Cultural Issues in Criminal Law

Fall 2016  Spring 2017

CCJS 498W
Lecture:
Location: Building III

Instructor
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Office hours: Monday by appointment.

REQUIRED TEXT

Cultural Issues in Criminal Defense
Author: Linda Friedman Ramirez
Edition: Third Ed.
ISBN: 978-1-57823-271-0

COURSE DESCRIPTION AND OBJECTIVES
This course is designed to introduce students to defending cultural issues. These cultural issues can arise within a country and amongst its people, within a means of collecting and investigating information, and within the way society perceives the information. All of these factors influence the way that criminal defendants are represented by their lawyers.

COURSE LEARNING OUTCOMES
Upon completion of this course, students should be able to:
- Demonstrate a basic understanding of the role of consular resources and litigation strategies;
- Demonstrate a basic understanding of interviewing immigrant clients;
- Demonstrate a basic understanding of language in representing immigrant clients including the role of interpreters in the criminal process;
• Demonstrate a basic understanding of culturally competent criminal forensic psychological evaluations;
• Demonstrate a basic understanding of immigration consequences of criminal convictions;
• Demonstrate a basic understanding of legal challenges in extradition cases;
• Demonstrate a basic understanding of obtaining evidence abroad;
• Demonstrate a basic understanding of immigration racial profiling and selective prosecution;
• Demonstrate a basic understanding of cultural issues involving Fourth, Fifth, and Sixth Amendments;
• Demonstrate a basic understanding of the presentation of cultural defenses;
• Demonstrate a basic understanding of presentation of cultural experts;
• Demonstrate a basic understanding of cultural issues in jury selection;
• Demonstrate a basic understanding of cultural issues in sentencing;
• Demonstrate an understanding of communicating with immigrant clients regarding the appellate process.

READINGS will be posted on ELMS.

COURSE FORMAT
Class meetings will include lecture, interactive questions, and discussion. Class lectures will not merely recap the reading material, but expand upon it. This format will include class participation by all students. Regular class attendance is required unless previously excused.

Grading:

97-100+: A+  77-79: C+
93-96: A  73-76: C
90-92: A-  70-72: C-
87-89: B+  67-69: D+
83-86: B  63-66: D
80-82: B-  60-62: D-
60<:F
Exams and Written Assignments

1. There will be several written assignments which will be considered as mini-exams. All of the written and presentations will constitute 25% of your grade and must be turned in on the designated date given on Elms or in class.

2. There will be a writing assignment which should be ten full pages minimum. Text should be in 12 point font with 1 inch margins. Taking up space with excessive graphs/images/quotes will result insignificant point deductions. Do not cite Wikipedia or any other website that is not scholarly, unless for approved purposes. Consult the instructor and/or the writing center if you have any questions. This written assignment will count 30% of your grade.

3. Your class participation will constitute 25% of your grade.

4. Your participation in group Assignments will constitute 20% of your grade.

Makeup Exam Assignment Policy I Excused Absences

Makeup exams are only given in cases of excused absences. Official documentation is required. Excused absences are: illness with a doctor’s note; death in the immediate family; required University activities; and required court appearances.

For Major Scheduled Graded events (as labeled), I cannot accept a Health Center honor statement to verify an illness. If you go to the Heath Center and a doctor will not write you a note, you will need to get a copy of your medical record from them to verify your illness. By law, you are entitled to get a copy of this and it is your responsibility to do so. I must be notified in person, e-mail, in writing, or by phone PRIOR to missing an exam for me to consider giving you a makeup. If you have a problem on the day of an exam, call or email me. If you know in advance that you will be absent for an exam with an approved absence, you will be expected to take the exam prior to the exam date.

Late assignments without an excused absence will lose one letter grade per day. Students will have one week to provide official documentation for an excused absence.

Missed Lectures
I do not hand out lecture notes. The student must solicit peers for lecture notes when they are unable to make it to class. Also, please note that under University policy I do not grade based on attendance.

Grade Disputes
If you have questions or concerns about your grade(s) and believe that I should review them, you must submit a written request over email. This request must be submitted within one week of the day that grades for the relevant assignment are posted.

Elms
Elms is a critical component to this class. All grades will be posted on Elms and Canvas. In addition, some required readings will be posted on Elms. It is expected that students bring copies of these readings to class. Go to http://elms.umd.edu and log in with your directory ID and password to use this feature.

COURSE COMMUNICATION
Changes to the course schedule, reading assignments, and other important information will be announced during class and sent to the e-mail registered to your UMD account. Be sure to check your email account regularly for updated information.

If you have any questions or concerns about the course, please email me and we can set up an appointment to discuss.

Technology
It is understood that personal computers are worthwhile. Students are allowed to use their personal computer, iPad, and other similar devices to take class notes. But if it is discovered that personal technology devices are being used in any way that is not directly related to class, the student will lose the privilege of using any personal technology for the
duration of the semester. To be specific, Students are prohibited from texting and sending emails during class.

Disability Support
I will make every effort to accommodate students who are registered with the Disability Support Services (DSS) Office and who provide me with a University of Maryland DSS Accommodation form, which has been updated for the Spring 2017 semester. This form must be presented to me no later than February 3, 2017. I am not able to accommodate students who are not registered with DSS or who do not provide me with documentation that has not been reviewed by DSS after February 3, 2016. DSS students who are requesting to take their exams at the DSS center need to provide me with a testing form for each exam that must be turned in no later than one (1) week prior to each exam. The student is expected to take the exam at the same time as the rest of the class.

Religious Observance
If you are unable to take any exam due to a religious observance, you will need to discuss this with me by February 3, 2016.

Academic Integrity

Academic dishonesty in any form will not be tolerated. Academic dishonesty encompasses the traditional behaviors such as cheating on exams and quizzes, providing false statements, falsification of records or data, unauthorized reuse of work (including resubmitting work written for another class, misrepresentation in bibliography and footnotes, dishonest use of computer facilities, etc).

Students will be asked to write the University approved Honor Pledge on each assignment. The University of Maryland, College Park has nationally Recognized Code of Academic Integrity, administered by
the Student Honor Council. This Code sets standards for academic integrity at Maryland for all undergraduate graduate students. As a student you are responsible for upholding these standards for this course. It is very important for you to be aware of the consequences of cheating, fabrication, facilitation, and plagiarism. For more information on the Code of Academic Integrity or the Student Honor Council, please visit: Iwhatish.html

Class Conduct
The success of this class is dependent not only on my abilities as an instructor to communicate new and complicated ideas, but also on our ability as a class to work together to create an environment conducive to learning. As a Department and University, we expect the faculty and students to be prepared for class and to be actively engaged in the classroom activities. Unfortunately, disruptive behaviors in the classroom cheat other students out of opportunities to learn.

The University of Maryland's Code of Academic Integrity defines classroom disruption as "behavior a reasonable person would view as substantially or repeatedly interfering with the conduct of a class." Examples would include coming late to class, repeatedly leaving and entering the classroom without authorization, making loud or distracting noises, and persisting in speaking without being recognized. As the instructor of this class, I also find the following distracting: reading outside material while in class, sleeping, sideconversation, text messaging and using laptops for non-academic functions (e.g., Facebook, IM, e-mail, surfing, etc.). I also request that you turn cell phones/pagers on vibrate or silent during class.

Students are expected to treat each other with respect. Disruptive behavior of any kind will not be tolerated. Students who are unable to show civility with one another, the teaching assistants, or me will be subject to referral to the Office of Student Conduct or to Campus Police. You are expected to adhere to the Code of Student Conduct.

Copyright:
The lectures I deliver in this class and the course materials I create and distribute are protected by federal copyright law as my original works. My lectures are recorded or delivered from written lectures in order to ensure copyright protection. You are permitted to take notes of my lectures and to use course materials for your use in this course. You may not record, reproduce, or distribute my lectures/notes for any commercial purpose without my written consent. Persons who sell or distribute copies or modified copies of my course materials, possess commercial copies of my notes (i.e., Terpnotes), or assist another person or entity in selling or distributing those materials may be considered in violation of the University Code of Student Conduct, Part 9 (k).

Course Evaluation:
Your feedback about this course is very important to me and is a responsibility you hold as a student member of our academic community. Your feedback is confidential and important to the improvement of teaching and learning at the University. Therefore, we will do several forms of evaluation throughout the semester. One way is to fill out the online evaluation at the end of the semester. Students can go directly to the website (www.courscevalu.umc.edu) to complete their evaluations. Students who complete evaluations for all of their courses in the previous semester (excluding summer), can access the posted results via Testudo's CourseEvalUM Reporting link for any course on campus that has at least a 70% response rate.

Course Outline
Below is a schedule of lecture and discussion topics, readings, and assignments. Class readings are to be completed before the date on the schedule. If a topic/reading spans more than one class period, complete the reading prior to the first class period it is addressed. This schedule is tentative and subject to change.
SCHEDULE OF ASSIGNMENTS

Subject to change by Professor

Date/Topic
Reading/Assignments

1. Reading Assignments

* Please understand that the dates below are for guidance only. The dates of particular topics may vary depending on material covered in each class. I shall advise you of variances from the dates, as necessary.*

1/25: Review of Syllabus, class policies and procedures; Introduction to Cultural Issues in Criminal Defense.

1/30: Chapter 1: The Role of Consular Resources and Litigation Strategies;

2/1: Chapter 2: Interviewing of immigrant clients and Special Immigration Relief for Crime Victims.

2/6: Chapter Three: Language Proficiency and Its Relation to Language Evidence.

2/8: Chapter Four: Foreign Language Interpreters and the Judicial System.


2/15: Chapter Six: Immigration Consequences of Criminal Convictions.

2/20: Chapter Seven: Immigration Consequences of Criminal Convictions.

2/22: Chapter Eight: Legal Challenges in Extradition Cases.


3/6: Chapter Twelve: Selective Prosecution.

3/8: Chapter Thirteen: Cultural Issues Fourth Amendment Motions to Suppress.

3/13: Chapter Fourteen: Cultural Issues in Motions to Suppress.

3/15: Chapter Fifteen: Defending the Crime of Illegal Entry and Reentry.


4/5: Chapter Seventeen: Raising Cultural Defenses.


4/17: Chapter Twenty: Cultural Issues in Voir Dire.

4/19: Chapter Twenty-Two: Cultural Issues in Sentencing.


4/26: Chapter Twenty-Four: Using Mitigation Videos to Bridge the Cultural Gap at Sentencing.

5/1: Chapter Twenty-Five: Appeal and Post Conviction Review.

5/8: Chapter Twenty-Five: Appeal and Post Conviction Review.

5/10: Course Wrap Up