Stropus and Charlotte D. Taylor, (Carolina Academic Press 2001)  
ISBN 0-89089-945-2

### WEEKLY ASSIGNMENTS:

1. Read statutes, cases, and handouts.
2. Every week, turn in by noon Thursday, a summary document on TWEN in the "Assignment Drop Box" section with the following requirements:
  - a. Questions/comments re: the muddiest or most confusing point from class
  - b. Feedback/comments (+ or - ) regarding that class.
  - c. Your outline of class.

**CLASS ATTENDANCE & PREPARATION:** Please be here, be on time and be prepared. Since we meet only 14 times, the maximum number of unexcused absences is 1. However, if you call or see me (no email) before class and I believe you have a very good reason, this would count as an excused absence. Unless you have an excused absence there is NO way to make-up tests or quizzes. If you miss more than 1 class without an excused absence you will be dropped from the class.

**COMPUTERS:** During class you are expected to only be on your computer to take notes and/or view the assigned statuses online. If you are doing anything else you will be immediately expelled from class. I encourage anonymous student snitches to report violations. (See Journal of Legal Education December 2007 Vol. 57 No. 4 “Banning Laptops in the Classroom,etc.)

**TEST & GRADES:** There will be five (5) tests that will include essay questions, plus true/false questions, throughout the semester that account for 65% of your grade. These tests will be 30 – 45 minutes in length. The week after you take the test, there will be an in-class review. In addition, there will be six (6) multiple choice quizzes; 5 will count for 10% of your grade, I will drop your lowest quiz score. There may be short writing assignments in class, as well as role plays or problems based on the reading/lectures. All tests & quizzes are closed book. There will be a two hour self-scheduled final (closed except for your outline) which will be 25% of your grade.

## CLASS SCHEDULE

### **Class 1 Subject: Introduction and Quiz on Reading Assignment**

#### **Assignment :**

1. **Review** the Entire Syllabus
2. **Read** Legal Reading and Success in Law School: An Empirical Study, Leah M. Christensen, 30 Seattle U. L. Rev. 603;
3. **Read-** Reading Like a Lawyer (RLL) Introduction pgs. xiii-xv (2 ½ pgs),

### **Class 1. Friday, Aug 22nd**

- Introduction;
- Syllabus;
- **Quiz** on first reading assignment;
- Short Lecture on Reading Like A Lawyer(10 Strategies for Reading Like a Lawyer)
- Professional Responsibility lecture by Mark Metz, Esq.
- Schedule 20-30 minutes appointments with Judge Morrow

### **Class 2 Subject: DAS, DAR, DAC, No MN DL , Elements and Issues**

#### **Assignment:**

1. **Read** RLL 4 & 5
2. **Read** Min. Stat. 169.791, 169.797, 171.24 subd 1;**3.**
3. **Read** Stress, Mental Health and Addiction In The Legal Profession Handout (LCL) (The first 8 pages).
4. **Read** Scherr 2004 WL 193119 (Minn. App.)

### **Class 2 Friday, Aug 29<sup>th</sup>**

- **Quiz** on RLL 4 & 5
- DAS etc. and Chemical Dependency lecture by J. Morrow and Greg Kryzer, Esq..

### **Class 3 Subject: No Insurance, No Proof of Insurance Elements and Issues Assignment**

1. **Read** RLL 6
2. **Read** No Insurance No Proof of Insurance Statues
3. **Read** Mayard 573 N.W. 2d 707 (1998)

### **Class 3 Friday, Sept. 5<sup>th</sup>**

- **Quiz** on RLL 6
- Lecture on No Insurance, No Proof of Insurance

### **Class 4 Subject: Orders for Protection Elements and Issues Assignment**

1. **Review** classes 1, 2, & 3
2. **Read** Minn. Stat. 518B.01 subd 1-7
3. **Read** Hall 408 N.W. 2d 626 (1987)(plus Judge Crippen's dissent)
4. **Read** Mechtel 528 N.W.2d 916 (1995)
5. **Read** Chosa 693 N.W. 2d 487 (2005)
6. **Read** "Silent Victims" Law Review Article 26 Wm. Mitchell L. Rev. 775  
The Problem of Domestic Violence (pp. 776-787)

### **Class 4 Friday, Sept. 12<sup>th</sup>**

- **In class Test 1- 30 min.** (covering classes 1, 2 & 3)
- Temporary and Long Term Orders for Protection
- Guest Speaker on Cycle of Violence

### **Class 5 Subject: Finish Orders For Protection Assignment**

1. **Read** RLL 7 & 8
2. **Same as class 4**
3. **Plus Sieff 2004** WL 2283419 (MinnApp.)

### **Class 5 Friday, Sept 19<sup>th</sup>**

- **Quiz** RLL 7 & 8

- Review Test I
- Finish Orders for Protection

**Class 6 Subject: Domestic Assaults Elements and Issues  
Assignment**

1. Review, Classes 4 & 5
2. Read Minn. Stat 609.2242, subd 1
3. Read **Boudin** 2006 WL 1604127 (Minn.App.)
4. Read **Anderson** 2000 WL 1015801 (Minn.App.)
5. Read **Hodge** 1998 WL 2416 (Minn.App.)
6. Read **Caroon** 2004 WL 1662085 (Minn.App.)

**Class 6 Friday, Sept 26<sup>th</sup>**

- In class Test II- 30 mins. (covering classes 4 & 5)
- Domestic Assault I

**Class 7 Subject: Domestic Assault 634.20 Elements and Issues  
Assignment**

1. Read RLL 9 & 10
2. Read Minn. Stat 634.20
3. Read Federal Rules of Evidence 403
4. Read **McCoy** 682 N.W. 2d 153 (Minn2004)
5. Read **Bell** 719 N.W. 2d 635 (Minn 2006)
6. Read **15 Hamline L.Rev. 115**  
 Prosecuting Domestic Abuse Cases... pgs. 7-12 start at (c)  
 The Prosecutors Response up to (2) Other Potential Charges; pgs. 14-15 starting at (d)  
 Evidence of Other Conduct through pg. 15 pgs. 19-21 starting at (2)  
 Working With Advocacy Programs through pg. 21

**Class 7 Friday, Oct 3<sup>rd</sup>**

- Quiz on RLL 9 & 10
- Review Test II
- Domestic Assault 634.20 and Disorderly Conduct

**Class 8 Subject: Implied Consents: Stop and Right to Counsel Issues  
Assignment**

1. Review Classes 6 & 7
2. Read Minn. Stat. 169.23
3. Read **Dalos** 635 N.W.2d 94 (Minn. App.2001)
4. Read **Roles** 2005 WL 1514429 (Minn.App.)
5. Read **Just** 2006 WL 2616379 (Minn.App.)
6. Read **Gergen** 548 N.W.2d 307 (Minn.App.1996)
7. Read **Jones** 660 N.W. 2d 472 (Minn. App. 2003)

**Class 8 Friday, Oct 10<sup>th</sup> Class time will be 2:30-4:00 No Break**

- **Test III - 45 mins. Before or After Class given through the Registrar**  
(covering classes 6 & 7)
- Implied Consents: Stop and Right to Counsel Issues

**Friday, October 17<sup>th</sup>**

**MIDTERM BREAK – No class**

**Class 9 Subject: Finish Implied Consents  
Assignment**

1. Read RLL 11 & 12
2. Same as class 8

**Class 9 Friday, Oct 24<sup>th</sup>**

- **Quiz** on RLL 11 & 12
- Review Test III
- Finish Implied Consents
- Stop Issue
- Right to Counsel

**Class 10 Subject: DUI/.08 Elements and Issues  
Assignment**

1. **Review** classes 8 & 9
2. **Read** Minn. Stat 169A.03
3. **Read** Minn. Stat 169A.20 subd 1-7
4. **Read** Minn. Stat 169A.27
5. **Read** DUI .08 Cases

**Class 10 Friday, Oct. 31<sup>st</sup> Class time will be 2:30-4:00 No Break**

- **TEST IV – 45 mins. Before or After Class given through the Registrar**  
(covering classes 8 & 9)
- Driving Under the Influence
- Driving with alcohol concentration .08 or more;
- DWI/.08 Lecture by Mark Metz

**Class 11 Subject: Finish DUI/.08  
Assignment**

1. Same as class 10

**Class 11 Friday Nov 7<sup>th</sup>**

- Review Test IV
- Finish **DWI/.08**

**Class 12 Subject: Alcohol and Drug Probation Issues  
Assignment**

1. **Review** Classes 10 & 11
2. **Study** Probation Handout

**Class 12 Friday Nov. 14<sup>th</sup>**

- **TEST V – 45 mins.** In class (covering classes 10 & 11)
- Alcohol/Drug Issues and Probation **Speaker:** Don Ilse, Corrections Director Anoka County

**Class 13 Subject: Sentencing and Probation Issues  
Assignment**

1. **Review** Probation Handout and Notes from Ilse
2. **Read** Handout

**Class 13 Friday, Nov. 21<sup>st</sup>**

- **Quiz** on Probation and Ilse's lecture
- Review Test V
- Plea Agreements & Sentencing's Lecture by Mark Metz and J. Morrow

**Class 14 Friday, Dec 5<sup>th</sup>**

Finish & Review

**Dec. 5<sup>th</sup>** Review Session at the end of regular class time

**Final Exam**

**Self-Schedule**

## **ATTITUDE**

"The longer I live the more I realize the impact of attitude on life.  
Attitude, to me, is more important than facts.

It is more important than the past, than education, than money, than circumstances, than failures, than successes, than what other people think or say or do. It is more important than appearance, giftedness, or skill. It will make or break a company... a church... a home.

The remarkable thing is we have a choice everyday regarding the attitude we will embrace for that day. We cannot change our past... we cannot change the fact that people will act in a certain way. We cannot change the inevitable. The only thing that we can do is to play on the one string we have and that is our attitude...

I am convinced that life is 10% what happens to me and 90% how I react to it. And so it is with you... we are in charge of our attitudes."

Charles Swindoll