**DOCUMENT N: COURSE AND PROGRAM DEVELOPMENT COVER SHEET**

*See Course and Program Development Policy and Procedures for Instructions*

**SCHOOL:** LAW ☑  MSB ☑  YGCLA ☑  Contact Name: Cheryl Cudziolo  Phone: x4457

**DEPARTMENT / DIVISION:** Law School

**SHORT DESCRIPTION OF PROPOSAL:** (state name of action item 1-20 and course name, code & number / program affected):

New Course: Capital Punishment and the Constitution Seminar

**PROPOSED SEMESTER OF IMPLEMENTATION:**  Fall ☑  Spring ☑  Year: 2008

**Box 1: TYPE OF ACTION**  ADD(NEW) ☑  DEACTIVATE ☑  MODIFY ☑  OTHER ☑

**Box 2: LEVEL OF ACTION**  Non-Credit ☑  Undergraduate ☑  Graduate ☑  OTHER ☑

| Box 3: ACTION ITEM  
(check appropriate boxes) | DOCUMENTS REQUIRED  
(see box 4 below) | IMPACT REVIEWS  
(see box 5 on back) | APPROVAL SEQUENCE  
(see box 6 on back) |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Experimenta Course 1</td>
<td>NOP</td>
<td>a, c, e</td>
<td>AC</td>
</tr>
<tr>
<td>2. Course Title</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Course Credits</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Course Number</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Course Level</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Pre &amp; Co-Requisite</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Course Description</td>
<td>NOP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. New Course</td>
<td>NOP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Deactivate a Course</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Program Requirements</td>
<td>NO</td>
<td>b, c, d, e</td>
<td></td>
</tr>
<tr>
<td>11a. UG Specialization (24 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
</tr>
<tr>
<td>11b. Masters Specialization (12 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
</tr>
<tr>
<td>11c. Doctoral Specialization (18 credits or less)</td>
<td>NO</td>
<td>a, b, e</td>
<td>ABCDEF</td>
</tr>
<tr>
<td>12. Closed Site Program</td>
<td>NOT</td>
<td>e</td>
<td>ABCDHIK</td>
</tr>
<tr>
<td>13. Program Suspension 9</td>
<td>NO, 5</td>
<td>a, e</td>
<td>ABCDEGJK</td>
</tr>
<tr>
<td>14a. Certificate Program (ug/g) exclusively within existing degree program</td>
<td>NO</td>
<td>a, c, e</td>
<td>ABCDEFHJK</td>
</tr>
<tr>
<td>14b. Certificate Program (ug/g) where degree programs do not exist or where courses are selected across degree programs (12 or more credits)</td>
<td>NOQR, 6</td>
<td>a, c, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>15. Off-Campus Delivery of Existing Program</td>
<td>NO, 4</td>
<td>a, b, c, e</td>
<td>ABCDHL</td>
</tr>
<tr>
<td>16a. UG Concentration (exceeds 24 credit hours)</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>16b. Masters Concentration (exceeds 12 credit hours)</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>16c. Doctoral Concentration (exceeds 18 credit hours)</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
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<tr>
<td>17. Program Title Change</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>18. Program Termination</td>
<td>NO, 10</td>
<td>d, e</td>
<td>ABCDEFGHJKI</td>
</tr>
<tr>
<td>19. New Degree Program</td>
<td>NOQR, 3,8</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJUL</td>
</tr>
<tr>
<td>20. Other</td>
<td>Varies</td>
<td>Varies</td>
<td>Varies</td>
</tr>
</tbody>
</table>

**Box 4: DOCUMENTATION (check boxes of documents included)**

☑ N. This Cover Sheet  ☑ Q. Full 5-page MHEC Proposal  ☑ T. Other

☑ O. Summary Proposal  ☑ R. Financial Tables (MHEC)

☑ P. Course Definition Document  ☑ S. Contract

1. Approval of experimental course automatically lapses after two offerings unless permanently approved as a new course.
2. Codes:  a) Library Services (Langsdale or Law)  b) Office of Technology Services  c) University Relations  d) Admissions
3. Letter of Intent is required by USM at least 30 days before a full proposal can be submitted. Letter of Intent requires only the approval of the dean and the provost and is forwarded to USM by the Office of the Provost.
4. One-page letter to include: Program title & degree/certificate to be awarded; resources requirements; need and demand; similar programs; method of instruction; and oversight and student services (MHEC requirement)
5. One-page letter with description and rationale (MHEC requirement)
6. One or two-page document that describes: centrality to mission; market demand; curriculum design; adequacy of faculty resources; and assurance program will be supported with existing resources. (MHEC requirement)
7. Learning objectives, assessment strategies; fit with UB strategic plan
8. Joint Degree Program or Primary Degree Programs require submission of MOU w/ program proposal. (MHEC requirement)
9. Temporary suspension of program to examine future direction; time not to exceed two years. No new students admitted during suspension, but currently enrolled students must be given opportunity to satisfy degree requirements.
DOCUMENT N: COURSE AND PROGRAM DEVELOPMENT COVER SHEET (Page 2 of 2)

SCHOOL: LAW ☑ MSB ☑ YGCLA ☑

SHORT DESCRIPTION OF PROPOSAL (state name of action item 1-20 and course name, code & number / program affected):
New Course: Capital Punishment and the Constitution Seminar

10. Provide:
   a. evidence that the action is consistent with UB mission and can be implemented within the existing program resources of the institution.
   b. proposed date after which no new students will be admitted into the program;
   c. accommodation of currently enrolled students in the realization of their degree objectives;
   d. treatment of all tenured and non-tenured faculty and other staff in the affected program;
   e. reallocation of funds from the budget of the affected program; and
   f. existence at other state public institutions of programs to which to redirect students who might have enrolled in the program proposed for abolition.

11. University Council review (for a recommendation to the President or back to the Provost) shall be limited to curricular or academic policy issues that may potentially affect the University’s mission and strategic planning, or have a significant impact on the generation or allocation of its financial resources.

Box 5: IMPACT REVIEW

<table>
<thead>
<tr>
<th>Library</th>
<th>SIGNATURES (see procedures for authorized signers)</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑ No impact ☑ Impact statement attached</td>
<td>Director or designee:</td>
<td></td>
</tr>
</tbody>
</table>

| OTS                                          |                                                   |      |
| ☑ No impact ☑ Impact statement attached      | CIO or designee:                                  |      |

| University Relations                         |                                                   |      |
| ☑ No impact ☑ Impact statement attached      | Director or designee:                             |      |

| Admissions                                   |                                                   |      |
| ☑ No impact ☑ Impact statement attached      | Director or designee:                             |      |

| Records                                      |                                                   |      |
| ☑ No impact ☑ Impact statement attached      | Registrar or designee:                           |      |

Box 6: APPROVAL SEQUENCE

<table>
<thead>
<tr>
<th>APPROVAL SIGNATURES</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Department / Division</td>
<td>Chair:</td>
</tr>
<tr>
<td>B. Final faculty review body within each School</td>
<td>Chair:</td>
</tr>
<tr>
<td>C. College Dean</td>
<td>Dean:</td>
</tr>
<tr>
<td>D. Provost and Senior Vice President for Academic Affairs</td>
<td>Provost:</td>
</tr>
<tr>
<td>E. Curriculum Review Committee (UFS subcommittee)</td>
<td>Chair:</td>
</tr>
<tr>
<td>F. University Faculty Senate (UFS option)</td>
<td>Chair:</td>
</tr>
<tr>
<td>G. University Council (see # 11 above)</td>
<td>Chair:</td>
</tr>
<tr>
<td>H. President</td>
<td>President:</td>
</tr>
<tr>
<td>I. Board of Regents – notification only</td>
<td></td>
</tr>
<tr>
<td>J. Board of Regents – approval</td>
<td></td>
</tr>
<tr>
<td>K. MHEC – notification only</td>
<td></td>
</tr>
<tr>
<td>L. MHEC – approval</td>
<td></td>
</tr>
<tr>
<td>M. Middle States Association notification</td>
<td>Required only if the mission of the University is changed by the action</td>
</tr>
</tbody>
</table>

9/25/07
10/4/07
O-1: Briefly describe what is being requested:

Addition of new course Capital Punishment and the Constitution Seminar.

<table>
<thead>
<tr>
<th>OLD Title: n/a</th>
<th>Course # / HEGIS Code: n/a</th>
<th>Credits: n/a</th>
</tr>
</thead>
<tbody>
<tr>
<td>NEW Title: Capital Punishment and the Constitution Seminar</td>
<td>Course # / HEGIS Code: TBA</td>
<td>Credits: 3</td>
</tr>
</tbody>
</table>

O-2: Set forth the rationale for the proposal:

This course will supplement the courses offered in the Criminal Law concentration, will offer an intense writing opportunity with close supervision, and will acquaint students with Constitutional Law issues beyond the required Constitutional Law course. By establishing the course, the School of Law will open itself as a suitable forum for lawyers in the death penalty community to discuss current jurisprudence and scholarship, and will be able to offer students with sufficient knowledge to compete for jobs in the increasingly elite world of death penalty litigation.
University of Baltimore

Document P: Required Format for Course Definition Document

1. Date Prepared: September 21, 2007

2. Prepared by: Professor Amy Dillard

3. Department: School of Law

4. Course Number(s), including HEGIS code(s): TBA

5. Course Title: Capital Punishment and the Constitution Seminar

6. Credit Hours: 3

7. Catalog Description (Paragraph should reflect general aims and nature of the course):
This course examines Constitutional Law issues in the context of death penalty litigation with a focus on Due Process and 8th Amendment issues in sentencing and 6th Amendment jury selection issues. We will examine the core values of the criminal justice system with special emphasis on the roles of the prosecutor and defense counsel and the effect of mental illness on prosecutions and executions. The course will address the death penalty in an international context, and students will reflect on moral issues and actual innocence claims. The course will have a writing for publication component and meets the scholarly upper level writing requirement. Students will present work-in-progress to the class, will consult individually with the professor, and will produce a publishable-quality law review article at the end of the term and have the tools to submit their articles for publication.

8. Prerequisites: Constitutional Law, Criminal Law, Con Crim Pro I (could be concurrent with approval)

9. Faculty qualified to teach course: Professor Amy Dillard

10. Course Type (check appropriate)
   Seminar: x

11. Suggested approximate class size: 20

12. Content Outline:
   See attached syllabus.

13. Learning Goals:
   This course will serve as an Advanced Constitutional Law course, will prepare students for the intricacies of criminal law practice (both capital and non-capital), will prepare students for the task of longer, thoughtful writing that requires the integration of theory and policy with practicable solutions, and will measure students’ organizational and oral skills by requiring two
mid-semester individual presentations on work-in-progress and one individual consultation with the professor.

14. Assessment Strategies:
   25+ page LR Format Paper
   Other
   • two work-in-progress presentations
   • one individual consultation with professor

15. Suggested Text(s) and Materials (example: textbooks, equipment, software, etc.):
   a. Rivkind and Shatz, Cases and Materials on the Death Penalty (2d ed.) (required)
   b. Volokh, Academic Legal Writing (2d ed.) (required)
   c. Carter and Kreitzberg, Understanding Capital Punishment Law (suggested)
CAPITAL PUNISHMENT AND THE CONSTITUTION SEMINAR
Law XXX-XXX
Professor Dillard
Spring, 2008

CONTACT INFORMATION
adillard@ubalt.edu
Office LC 406
410-837-5416

Office Hours: Tuesday, 1:30-2:30p
Thursday, 2:00-3:00p

REQUIRED TEXT

RECOMMENDED TEXT

ASSIGNMENTS AND GRADING
There will be one 25+ page law review style paper due at the end of the course. Each student will present two work-in-progress reports to the class during the semester and meet individually with the professor for a consultation on a rough draft. The paper will comprise 70% of the grade and the two presentations and one consultation will comprise 10% each.

Class will run on a Present and Prepared (P&P) system. You must declare whether you are P&P by signing in before each class. You must come to class on time, and you will not be allowed to sign in P&P after class begins.

- You will receive a 10% increase in the final number grade on your paper if you sign in P&P at least 13 out of 14 classes (no more than one absence) and are prepared if called on.
- You will receive a 10% decrease in the final number grade on your paper if you sign in P&P less than 12 out of 14 classes (more than three absences) or if you are ever unprepared after signing in as P&P.
- You will fail the course if you sign in P&P less than 11 out of 14 classes (more than four absences).
READING ASSIGNMENTS

CLASS ONE
Tu 1-15-07  INTRODUCTION TO THE COURSE  TOPIC SELECTION FOR ARTICLE

RIVKIND AND SHATZ pp. 2-45, 109-120 (LOOSE THE FATEFUL LIGHTNING)
VOLOKH pp. 9-32

CLASS TWO
Tu 1-22-07  SCOTUS SEMINAL CASES  SELECTED DEATH PENALTY SCHEMES: TEXAS AND FEDERAL  ARTICLE RESEARCH

RIVKIND AND SHATZ pp. 46-109, 868-882
VOLOKH pp. 68-72

CLASS THREE
Tu 1-29-07  LIMITING THE RISK OF ARBITRARINESS  CLUMSY WORDS AND PHRASES

RIVKIND AND SHATZ pp. 122-168 (INCLUDING PROBLEM 3-3)
VOLOKH pp. 219-226

CLASS FOUR
Tu 2-5-07  INDIVIDUALIZED PENALTY AND PROPORTIONALITY  WORK-IN-PROGRESS REPORTS

RIVKIND AND SHATZ pp. 169-223

CLASS FIVE
Tu 2-12-07  PROPORTIONALITY AND RACE  ORGANIZING YOUR ARTICLE

RIVKIND AND SHATZ pp. 223-306
VOLOKH pp. 32-48

CLASS SIX
Tu 2-19-07  THE DEATH SQUAD AND JURY SELECTION  USING EVIDENCE CORRECTLY IN ACADEMIC WRITING, PART I

RIVKIND AND SHATZ pp. 307-348
VOLOKH pp. 101-116
CLASS SEVEN  
Tu 2-26-07  THE DEFENDANT AND DEFENSE COUNSEL  
USING EVIDENCE CORRECTLY IN ACADEMIC WRITING, PART II

RIVKIND AND SHATZ pp. 349-419  
VOLOKH pp. 117-146

CLASS EIGHT  
Tu 3-4-07  THE PROSECUTOR  
WRITING THE ARTICLE  
WORK-IN-PROGRESS REPORTS

RIVKIND AND SHATZ pp. 420-453  
VOLOKH pp. 73-98

CLASS NINE  
Tu 3-11-07  THE PENALTY HEARING AND PROCEDURAL REQUISITES  
ETHICS IN ACADEMIC WRITING

RIVKIND AND SHATZ pp. 454-495  
VOLOKH pp. 209-218

CLASS TEN  
Tu 3-25-07  THE PENALTY HEARING AND EVIDENTIARY LIMITS  
INDIVIDUAL CONSULTATIONS SCHEDULED

RIVKIND AND SHATZ pp. 495-551

CLASS ELEVEN  
Tu 4-1-07  GUIDING THE SENTENCER  
INDIVIDUAL CONSULTATIONS SCHEDULED

RIVKIND AND SHATZ pp. 552-605

CLASS TWELVE  
Tu 4-8-07  EXECUTION AND MENTAL ILLNESS

RIVKIND AND SHATZ pp. 762-791  
CLASS THIRTEEN
TU 4-15-07   THE DEATH PENALTY IN THE INTERNATIONAL CONTEXT
GETTING PUBLISHED

RIVKIND AND SHATZ pp. 793-817
VOLOKH pp. 150-170, 244-245

CLASS FOURTEEN
TU 4-22-07   MORAL QUESTIONS
ACTUAL INNOCENCE

RIVKIND AND SHATZ pp. 818-844