1. Course Description and Objectives

This course will introduce students to the evolving field of U.S. Sentencing Law. The United States has the highest documented incarceration rate in the world. It also has the highest total documented prison population in the world. At the moment, there are over 7.3 million people in the U.S. on probation, in jail or prison, or on parole. This equals 3.2% of U.S. adult residents (equivalent to 1 out of every 31 people in the U.S.). Furthermore, 2.3 million U.S. adult residents are incarcerated (which equals 1% of U.S. adult residents).

This class will broadly examine the principles and practices of sentencing. While federal sentencing law has received the most attention in recent years, particularly since the creation of the Federal Sentencing Guidelines, it is impossible to understand the current dynamics or the likely future trends of federal sentencing without also looking more broadly. As such, along with federal sentencing, this course will examine state sentencing systems and alternatives to sentencing in both the federal and state systems. Furthermore, as incarceration is the central tenet of American sentencing law, this course will introduce students to the U.S. prison system.
By the end of the course, students should be able to do the following:

- Discuss the history of sentencing in the United States and the evolution of different sentencing systems, such as sentencing guidelines.
- Understand the procedures of sentencing hearings and know how to argue for a particular sentence in court.
- Understand the alternatives to traditional incarceration.
- Understand the collateral consequences of conviction.

2. Class Time and Room

This class meets Mondays and Wednesdays from 1:30 p.m. – 2:45 p.m. in room 251 of the Law School. The course meets from Monday, August 22, through Wednesday, November 30, 2016.

3. Contact Information

   a. General. My office is Room 250. My office telephone number is 618-453-8797. My mobile telephone number is 321-298-0269. My e-mail address is ldervan@siu.edu.

   b. Office Hours. My scheduled office hours are as follows: Mondays 10:30am – 12:30pm (except when there is a scheduling conflict, such as a faculty meeting). You can also meet with me outside these times, so please feel free to stop by my office if the door is open. If for some reason you cannot meet during the scheduled office hours or at another time when I am in the office, please email, text, or call me so we can schedule a time to meet. When scheduling a meeting, you may request an in-person meeting or a Skype meeting. My Skype address is professor.dervan.

   c. Electronic Communication. Check your e-mail daily. I will use your SIU e-mail address to send messages pertaining to class. I often send messages through the TWEN page.

4. Course Materials

Our primary classroom text will be Sentencing Law and Policy: Cases, Statutes, and Guidelines, Nora Demleitner, Douglas Berman, Marc Miller, and Ronald Wright (Third Edition). This book is available at the SIU campus bookstores, the 710 Bookstore, and the Saluki Bookstore. Other course materials can be found on the Westlaw TWEN page associated with this course. You are responsible for checking the TWEN page and for reading any assigned materials posted to the TWEN page.

5. Grading and Evaluation

This course will be graded as follows:

   a. Final Examination (60%). The final examination will be a comprehensive take home exam. I will provide more details about the final later in the semester. The final exam
will be distributed on the final day of classes and will be due on Monday, December 12, 2016.

b. Preparation and Class Participation (10%). As an advanced upper level class, participation is critical both to your enjoyment of the subject and your mastering of the material. As such, participation is part of your final grade. I will discuss class participation further during our first class.

Students will not be permitted to “note out” in this course. Each student will, however, be permitted one (1) pass during the semester. To exercise your pass, simply say “Pass” when called upon.

c. Mock Sentencing Hearing (10%). Towards the middle of the semester, students will be broken into teams, and each team will be assigned to one side of a sentencing issue. The respective teams will each prepare a presentation to the class regarding their position, during which the team will discuss its strongest arguments. Team presentations will be graded on a scale from 1 to 10.

Further details regarding the assignment will be distributed later in the semester.

d. Poster Presentation (WAC) (20%). Each student will be required to research a sentencing issue and create a poster presentation regarding the issue. More details regarding the research project and the poster presentations will be provided during the semester. Posters will be graded on a scale from 1 to 20.

6. Attendance Policy

Attendance is required, and you may miss no more than six (6) classes during the semester. This maximum number of class absences includes absences due to illness (except in extraordinary situations, which will be addressed at my sole discretion on a case-by-case basis). As such, do not use up all of your absences early in the semester. Please also note that students who arrive in class visibly ill will be required to leave and will be counted as absent. Those exceeding the maximum number of absences will be subject to the ramifications described in the Law School’s attendance policy. See School of Law Rules III.5(e)-(f).

It is anticipated that this class will also include a prison visit. This prison visit is mandatory and students may be involuntarily withdrawn from the course should they miss the event. Because the prison visit will likely take much of the day, this visit may conflict with your other classes. As such, please take note of this possibility when utilizing permitted absences in other classes. You will not be excused from the prison visit because you have utilized all of your available absences in other classes. I will alert you as soon as possible to the date of this prison visit.

As part of this course, you will also be required to attend federal court to observe some sentencings. I will offer you a series of available dates from which to select. The final dates are outside of my control and are determined based on the court’s calendar. I will alert you to the
available dates as soon as possible. After your court visit, you will be required to post a short think piece regarding what you observed on our TWEN page. This will allow you to share your experience with me and other students in the class.

An attendance sheet will be distributed at the beginning of each class. Please sign the attendance sheet acknowledging that you are (1) present, and (2) prepared to participate in the class discussion. If you are late for class, you may not sign the attendance sheet and will be counted as absent. You may not sign for anyone but yourself.

7. **Classroom Etiquette**

Please be courteous to your fellow students during classroom discussion. This includes ensuring that all cell phones are turned off prior to the beginning of class. If you have an emergency that requires you be available by cell phone, simply let me know before class begins.

8. **Reading Schedule**

I will post the reading schedule for each two to three week period well in advance. This will ensure that if we need to spend extra time on a particular concept, we can do so without having to constantly adjust an already published reading schedule.

9. **Workload Expectations**

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” This is a 3-credit hour class, meaning that we will spend two 75-minute blocks of time together each week. The amount of assigned reading and out of class preparation should take you about 3 hours for each class session and 6 hours for the week. All told, applying the ABA standard to the number of credits offered for this class, you should plan on spending a total of **9 hours per week (3 in class and 6 preparing for class)** on course-related work.

10. **Video Recording of Class**

This class is not being recorded. If you miss class, you will not have access to a recording of the class. Students may not personally audio or video record class meetings.

11. **S/U Grading**

The grades of students who have elected to take this course with S/U grading will be converted by the Registrar according to the following scale: 2.1 or greater = Satisfactory; below 2.1 = Unsatisfactory. Only students who receive a Satisfactory grade will earn academic credit for the course.”
12. **Students with Disabilities**

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. [http://disabilityservices.siu.edu/](http://disabilityservices.siu.edu/). Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

13. **Saluki Cares**

The purpose of Saluki Cares is to develop, facilitate and coordinate a universitywide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), [http://salukicares.siu.edu/index.html](http://salukicares.siu.edu/index.html). At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is judiray@siu.edu, and her phone number is (618) 453-3135.

14. **Emergency Procedures**

Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on the BERT’s website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Public Safety’s website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in the Emergency Response Guidelines pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The BERT will provide assistance to your instructor in evacuating the building or sheltering within the facility.