

Law458A/558A – Arizona Criminal Procedure and Advocacy

Online
3 units

Description of Course

Arizona Criminal Procedure & Trial Practice is a practical course that teaches Arizona specific trial practices and procedures. Students will work with fact patterns and take on the role of a lawyer, moving their case through the procedures necessary to conclude criminal matters in Arizona. Students will focus on various sources of procedure rules and prepare both written and oral responses in order to learn and demonstrate an understanding of the rules of practice in this area of the law. Throughout the course, students will also be prompted to think about key issues facing trial attorneys in criminal law, from issues with policing to stress management and vicarious trauma.

Instructor and Contact Information

Catherine Monro

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520-626-1638

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Office Hours are by appointment. The Professor is also available to answer questions over email and through D2L.

Course Home Page is on D2L, all course materials are accessed through D2L.

100% Engagement

This is an official 100% Engagement course in which you will participate in significant experiential learning and reflection designed to prepare you to apply skills and knowledge to the types of problems you may encounter beyond the classroom. If you earn a grade of C or better [in the case of courses with an alternative grade, P or better], you will receive the notation "Engaged Learning Experience: Completed" on your official UA transcript. The completion of this course will also appear on your Student Engagement Record in UAccess.

The course has been designated with the following 100% Engagement attributes:

Engagement Activity: Community Partnership

Engagement Competency: Civic and community responsibility

For more information on 100% Engagement, please visit <http://ose.arizona.edu>.

Course Format and Teaching Methods

Class time will be spent doing what trial lawyers and Legal Paraprofessionals (LPs) do: applying the Arizona Rules of Criminal Procedure and the statutes that govern this practice area to real fact scenarios. Every week, we will review the pertinent Rules of Criminal Procedure, and then we will work on activities that represent situations that frequently arise before, during, and after trials in Arizona trial courts. Most problems put you in the role of a defense lawyer or LP in a case, following court procedures to move a criminal case forward. Students will be required to record their arguments in D2L, and respond to the arguments of other classmates. There will also be multiple choice questions to test content knowledge each week and reflection questions to consider broader issues facing trial attorneys practicing criminal law.

Course Objectives

Students will recognize and articulate the fundamental concepts behind due process rights, including notice, the opportunity to be heard, access to evidence, and right to counsel through application of the rules of procedure and Arizona specific rules of practice. Students will make and respond to common objections and practice laying basic foundations for common pieces of physical evidence and testimony. Students will prepare an organized and effective presentation of evidence for trial and learn the potential outcomes of a trial in their subject matter and what the disposition phase looks like. Additionally, students will learn how to advise their client on post-trial options.

Expected Learning Outcomes

- Demonstrate an understanding of basic courtroom decorum and procedures related to presentation of evidence, disposition, and post-trial options.
- Identify issues that may require written motions and prepare and/or respond to a motion in limine.
- Prepare for successful negotiations and recognize different levels of outcomes that could benefit their client.
- Graduate students also demonstrate the ability to respond to a written motion, putting themselves in the prosecutor's position.

Absence and Class Participation Policy

The UA's policy concerning Class Attendance, Participation, and Administrative Drops is available at: <http://catalog.arizona.edu/policy/class-attendance-participation-and-administrative-drop>

The UA policy regarding absences for any sincerely held religious belief, observance or practice will be accommodated where reasonable, <http://policy.arizona.edu/human-resources/religious-accommodation-policy>.

Absences pre-approved by the UA Dean of Students (or Dean Designee) will be honored. See: <https://deanofstudents.arizona.edu/absences>

Participating in the course and attending lectures and other course events are vital to the learning process. As such, attendance is required at all lectures and discussion section meetings. Absences may affect a student's final course grade. If you anticipate being absent, are unexpectedly absent, or are unable to participate in class online activities, please contact me as soon as possible. *To request a disability-related accommodation to this attendance policy, please contact the Disability Resource Center at (520) 621-3268 or drc-info@email.arizona.edu.* If you are experiencing unexpected barriers to your success in your courses, the Dean of Students Office is a central support resource for all students and may be helpful. The Dean of Students Office is located in the Robert L. Nugent Building, room 100, or call 520-621-7057.

Required Texts or Readings

All texts are optional, not required. Required reading materials will be available on the class D2L page or online:

- Arizona Rules of Criminal Procedure, published annually by West Academic Publishing
- A.R.S. Title 13
- Rules of Evidence for Courts in the State of Arizona

Assignments and Examinations: Schedule/Due Dates

- Weekly multiple-choice quizzes and reflection assignments based on the assigned materials for the week
 - 25% of Final Grade
 - Due at the end of each week
- Five Major Writing Assignments (6 for graduate students):
 - 23% of Final Grade
 - Motion to Suppress Evidence
 - Properly formatted Closed Research Motion asking the court to exclude evidence
 - Due at the end of Week 4
 - Response to Motion to Suppress
 - Properly formatted Closed Research Response to Opposing Counsel's Motion to Suppress, asking the court to deny the motion
 - Due at the end of Week 5
 - Pre-Trial Statement
 - Properly formatted notice of defenses, witnesses, and exhibits, following the rules of procedure regarding disclosure
 - Due at the end of Week 5
 - Final Trial Notebook
 - An outline of the student's plan for the entire trial, including:
 - Opening Statement
 - Witnesses listed in order of presentation, with an outline of the planned examination (including scripts for laying foundation for testimony)
 - Outline of anticipated cross-examination of the other side's witnesses
 - List of Exhibits with foundational scripts
 - Outline of planned Closing Argument
 - Due at the end of Week 6
 - Written Closing Argument
 - A properly formatted written closing argument to the court, using provided law and admitted evidence to persuade the judge to acquit their client.
 - Due at the end of Week 7
- Eight Other Writing Assignments:
 - 2% of Final Grade
 - Notes in preparation for appearing in a non-contested hearing – Due Week 1
 - Outline of Argument for Pre-Trial Release – Due Week 2
 - Disclosure Exercise – Due Week 3
 - Trial Notebook Plan – Due Week 3
 - Issue Spotting Exercise – Due Week 4
 - Case Briefs – Due Week 4
 - Outline of Motion to Suppress Evidence – Due Week 4
- VoiceThread Recordings:
 - 25% of Final Grade
 - Appearing in a Non-Contested Hearing – Due Week 1
 - Students will practice appearing in court, announcing for themselves and their client, and asking questions put to them by the judge.
 - Arguing for Pre-Trial Release – Due Week 2
 - Students will record arguments for their client's pre-trial release from custody, based on the relevant Court Rules and Statutory Authority. Questions may be posed by the judge; they may need to counter the prosecution's arguments.
 - Making Objections – Due Week 3
 - Students will make objections to witness questioning, witness testimony, and the attempted admission of evidence through a witness.
 - Opening Statement – Due Week 6
 - Students will record an Opening Statement using persuasive techniques and

- following ethical guidelines.
- Direct Examination – Due Week 6
 - Students will record their direct examination of a live witness, demonstrating that they prepared their questions in a logical and persuasive sequence and that they are listening and reacting appropriately to the answer given by the witness.
- Cross Examination – Due Week 6
 - Students will record their cross examination of a live witness, demonstrating that they prepared their questions in a logical and persuasive sequence and that they are listening and reacting appropriately to the answer given by the witness, while using leading questions and exercising control of the examination as appropriate.
- Objections – Due Week 7
 - Students will raise objections to the prosecutor’s direct examination of a witness.
- Responses to Objections – Due Week 7.5
 - Students will respond to the objections lodged by the prosecutor to the defense cross-examination and any questions posed by the judge.
- Sentencing Argument – Due Week 7
 - Students will record a sentencing argument, using the Criminal Rules and Statutes to argue for a mitigated sentence.
- Final Examination (mixture of multiple choice and short answer) - Week 7
 - 20% of Final Grade
- Court Observation Assignment – Due on the last day of class.
 - 5% of Final Grade

Final Examination or Project

The date and time of the final exam or project, along with links to the Final Exam Regulations, <https://www.registrar.arizona.edu/courses/final-examination-regulations-and-information>, and Final Exam Schedule, <http://www.registrar.arizona.edu/schedules/finals.htm>

Grading Scale and Policies

Final Grades: Undergraduate Students

Grades will be marked A through E according to the University Policies and grading systems.

A = 90% and above

B = 80 - 89.9%

C = 70 - 79.9%

D = 60 - 69.9%

E = 59.9% and below

Final Grades: MLS and Non-Law Graduate Students

Grades will be marked A through E according to the University Policies and grading systems. MLS Students earning a “D” or less in a course will not receive credit for the course toward the required 30 units of study for completion of the degree.

A = 90% and above

B = 80 - 89.9%

C = 70 - 79.9%

D = 60 - 69.9%

E = 59.9% and below

University policy regarding grades and grading systems is available at <http://catalog.arizona.edu/policy/grades-and-grading-system>

Grades will be based on:

Graduate Requirements for 400/500: Graduate students will have one additional graded assignment and their assignments will require additional work and complexity. Graduate students will take the lead on discussing class problems and will have more complex issues to reconcile in their Motion in Limine. There will also be an additional short answer section on the Final Exam for Grad students.

Requests for incomplete (I) or withdrawal (W) must be made in accordance with University policies, which are available at <http://catalog.arizona.edu/policy/grades-and-grading-system#incomplete> and <http://catalog.arizona.edu/policy/grades-and-grading-system#Withdrawal> respectively.

Scheduled Topics/Activities

Week 1

- Introduction to Due Process and the sources of procedural law in Arizona for Criminal Law Practice
- Students will
 - Identify the sources of procedural law;
 - begin working with fact patterns for criminal action;
 - make their first appearance in "court;" and
 - reflect on issues facing trial attorneys in criminal law.

Week 2

- Early Processes and Considerations
- Students will
 - outline the steps ahead for the given fact pattern;
 - begin to identify the procedures that will occur upon arrest, citation, or filing of a complaint;
 - consider early actions required to assert the rights of a criminal defendant;
 - argue for pre-trial release from incarceration; and
 - reflect on issues facing trial attorneys in criminal law.

Week 3

- Discovery and access to evidence
- Students will
 - learn about evidence procurement both through investigation and disclosure/discovery rules of procedure;
 - exchange additional "disclosure," expanding their fact pattern;
 - Draft a trial outline, including plans for laying any necessary foundation and planning their trial notebook;
 - Practice making objections in "court;" and
 - reflect on issues facing trial attorneys in criminal law.

Week 4

- Motion Practice
- Students will
 - Begin to spot issues that may form the basis of a pre-trial motion;
 - Identify appropriate remedies for issues in their fact pattern;
 - Develop arguments to support pre-trial motions;

- submit a motion to suppress evidence; and
- reflect on their experience in class so far.

Week 5

- Trial Preparation and negotiations
- Students will
 - identify negotiable items in their fact patterns;
 - prepare a Pre-Trial Statement, following the Criminal Rules of Procedure and including all required information;
 - identify the procedures for issuing subpoenas; and
 - reflect on issues facing trial attorneys in criminal law.
- Students registered at the graduate level will be assigned a classmate's motion to suppress to prepare a response as the prosecution.

Week 6

- Trial Practice
- Students will
 - Update and submit their final trial notebook, indicating any stipulations reached and any plans to overcome their opposing counsel's objections;
 - Record an opening statement;
 - Record a Direct Examination;
 - Record a cross Examination;
 - Insert objections to their assigned classmate's examinations; and
 - reflect on issues facing trial attorneys in criminal law.

Week 7

- Sentencing and Post-trial options
- Students will
 - Submit a written closing argument summarizing the evidence and arguing for their desired outcome;
 - Identify appropriate arguments for aggravation and mitigation in sentencing;
 - Record a sentencing argument; and
 - Discover the Statutes and Rules regarding Traffic Violations; and
 - reflect on issues facing trial attorneys in criminal law.

Classroom Behavior Policy

To foster a positive learning environment, students and instructors have a shared responsibility. We want a safe, welcoming, and inclusive environment where all of us feel comfortable with each other and where we can challenge ourselves to succeed. To that end, our focus is on the tasks at hand and not on extraneous activities (e.g., texting, chatting, reading a newspaper, making phone calls, web surfing, etc.).

Threatening Behavior Policy

The UA Threatening Behavior by Students Policy prohibits threats of physical harm to any member of the University community, including to oneself. See <http://policy.arizona.edu/education-and-student-affairs/threatening-behavior-students>.

Notification of Objectionable Materials

This course will contain material of a mature nature, which may include explicit language, depictions of nudity, sexual situations, and/or violence. The instructor will provide advance notice when such materials will be used. Students are not automatically excused from interacting with such materials, but they are encouraged to speak with the instructor to voice concerns and to provide feedback.

Accessibility and Accommodations

At the University of Arizona, we strive to make learning experiences as accessible as possible. If you anticipate or experience barriers based on disability or pregnancy, please contact the Disability Resource Center (520-621-3268, <https://drc.arizona.edu/>) to establish reasonable accommodations.

<http://drc.arizona.edu/instructors/syllabus-statement>.

Code of Academic Integrity

Students are encouraged to share intellectual views and discuss freely the principles and applications of course materials. However, graded work/exercises must be the product of independent effort unless otherwise instructed. Students are expected to adhere to the UA Code of Academic Integrity as described in the UA General Catalog. See:

<http://deanofstudents.arizona.edu/academic-integrity/students/academic-integrity>.

The University Libraries have some excellent tips for avoiding plagiarism, available at <http://new.library.arizona.edu/research/citing/plagiarism>.

Selling class notes and/or other course materials to other students or to a third party for resale is not permitted without the instructor's express written consent. Violations to this and other course rules are subject to the Code of Academic Integrity and may result in course sanctions. Additionally, students who use D2L or UA e-mail to sell or buy these copyrighted materials are subject to Code of Conduct Violations for misuse of student e-mail addresses. This conduct may also constitute copyright infringement.

UA Nondiscrimination and Anti-harassment Policy

The University is committed to creating and maintaining an environment free of discrimination; see <http://policy.arizona.edu/human-resources/nondiscrimination-and-anti-harassment-policy>

Our classroom is a place where everyone is encouraged to express well-formed opinions and their reasons for those opinions. We also want to create a tolerant and open environment where such opinions can be expressed without resorting to bullying or discrimination of others.

Additional Resources for Students

UA Academic policies and procedures are available at <http://catalog.arizona.edu/policies>

Student Assistance and Advocacy information is available at

<http://deanofstudents.arizona.edu/student-assistance/students/student-assistance>

Confidentiality of Student Records

<http://www.registrar.arizona.edu/personal-information/family-educational-rights-and-privacy-act-1974-ferpa?topic=ferpa>

Subject to Change Statement

Information contained in the course syllabus, other than the grade and absence policy, may be subject to change with advance notice