

Fall 2009 Syllabus
Selected Topic: Criminal Misdemeanors
Professor/Judge Jim Morrow
Friday 4:00pm – 5:50 pm Classroom 105

Office hours: Friday 1:00pm-2:00 pm & 6:00pm-7:00pm
Or by appointment
Office: 204W Law School
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Home: 763.421.4655 (Not after 10pm)
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Do not hesitate to see, call or email me with questions. I am always available after class.

COURSE DESCRIPTION: This course will provide extensive testing and test feedback while examining 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 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.

TESTS & GRADES: This limited enrollment course will consist of five (5) primarily closed book essay tests, seven (7) closed book quizzes consisting of True/False, fill in the blank etc. and a self-scheduled (closed except for your outline) final exam. There may be short writing assignments in class, as well as role plays or problems based on the reading/lectures.

- 60%- Tests (15% for 4 of the 5 tests). Your lowest test score will automatically be dropped.
Tests 3 & 4 will be before class from 3:10-3:55 p.m., if all students in the class agree to this time
- 15%- Quizzes (3% for 5 of the 7 quizzes). Your two lowest quiz scores will automatically be dropped.
- 25%- Final Exam

CLASS MATERIALS:

1. **Required Text: (RLL) - *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:** The Legal Writer: 40 Rules for the Art of Legal Writing, By Judge Mark Painter. 3d ed. Cincinnati Book Publishingm 2003 or 2005 at <http://store.cincybooks.com/the-legal-writer-by-mark-p-painter.html>

GOALS

1. Provide extensive testing and test feedback.
2. Learn RLL thru self-study & quizzes.
3. Take the Meyers Briggs Test through career services and get feedback on studying recommendations.
4. Provide substantive knowledge and practical skills about common misdemeanor crimes.
5. Study the relationship between these crimes and alcohol/drugs.

WEEKLY ASSIGNMENTS:

1. Read statutes, cases, and handouts.
2. Every week, turn in by NOON Thursday, (these are required to pass the course) a summary document on TWEN in the "Assignment Drop Box" section with the following requirements:
 1. Questions/comments re: the muddiest or most confusing point from class
 2. Feedback/comments (+ or -) regarding that class.
 3. 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 or email me **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.

COMPUTERS: During class you are expected to only be on your computer to take notes. Please refrain from text-messaging and email, using cell phones, pagers, or any other communication device. Refrain also from displaying wallpaper, screen savers, or other material on your computer screen that can reasonably be expected to distract your classmates. If you are doing anything else you will be given one warning; the second time you will be permanently 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..")

CLASS SCHEDULE

Class 1 Assignment: Syllabus, Christensen Article & RLL

1. **Review** the Entire Syllabus
2. **Read and Know** 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. Schedule Friday, Aug 21st

- Attendance
- **Quiz 1** on reading assignments; the Christensen article and RLL.
- Introduction; Handout - Class evaluations from former students
- Syllabus;
- Short Lecture on (RLL) Reading Like A Lawyer(10 Strategies for Reading Like a Lawyer)
- Schedule 20-30 minute appointments with Judge Morrow
- Handout Stress article.

Class 2 Assignment: DAS, DAR, DAC, No MN DL , Elements and Issues

1. **Read** RLL chapters 4 & 5
2. **Read** Minn. Stat. 171.24; 171.02; 171.08
3. **Read Class Handout** - Stress, Mental Health and Addiction In The Legal Profession (LCL) (10 pages).
4. **Read Scherr** 2004 WL 193119 (Minn. App.)

Class 2 Schedule Friday, Aug 28th

- **Quiz 2** on RLL chapters 4 & 5 and 10 pg Stress/Addiction class handout
- Discussion on chemical dependency by Greg T. Kryzer '05 alumni
- Lecture/Small Groups on DAS etc.by Greg Kryzer, Esq. and J. Morrow.

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

1. **Read** RLL chapter 6
2. **Read** No Insurance No Proof of Insurance Minn. Statues: 169.791; 169.797
3. **Read Mayard** 573 N.W. 2d 707 (1998)

Class 3 Schedule Friday, Sept. 4th

- **Quiz 3** on RLL chapter 6
- Lecture/Small Groups on No Insurance, No Proof of Insurance
- Sample problem exercise

Class 4 Assignment: Orders for Protection Elements and Issues

1. **Review** classes 2, & 3
2. **Read** Minn. Stat. 518B.01 subd 1-7, 13, 14 (a)(b)
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" The Problem of Domestic Violence (pp. 776-787)
Law Review Article 26 Wm. Mitchell L. Rev. 775

Class 4 Schedule Friday, Sept. 11th

- **In class Test 1- 35 min. (15% of final grade)** (covering classes 2 & 3)
- 10 minute break after Test 1
- Guest Speaker on Cycle of Violence
- Temporary and Long Term Orders for Protection

Class 5 Assignment: Finish Orders For Protection

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

Class 5 Schedule Friday, Sept 18th

- **Quiz 4** RLL chapters 7 & 8
- Review Test I
- Finish Orders for Protection

Class 6 Assignment: Domestic Assaults Elements and Issues

1. Review, Classes 4 & 5
2. Read Minn. Stat 609.2242, subd 1, 2 & 3
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 Schedule Friday, Sept 26th

- **In class Test II- 30 mins.(15% of final grade)** (covering classes 4 & 5)
- Domestic Assault I lecture/small groups

Class 7 : Assignment: Domestic Assault 634.20 and Disorderly Conduct

1. Read RLL chapters 9 & 10
2. Read Minn. Stat 634.20; 609.72
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 Schedule Friday, Oct 2nd

- **Quiz 5** on RLL chapters 9 & 10
- Review Test II
- Domestic Assault Minn. Stat. 634.20 and Disorderly Conduct

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

1. Review Classes 6 & 7
2. Read Minn. Stat. 169A.51
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 Schedule Friday, Oct 9th

Test III - 45 mins. (15% of final grade) Before Class 3:10-3:55 (covering classes 6 & 7)

- **15 minute break 3:55-4:10 Class time will be 4:10-5:40**
- Implied Consents: Stop and Right to Counsel Issues

Friday, October 16th : MIDTERM BREAK – No class

Class 9 Assignment: Finish Implied Consents

1. Read RLL chapters 11 & 12
2. Review class statutes and cases

Class 9 Schedule Friday, Oct 23rd

- Quiz 6 on RLL chapters 11 & 12
- Review Test III
- Finish Implied Consents
- Stop Issue
- Right to Counsel

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

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

Class 10 Schedule Friday, Oct. 30st

- **TEST IV – 45 mins. (15% of final grade) Before Class 3:10-3:55** (covering classes 8 & 9)
- **15 minute break 3:55-4:10 Class time will be 4:10-5:40**
- Driving Under the Influence
- Driving with alcohol concentration .08 or more;
- DWI/.08 Lecture by Mark Metz

Class 11 Assignment: Finish DUI/.08

1. Same as class 10

Class 11 Schedule Friday Nov 6th

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

Class 12 Assignment: Plea Agreement/Sentencing Issues

1. Review Classes 10 & 11
2. **Read** Plea Agreement/Sentencing Email/Handout

Class 12 Schedule Friday Nov. 13th

- **TEST V – 45 mins. (15% of final grade)** In class (covering classes 10 & 11)
- Lecture/Small Groups on Plea Agreements & Sentencing by Mark Metz and J. Morrow

Class 13 Assignment: Review and Professional Responsibility Issues

1. Review Problems/ Handout
2. Review Plea agreement/sentencing lecture

Class 13 Schedule: Friday, Nov. 20th

- **Quiz 7** - Plea agreement/sentencing lecture
- Review Test V
- Professional Responsibility lecture by Mark Metz, Esq.
(This lecture will be covered on the Final Exam)

Class 14 Assignment: Wednesday, Dec 2nd

1. Review and complete your outline

Class 14 Schedule Wednesday Dec. 2nd 4:00 – 3:50 pm

- Finish and Review

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