

DEATH PENALTY LAW 5497 (61347)
Spring 2024 Syllabus
Tuesday/Thursday 2-3:15 p in Room 4

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Course Overview

Death Penalty Law introduces students to the modern era of capital punishment in the United States. The course will focus primarily on the Supreme Court's capital punishment jurisprudence over the past fifty years, with particular attention to how it has shaped state statutory schemes and legal argument in capital sentencing trials, appeals, and post-conviction proceedings. All views on capital punishment are welcome. Success in the course will depend on understanding the law and engaging in appropriate legal analysis.

Learning Objectives

Students will:

- Demonstrate understanding of major Supreme Court cases shaping the modern era of capital punishment in the United States.
- Analyze and evaluate the substantive and procedural legal requirements for imposition of the death penalty in the United States.
- Respectfully discuss moral and policy issues both for and against capital punishment in theory and in practice.
- Understand the role of aggravating and mitigating factors in guiding the sentencer's decision in a capital trial.
- Understand the professional duties of prosecutors and defense attorneys in capital cases, including special obligations related to intensive investigation and negotiation.
- Explore the racial history of the death penalty and how it continues to effect capital punishment today.

Course Materials

- **Required Text:** *Cases and Materials on the Death Penalty* by Nina Rivkind & Steven Shatz (West Academic Publishing, Fifth Edition, 2016; ISBN: 978-1-668467-826-6)
- **Online Materials:** Course Canvas site. Additional reading assignments, quizzes, case files, etc. will be provided through the Canvas site.

Grading

The course is graded on the standard numerical basis. Grades will be assessed as follows:

Final examination	60%
Quizzes & reflections	30%
Participation	10%

- **Final examination** –The exam will be open book and will likely consist of a combination of short answers, essay questions, and multiple-choice questions. The date and time of the final exam will be announced once the Law School's exam schedule has been finalized. We will discuss expectations about the final exam during class.
- **Quizzes*** – Every two weeks I will post a quiz on Canvas. There will be a total of 6 quizzes during the semester. Each quiz will have approximately 5 questions (likely multiple choice and/or short answer). Students may elect to take each quiz multiple times until they receive their desired grade. Students can also expect some of the quiz questions to appear on the final examination.

Students will generate questions and answers for one quiz during the semester. Students should check Canvas for their assigned quiz week and additional instructions. Quiz questions and answers are due Wednesday at noon *before* the quiz date. Students assigned to a particular quiz may work independently or as a group. Generating content will count as the quiz score for the assigned quiz; students will not have to take this quiz.

- **Reflections** – Students will complete two written reflections- one at the outset of the semester and one at the end. Each reflection is a short writing assignment designed to help you explore your own thoughts, opinions, and beliefs about the death penalty. Reflection papers should be no more than 1 page.
 - **Reflection #1:** Due January 16 at midnight
Before studying the law, please record your thoughts on the following:
Is the death penalty as a morally permissible punishment and/or criminal justice policy? What arguments do you find most persuasive? What considerations matter most to you? (For example: deterring crime, fair and accurate application, culpability, who does/does not deserve it, other considerations, etc.?)
 - **Reflection #2:** Due April 24 at midnight
At the conclusion of the semester, Review Reflection #1 and consider what you learned and explored over the past three months. What, if anything, challenged and/or confirmed your initial thoughts and beliefs? Did anything surprise you? Did any of your views change? How will you use your knowledge and experience in this course in future discussions you may have about the death penalty?
- **Participation** – All students are expected to read/watch all assigned materials and be prepared to respond with substantive comments, thoughts, and reflections during class. Course participation may also entail in-class activities like small group exercises, arguing positions in class, short written responses to reflection questions, and other assigned exercises. Students may also meet with me during office hours to discuss the course material, ask questions, and demonstrate their active preparation for class.

***Capital Sentencing Trial Observation- *State v. Drew Atchison*, Cole County Case no. 18AC-CR01536**

A capital sentencing trial is scheduled for two weeks, starting April 8, in Cole County (Jefferson City). All students are encouraged to attend and see course concepts applied to real life, real people, and a real case. Students may substitute observing the sentencing proceedings for one quiz grade. To receive substitute points, students must submit a 1-page document describing observations from the trial and their relationship to applicable course concepts/cases.

A word of caution: while scheduled for two weeks, the evidence may not take a full two weeks to present, and the trial may conclude early. It is also entirely possible the sentencing trial is postponed or rescheduled. Therefore, students who elect to forego completing in a quiz in anticipation of attending the April trial do so at their own risk.

Attendance

According to American Bar Association accreditation guidelines, class attendance is required and expected of all students. Excessive absences will adversely affect your final grade unless the miss was a result of compelling circumstances. Students with more than 7 unexcused absences will be dropped from the class.

If you will miss class because of a job interview, illness, family responsibilities, or the like, please email me prior to class whenever possible. In the even of an emergency, please email me as soon as practicable following your absence.

Communication & Office Hours

Students are encouraged to connect with me outside of class. I anticipate being on campus and in my office on Monday and Wednesday, 9a-3p each week. When possible, please email me in advance to schedule a meeting. However, you are always welcome to stop by with a question or to say hello.

Decreasing the Risk of COVID-19

If you have tested positive for COVID-19 or have been identified as someone who needs to quarantine, do not attend class in person until the mandated period for isolation or quarantine has passed. Additionally, if you are experiencing any COVID-related symptoms, or are otherwise feeling unwell, do not attend in-person classes and contact your health care provider and/or student health immediately.

Accommodation and Pivot Plan

While this class is scheduled to meet on a face-to-face basis, any class period may move to a synchronous remote format as warranted by data about COVID rates within the University and Columbia communities or if I must quarantine. Students who cannot attend our face-to-face class due to illness or medical reasons will be accommodated to facilitate their participation in the course.

If you are unable to attend a scheduled class in person due to illness or medical reasons, you should plan to participate as follows:

- If class is meeting in-person and you notify me in advance of your absence, you may join the class by Zoom.
- If health reasons prevent you from joining the scheduled class by Zoom, I will work with you to provide access to lecture materials and alternative participation assessment.

If pandemic-related circumstances require class sessions to be moved fully online, I intend for class to shift to synchronous Zoom sessions.

Notice to Students with Disabilities

If you need accommodation for this course due to a disability, have emergency medical information to share, or need special arrangements in case the building must be evacuated, please let Registrar Denise Boessen or Associate Dean Ben Trachtenberg know as soon as possible.

If disability related accommodations are necessary (for example, a note taker, extended time on exams, captioning), please register with the Disability Center (<http://disabilitycenter.missouri.edu/>), S5 Memorial Union, 573-882-4696, and then notify Denise Boessen/Dean Trachtenberg of your eligibility for reasonable accommodations. For other MU resources for students with disabilities, click on “Disability Resources” on the MU homepage.

Academic Integrity

Academic integrity is fundamental to the activities and principles of the School of Law. All members of the law school community must be confident that each person’s work has been responsibly and honorably acquired, developed, and presented. Any effort to gain an advantage not given to all students is dishonest whether the effort is successful or not. The law school community regards breaches of the School of Law’s Honor Code as extremely serious matters. Sanctions for such a breach may include academic sanctions from me, including failing the course for any violation, to disciplinary sanctions ranging from probation to expulsion.

While students may collaborate to discuss cases and course materials outside of class, all submitted assignments must be your individual work product. If in doubt about plagiarism, paraphrasing, quoting, collaboration, or any other form of cheating, please contact me.

Recordings

University of Missouri System Executive Order No. 38 lays out principles regarding the sanctity of classroom discussions at the university. The policy is described fully in section 200.015 of the Collected Rules and Regulations. In this class, students may not make audio or video recordings of course activity, except students permitted to record as an accommodation under section 240.040 of the Collected Rules. All other students who record and/or distribute audio or video recordings of class activity are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Those students who are permitted to record are not permitted to redistribute audio or video recordings of statements or comments from the course to individuals who are not students in the course without the express permission of the faculty member and of any students who are recorded. Students found to have violated this policy are subject to discipline in accordance with provisions of section 200.020 of the Collected Rules and Regulations of the University of Missouri pertaining to student conduct matters.

Intellectual Pluralism

The University community welcomes intellectual diversity and respects student rights. Students who have questions or concerns regarding the atmosphere in this class (including respect for diverse opinions) may contact the departmental chair or divisional director; the director of the Office of Students Rights and Responsibilities; the MU Equity Office, or equity@missouri.edu.

All students will have the opportunity to submit an anonymous evaluation of the instructor(s) at the end of the course.