

**DEATH PENALTY SEMINAR  
FALL 2009 – SYLLABUS**

- Class 1 – September 8: Welcome to our Death Penalty Seminar. In the first part of the semester, we will be delving into the foundation for modern death penalty jurisprudence. For the first class, start by reading the introductory materials which appear at pages 2-27 of our casebook entitled *Cases and Materials On The Death Penalty*, Second Edition, by Rivkin and Shatz. This material includes the case study of a “sample” death penalty case, *People v. Babbitt*, an outline of arguments for and against the death penalty and a history of the death penalty in the United States. Then read Justice Blackman’s critique of death penalty jurisprudence in *Callins* at p. 818-828 followed by *Death: The Ultimate Run-On Sentence* by Kozinski and Gallather, at pages 828-840 of the casebook, which responds to Blackman.
- Class 2 – September 15: Read the following cases: *Furman* at pages 46-76 of the casebook; *Gregg, Woodson and Jurek* at pages 76-109; *Lockett* at 169-176; and the Stevens & Scalia opinions in *Walton* at pages 190-200 of the casebook.
- Class 3 – September 22: Read pages 3-53 of Sister Helen Prejean’s *Death of Innocents*. Read *Atkins* and *Roper* at pages 224-262 of the casebook and *Panetti v. Quarterman*, No. 06-6407 (June 28, 2007). These cases deal with the use of the death penalty in cases involving mental retardation, mental illness and juveniles. Go to the website [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org) and read the sections on mental retardation, mental illness and juveniles.
- Class 4 – September 29: In this class we will move into the particular problems in litigating the capital case. Read pages 368-399 of the casebook which deal with the role of counsel in death penalty cases. Review in particular the note problems on page 398. Review the ABA Guidelines in casebook pages 416-419.
- Class 5 – October 6: Read the cases and notes from pages 272-306 of the casebook including the *Miller El* and *McCleskey*. Review the section on race and the death penalty on the website [www.deathpenaltyinfo.org](http://www.deathpenaltyinfo.org). In particular, read the report entitled *Chattahoochee Judicial District: Buckle of the Death Belt: The Death Penalty in Microcosm* which is posted in the race section of the website.
- A midterm project—an essay—will be assigned following Class 5 or 6, and will account for 25% of the final grade.
- Class 6 – October 13: Read pages 462-495 of the casebook which deals with the procedural requirements of the penalty hearing including the role of the jury, and *Kansas v. Marsh*, 126 S. Ct. 2516 (2006). Also, read pages 549-551 on capital jurors’ assessment of the evidence.

- Class 7 – October 20: Read pages 498-536 of the casebook which includes the case of *Barefoot v Estelle* and the article entitled *Travels With Dr. Death*.
- Class 8 – October 27: Read the overview of federal habeas corpus on pages 643-653 of the casebook. Then read the case of *Herrera v. Collins* at 662-677 and *Williams (Terry) v. Taylor* on pages 585-701. Review the federal habeas corpus statute on the appendix of your casebook which starts at page 883 and, in particular, focus on 28 U.S.C. § 2254 which starts on page 886.
- Class 9 – November 3: Read the case of *Coleman v. Thompson* at page 712-723 including the dissent by Justice Blackmun about the doctrine of federalism. Read the note on page 724-725 and then *Williams (Michael) v. Taylor* at 739-749.
- Class 10 – November 10: Read pages 793-817 of the casebook which deals with the death penalty in the international context.
- Class 11 – November 17: Materials on the strategies involved in trying a death penalty case will be provided to you.
- Class 12 and 13: End of semester project. You will be assigned a case or issue which is currently working its way through the federal courts. You will “decide” the issue and write the majority opinion of the Supreme Court of the U.S. You will defend your opinion in a class discussion. Four students will be assigned the same issue but you will write an individual opinion. You will defend your opinion in a panel discussion with the other students who were assigned the same topic.