1. Course Description and Learning Objectives

Are you interested in learning about criminal law and advocacy from the beginning of a criminal investigation through sentencing? This capstone course takes the knowledge you’ve acquired in earlier criminal law courses and puts it to the test in a realistic, semester-long, hands-on hypothetical criminal investigation and prosecution.

Using Professor Dervan’s book, *Peeling the Orange: White Collar Crime Trial Problem*, you will learn what it is like to be involved in a criminal case through analysis of a complex hypothetical that starts with the FBI executing a search warrant. You will then consider the case from different roles, including the prosecution, defense counsel for the corporation, and defense counsel for individuals. During the semester, you will learn substantive law and participate in skills training (including mock proceedings), including the following:

- Handling Government Search Warrants
- Investigating the Case
- Grand Jury Subpoenas and Parallel Proceedings
- Making Presentations to the Government
- Plea Offers, Deferred Prosecution Agreement, and Non-Prosecution Agreement
- Cross-Examination of Government Witnesses
- Jury Instructions and Closing Argument
- Sentencing, Prison Preparation, and Collateral Consequences
Learning Objectives:

- Knowledge and understanding of substantive and procedural law. Students will learn a basic understanding of select crimes used in the prosecution of white collar crime and the procedural aspects surrounding a white collar prosecution.

- Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context. Students will research and draft legal documents used in a white collar prosecution. They will learn techniques for giving an opening statement, cross-examination, and closing arguments in a white collar case. They will also learn analysis and reasoning in making a presentation to the government on the part of a criminal defendant.

- Exercise of proper professional and ethical responsibilities to clients and the legal system. Students will learn about a variety of ethical issues that arise during client retention and during the investigation of a white collar case.

- Other professional skills needed for competent and ethical participation as a member of the legal profession. Throughout this course, students will be exposed to basic trial skills that are important in ethically representing a client in a white collar case.

2. Class Time and Room

This class meets Tuesdays and Thursdays from 8:30am – 11:00am during weeks 2 (Jan. 24 & 26), 4 (Feb. 7 & 9), 6 (Feb. 21 & 23), 10 (March 28 & 30), and 12 (April 11-13) of the semester. The course meets in room 108 of the Law School.

3. Contact Information

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

b. Office Hours. My scheduled office hours are as follows: Wednesday 10:00am – noon during weeks 1, 2, 4, 6, and 10. You can also meet with me outside these times, so please feel free to stop by my office if the door is open. You can also email, text, or call me to schedule a time to meet. We can meet in person, via telephone, or via Skype. 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 also often send messages through the TWEN page, so ensure your email is properly linked to your registration for our TWEN page.

4. Course Materials

Many of the materials for this course will be posted on TWEN. You are responsible for checking the TWEN page and reading any assigned materials posted to the TWEN page. We will also use the following during the semester:

5. Grading and Evaluation

This course will be graded as follows:

a. Course Writing Assignments (60%). This course will include several writing assignments. These materials will be graded and returned to you. Writing assignments will include:

- Drafting an indictment.
- Drafting a memorandum to the government arguing why CFC should not be indicted and proposing a resolution to the investigation of the corporation.
- A five-page paper (double spaced, 12 pt font) regarding a topic related to the hypothetical case. You can select the issue you wish to research. As described below, you will also present on this research during our last class of the semester.

Further information will be provided regarding these assignments during the semester.

b. Presentations (10%). On Thursday, April 13, students will give a significant presentation to the class regarding a topic they have researched during the semester related to the hypothetical case. Further details regarding the presentations will be given later in the semester.

c. Preparation and Class Participation (30%). As a simulation course that takes you through a case and includes mock proceedings, participation is an important part of this course. Your participation in the course will be graded generally. Further, certain exercises, such as opening statements, will be graded specifically. More information will be provided regarding the graded mock exercises during the semester.

6. Attendance Policy

Attendance is required, and you may miss no more than one (1) class during the semester. If you miss a class during which a graded exercise is conduct, you will receive a zero for that assignment. The above 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).

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 and class schedule on TWEN.

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 course comprised of (a) in-class meetings, (b) class preparation, (c) some online modules, and (d) drafting several written items. Regarding class meetings, you should expect to spend six hours preparing for each class meeting. The additional hours for this course will be spent completing your online modules and written submissions.

10. **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.”

11. **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.

12. **Video Recording of Class**

No classes will be recorded.

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, 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, Department of Public Safety’s website 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.