

Criminal Law

In this subject, CALI has Lessons and Podcasts. There are also Casebook Correlations and a CALI Topic Grid available on the CALI website to aid you in assigning lessons.

CALI Lessons:

Accomplice Liability - Actus Reus Requirement

This is one in a series of lessons on accomplice liability. In earlier lessons, we examined how accomplices were classified under the common law and the Model Penal Code. In addition, we examined the mens rea requirement for accomplice liability. In this lesson, we continue the discussion by examining the actus reus requirement of accomplice liability. This lesson is intended for students who have studied these issues in class, and who wish to further refine their knowledge and understanding of the topic.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Accomplice Liability - Definitional Issues

At common law, a distinction was made between the perpetrator of a crime, and the perpetrator's accomplices. In this lesson, we examine the common law definitions that applied to accomplices, and modern approaches to complicity, including the Model Penal Code. This lesson is intended for students who have studied these issues in class, and who wish to refine their knowledge and understanding.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Accomplice Liability - Mens Rea

This lesson continues our discussion of accomplice liability. In a prior lesson, we examined how the common law and the Model Penal Code classified various types of accomplices. In another prior lesson, we examined the actus reus requirement for accomplice liability. In this lesson, we continue the discussion by focusing on the mens

rea requirement for accomplice liability. The lesson is intended for students who have studied these issues in class, and who wish to refine their understanding and knowledge of the topic.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Actus Reus

This exercise provides an introduction to the act requirement. In particular, it addresses the definition of "act," voluntariness, liability for omissions (failures to act), and possession offenses.

Lesson Completion Time: 40 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Ambiguous Culpability Requirements

This is the second in a series of lessons on culpability requirements under the Model Penal Code (MPC). This Lessonette® exercise, which assumes students are familiar with the basic requirement that every material element have a state of mind, addresses the state of mind that applies to each element when one or more states of mind are contained in an MPC criminal statute. The lesson introduces students to the various types of elements in MPC statutes and to the general rule, found in § 2.02(4), that where a state of mind is specified, it applies to all material elements unless a contrary purpose plainly appears. The lesson affords students the opportunity to practice the default rules relating to states of mind on mock statutes and to learn how the legislature expresses a contrary purpose.

Lesson Completion Time: 35 minutes

Author: Ellen Suni, Dean, Marvin Lewis Rich Faculty Scholar and Professor of Law University of Missouri - Kansas City School of Law

Battered Woman's Syndrome

This is a Lessonette® exercise on battered woman syndrome with respect to the defense of self-defense. Over the last few decades, there has developed in the legal literature a recognition of this, and other similar syndromes, in the context of homicide cases. The situation of an abused person who kills the abuser raises questions about the basis for a defense of self-defense in circumstances that might not easily fit into the traditional self-defense mold. Though courts allow the defense in many cases, the invocation of the defense still presents problems in certain situations. The purpose of this lesson is to explore those varying circumstances and the issues raised with respect to the possibility of a defendant invoking the defense of self-defense.

The focus of this lesson is on battered women, but there are others who might be identified as qualifying for a defense on the same theory. Included could be battered husbands, elderly parents, children, and so forth. Thus, this lesson will explore a number of the issues involved in the invocation of self-defense by such persons and to allow the student to test his or her understanding of how the defense works in such circumstances. The lesson explores when and how the defense can be invoked in various scenarios involving abused persons, and also considers the use of experts and jury instructions.

The lesson assumes a beginner's understanding of self-defense principles. However, working the lesson will also serve to enhance that understanding.

Lesson Completion Time: 40 minutes

Author: Norman Garland, Professor of Law Southwestern Law School

Causation

This exercise provides an overview of the concept of causation. Factual cause is distinguished from legal cause, and causation in general from mens rea and attempt. Specific issues covered include simultaneous causes, different victim, different manner, and different injury.

Lesson Completion Time: 35 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Concurrence

This is a basic lesson covering the common law doctrine of concurrence. At common law, crimes required not only an actus reus and a mens rea but concurrence of the two. Through use of scenarios involving the common law crimes of murder, robbery, burglary and larceny (which are briefly introduced), the requirements for concurrence are explored. In addition, also through the use of scenarios, the doctrine is distinguished from the related doctrines of causation and mistake. Finally, concurrence as to attendant circumstances is also addressed. After completing this lesson, the student should have a working knowledge of the common law doctrine of concurrence and some understanding of how modern common law jurisdictions deal with the issues raised by this doctrine. The lesson contains practice questions in a separate section that can be done independently of the lesson itself.

Lesson Completion Time: 25 minutes

Author: Ellen Suni, Dean, Marvin Lewis Rich Faculty Scholar and Professor of Law University of Missouri - Kansas City School of Law

Consent

This lesson explores the various ways in which the criminal law considers victim consent. Topics include consent as negating an offense element, consent as justification, effective consent, and limitations on consent as a defense.

Lesson Completion Time: 35 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Constitutional Limitations: 8th Amendment

This exercise provides a general overview of the Eighth Amendment as it applies to substantive criminal law. It outlines the Amendment's potential scope as well as its actual reach, as defined by the U.S. Supreme Court. Procedural criminal law (and the Court's capital punishment jurisprudence in particular) is ignored, except insofar as it bears on substantive criminal law or helps to define the Amendment's scope.

Lesson Completion Time: 35 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Constitutional Limitations: Legality

In this exercise, students get an overview of the principle of legality. Legality is divided into four subtopics: legislativity, retroactivity, vagueness, and lenity, which are addressed in turn. Particular attention is paid to the following issues: constitutional foundations; applicability to the states; applicability to the making or the interpretation of criminal laws, and to the legislature or the judiciary; applicability to criminal and civil law, and to substantive and procedural criminal law in particular.

Lesson Completion Time: 30 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Defense of Others

This Lessonette® exercise covers the subject of defense of others. In many respects an actor's right to defend another parallels his or her right to defend himself or herself. However, there are some specific exceptions and nuances that must be understood. It is the purpose of this lesson to cover those specifics and nuances in the context of some classic scenarios.

The justification defense of defense of others derives from two or three analogous old common law defenses: defense of self, prevention of crime, and perhaps protection of property. This lesson seeks to inform the student on the relationship of the defense of others to those other defenses. Although familiarity with those other defenses might assist

a student working the lesson, one could learn about these other defenses from the lesson in the first instance.

The lesson contrasts the common law rules relating to the defense of others with the Model Penal Code provisions, as applied in recurring scenarios. The lesson also looks at jury instructions on defense of others. And, finally, the lesson focuses on the special rules relating to the duty to retreat in the context of the defense of others.

Lesson Completion Time: 25 minutes

Author: Norman Garland, Professor of Law Southwestern Law School

Duty to Retreat

This Lessonette® exercise covers the subject of the duty to retreat as a requirement for the justification defense of self-defense. This lesson reviews the common law and current status of the duty to retreat. This subject matter is not particularly complicated, but there are some details that require close scrutiny.

The lesson assumes some understanding of the duty to retreat as integrated into the defense of self-defense. One who works the lesson will pinpoint the nuances of issues that arise in the context of current issues relating to the duty to retreat, exceptions to the requirement of retreat.

Finally, the lesson focuses on appropriate instructions to the jury on the duty to retreat.

Lesson Completion Time: 25 minutes

Author: Norman Garland, Professor of Law Southwestern Law School

Excuses I: Duress, Entrapment, Mistake

Excuses I provides a general introduction to excuse defenses by placing them within the larger context of the analysis of criminal liability. More specifically, Excuses I covers duress, entrapment, and mistake (or "ignorance"). Insanity and infancy are covered in Excuses II.

Lesson Completion Time: 40 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Excuses II: Insanity and Infancy

Excuses II covers the excuses of insanity and infancy. As in Excuses I, the connection between these defenses and other issues in the analysis of criminal liability is emphasized. Excuses II is a freestanding exercise and provides a general introduction to the concept of an excuse. Still, it's probably best used in conjunction with Excuses I.

Lesson Completion Time: 30 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Homicide (Causation - Part II)

This is one of a series of lessons on homicide, and one of two lessons on the topic of causation as applied in homicide cases. Although some crimes require only a mens rea and an actus reus (and, perhaps, an attendance circumstance), other crimes are "result" crimes in that they also require proof that defendant "caused" a particular result. Homicide is the quintessential result crime. This lesson builds on an earlier lesson dealing with causation in homicide cases by focusing on the Model Penal Code's approach to causation. This lesson is intended for students who have studied the MPC's causation provisions in class, and who wish to refine their understanding of the topic.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Homicide (Causation)

This is one of a series of lessons on homicide, and one of two lessons on the issue of causation in homicide cases. While some crimes require only a prohibited act, with the necessary mental state, other crimes are referred to as "result" crimes. In other words, in order to be convicted, the defendant must "cause" a prohibited result (with the required mens rea and with proof of required attendant circumstances). Homicide is the quintessential result crime in that defendant must have "caused" the death of another in order to be convicted. In this lesson, we explore the concept of causation (both actual and legal) in an effort to determine when, and under what circumstances, a defendant should be criminally accountable for the death of another. This lesson is intended for students who have studied these issues in class, and who wish to refine their knowledge and understanding of the topic.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Homicide (Defining Death and Life)

This is one of a series of lessons on homicide, and it examines the definitions of "death" and "life" for purposes of the law of homicide. Homicide is a "result" crime in that defendant must have caused the death of another person, and questions necessarily arise regarding when life begins and when life ends. In this lesson, we explore questions related to the definition of death and life in the law of homicide. This lesson is intended for students who have studied these issues in class, and who wish to refine and enhance their knowledge of the topic.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Homicide (Felony Murder)

This is one of a series of lessons on homicide, and it deals with the topic of felony murder. At common law, one way to commit murder was to show that defendant caused the death of another during commission of a felony (the so-called "felony murder doctrine"). This lesson examines that doctrine. It is intended for students who have studied the doctrine in class and who seek to refine their knowledge and understanding of the doctrine.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Homicide (Involuntary Manslaughter)

This is one of a series of lessons on homicide. In earlier lessons, we focused on the crime of murder, examining the common law, modern statutes and the Model Penal Code formulation. In this lesson, we continue our examination of homicide by focusing on the crime of involuntary manslaughter. This lesson is intended for students who have studied these issues in class, and who wish to refine and enhance their knowledge and understanding of the topic.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Homicide (Murder by Degrees)

At common law, as well as under modern statutory codes, the crime of murder was defined as a homicide committed with "malice aforethought." Some modern statutes

divide the crime of murder into degrees. In this lesson, we examine these statutes in an effort to see when and how they apply. The lesson is intended for students who have studied the murder by degree statutes in class, and who wish to refine and enhance their knowledge and understanding of the topic.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Homicide (Murder)

At common law, as well as under modern statutory codes, the crime of homicide was (and is) divided into various component crimes. In addition to the crime of murder, the most serious crime, there are other crimes (e.g., voluntary manslaughter, involuntary manslaughter, etc.). This lesson provides an overview of the crime of murder by examining how that crime was handled under the common law, as well as how it is handled under the Model Penal Code, and other modern statutory approaches. Subsequent lessons will provide more detailed examination of these topics. This lesson is intended for students who have studied the crime of murder in class, and who wish to refine and enhance their knowledge and understanding of the topic.

Lesson Completion Time: 35 minutes (20 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Homicide (Unlawful Act Manslaughter)

This is one of a series of lessons on homicide. Earlier lessons provide an overview of the crime of homicide, and individual lessons focus on such topics as murder, manslaughter and other crimes. This lesson focuses on the so-called unlawful act manslaughter doctrine. The lesson is intended for students who have studied this doctrine in class and who wish to refine their knowledge of the topic.

Lesson Completion Time: 40 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Introduction to Homicide

This lesson provides a basic overview of the law of homicide. It is an introductory lesson to get you started on distinguishing criminal from noncriminal homicide, identifying the elements of homicide, and analyzing the varying degrees of homicide. The lesson guides you through applying the basic concepts of actus reus, mens rea and causation to homicide offenses and provides an analytical framework for approaching homicide

problems. Finally, it provides separate practice questions and an opportunity to try out the problem-solving approach on an exam-type question.

Lesson Completion Time: 25 minutes

Author: Ellen Suni, Dean, Marvin Lewis Rich Faculty Scholar and Professor of Law
University of Missouri - Kansas City School of Law

Justification Defenses: Excuse Defenses Distinguished

This Lessonette® exercise focuses on the distinctions between justification and excuse defenses. Many of the major legal scholars and commentators have distinguished justification and excuse defenses. However, the modern view often blurs the distinction. This lesson points out the principal theoretical distinctions as well as the areas of substantial confusion or controversy with respect to classification, both at common law and under the Model Penal Code. The lesson also describes those circumstances in which classification one way or the other makes a difference.

The student approaching this lesson should have a basic understanding of various defenses, both under the common law and the MPC. Working the lesson should significantly add to that student's ability to distinguish various defenses based on the classification of each with respect to justification versus excuse. In addition, the student should enhance his or her ability to articulate the theory and consequences of such classification.

Lesson Completion Time: 30 minutes

Author: Norman Garland, Professor of Law Southwestern Law School

Minimum Culpability Requirements Under the Model Penal Code

This is an elementary lesson that introduces the concept of default rules in the Model Penal Code. It focuses on several sections of MPC § 2.02 relating to minimum culpability requirements. After completing this lesson, students should understand that, except in rare cases, the MPC requires a state of mind as to every material element of an offense, and that generally recklessness is the minimum level of culpability required. Students will also obtain a working knowledge of the terminology of the MPC, including elements, material elements and the various states of mind. They will also be introduced to the hierarchy of states of mind expressed in § 2.02(5). This lesson uses sample statutes and scenarios to allow students to practice applying the default rules and hopefully to provide an understanding of why default rules are desirable.

Lesson Completion Time: 35 minutes

Author: Ellen Suni, Dean, Marvin Lewis Rich Faculty Scholar and Professor of Law
University of Missouri - Kansas City School of Law

Mistake as to the Law Defining the Offense

This lesson addresses the oft-stated maxim that ignorance or mistake of law is no defense and examines its relevance under the Model Penal Code. Using sample statutes and scenarios, it demonstrates that, as a general principle, no state of mind is required as to whether a defendant's conduct constitutes an offense. The Lesson explores the policies behind the rule and its "reasonable reliance" exceptions. Students have an opportunity to practice applying the various exceptions and to gain an understanding of the burden of proof regarding the reasonable reliance defense.

Lesson Completion Time: 25 minutes

Author: Ellen Suni, Dean, Marvin Lewis Rich Faculty Scholar and Professor of Law
University of Missouri - Kansas City School of Law

Mistake Under the Model Penal Code: Mistake as to Defenses

This is an advanced lesson. It assumes the student has the ability to identify the state of mind required for each element of an offense and defense based on MPC default rules of construction and has an understanding of basic principles of mistake set out in § 2.04. Using scenarios involving abandonment in burglary, choice of evils and self-defense, the lesson demonstrates how ignorance or mistake as to an element of a defense is treated under the MPC. This lesson relies heavily on MPC Commentary to explain the rules and policy behind mistake as to defenses. It carries through the theme of punishing defendants at the level of their personal culpability.

Lesson Completion Time: 30 minutes

Author: Ellen Suni, Dean, Marvin Lewis Rich Faculty Scholar and Professor of Law
University of Missouri - Kansas City School of Law

Mistake Under the Model Penal Code: Mistake as to Elements of Offenses

This Lessonette® exercise, which assumes basic understanding of the default rules of construction, introduces the concept of mistake under the Model Penal Code. It is fairly basic in its coverage. The lesson introduces the MPC approach to mistake and relates it to common law doctrines. Using sample statutes and scenarios, it shows the relationship between the required state of mind and mistake and demonstrates how reasonableness is not generally required in MPC analysis. It then covers the difficult concepts addressed in § 2.04(2) (guilt of lesser offenses where defendant makes a "culpable" mistake) and explores the policy underpinnings of this rule. At the conclusion of the lesson, students should have an understanding of how the MPC deals with claims of ignorance and mistake. The lesson provides a separate section of review/practice questions.

Lesson Completion Time: 35 minutes

Author: Ellen Suni, Dean, Marvin Lewis Rich Faculty Scholar and Professor of Law
University of Missouri - Kansas City School of Law

Omissions

In the criminal law, culpability can be premised upon either an "act" or (in appropriate cases) an "omission" to act. In this lesson, we examine the concept of culpability for omissions, and we explore the limits of criminal culpability. This lesson is intended for students who have studied these issues in class, and who wish to further refine their knowledge.

Lesson Completion Time: 45 minutes (25 minutes without the essay)

Author: Russell Weaver, Professor of Law and Distinguished University Scholar, Louis D. Brandeis School of Law at the University of Louisville

Plea & Discovery

These two exercises are offered to familiarize students with what prosecuting and defense attorneys do from the time an investigation begins until trial preparation and why they do it. Special attention is given to correspondence, pleadings, and the guilty plea. The framework for both exercises is federal practice.

Lesson Completion Time: 1 hour

Author: Frank Tuerkheimer, Robert L. Habush-Bascom Professor of Law, University of Wisconsin Law School

Pre-indictment & Charge

These two exercises are offered to familiarize students with what prosecuting and defense attorneys do from the time an investigation begins until trial preparation and why they do it. Special attention is given to correspondence, pleadings, and the guilty plea. The framework for both exercises is federal practice.

Lesson Completion Time: 1 hour

Author: Frank Tuerkheimer, Robert L. Habush-Bascom Professor of Law, University of Wisconsin Law School

Presumption of Innocence (Burden of Proof and Presumptions)

This exercise provides a general introduction to constitutional limitations on the assignment of burdens of proof and the creation of evidentiary presumptions.

Lesson Completion Time: 35 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Punishment: Theories

This exercise introduces students to the four standard theories of punishment, retribution, deterrence, incapacitation, and rehabilitation. It familiarizes students with the basic features of each theory in the context of particular statutory provisions and hypotheticals drawn from the law of crimes (substantive criminal law) and the law of punishments (sentencing law).

Lesson Completion Time: 30 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Self-Defense

This is a Lessonette® exercise dealing with the basic justification defense of self-defense. Most of us would name self-defense as the primary justification defense; and, it is perhaps the most common or familiar of all defenses. Yet self-defense has roots in other defenses at early common law. Therefore, this lesson begins with a consideration of those roots. Moreover, there is considerable overlap between the various defenses, even when one agrees on classification. Thus, understanding the basics of self-defense is essential to understanding many or all of the justification defenses. The purpose of this lesson is to present very simply the elements of self-defense. Even a student who is just beginning the study of defenses should be comfortable working this lesson.

Lesson Completion Time: 25 minutes

Author: Norman Garland, Professor of Law Southwestern Law School

Sources of Criminal Law

This exercise provides an overview of the sources of American substantive criminal law. Particular attention is paid to the Model Penal Code and the U.S. Sentencing Guidelines.

Lesson Completion Time: 10 minutes

Author: Markus Dubber, Professor of Law University of Toronto

Suspendatur!

This exercise is designed as a review for students taking the basic first year course in criminal law. *Suspendatur!* (Latin for “let him be hanged”, the final entry in medieval plea rolls in capital cases) is patterned after the familiar game of hangman, in which each wrong answer adds a part to a stick figure on the gibbet. The student must answer multiple choice and true-false questions based on hypothetical situations. Each right or wrong answer provides substantive feedback in what aims to be at least a mildly humorous fashion.

Lesson Completion Time: 2 hours

Author: Daniel Moriarty, Professor of Law, Albany Law School

The Confrontation Clause

This lesson, which emphasizes Supreme Court decisions about the sixth amendment's requirement that an accused be confronted with the witnesses against him, should be helpful to teachers of evidence and criminal procedure. The lesson is designed to be useful both for students who have, or for those who have not, studied the cases. Students with some exposure to this material will encounter a challenging set of hypotheticals that will thoroughly test their understanding. Students who are new to the material can work their way through the same problems; and when they do not provide the best answer, they will encounter suggestions for rethinking or reconsidering their response in light of new information. Appropriate feedback appears whether the student's answer is correct or incorrect. The lesson begins by noting the overlapping purposes of the hearsay rule and confrontation clause, but it also highlights the differences between the two. The lesson contains links to carefully edited versions of the relevant cases.

Lesson Completion Time: 0.5 - 1 hours

Author: Marianne Wesson, Professor of Law and Wolf-Nichol Fellow, University of Colorado School of Law

The Mens Rea of Attempts

This Lessonette® exercise is one of several addressing the offense of criminal attempt as set forth in the Model Penal Code. In this lesson, students consider broad concepts

relating to the law of attempts, such as what mental state, if any, should be required for punishing an incomplete offense (with reference to theories of punishment), how the punishment of an attempt should compare to that for a completed offense, and how certain crimes not so labeled are actually particular kinds of attempt offenses. It then examines the mens rea for an attempted offense, highlighting the distinction between knowledge and purpose, and further distinguishing purpose as to conduct from purpose as to result.

Lesson Completion Time: 20 minutes

Author: Rosanna Cavallaro, Professor of Law, Suffolk University Law School

The Mens Rea of Knowledge

Like the other Lessonette® exercises about mens rea, this lesson examines the mental state of knowledge as set forth in the Model Penal Code. It places knowledge in a continuum of mental states and seeks to familiarize students with the rationale for requiring knowledge and for punishing knowledge crimes differently from other offenses. The lesson also presents material to demonstrate how knowledge, a highly subjective mental state, can be proven through inferences of various kinds, and how proof of knowledge of a result might differ from proof of knowledge of conduct.

Lesson Completion Time: 20 minutes

Author: Rosanna Cavallaro, Professor of Law, Suffolk University Law School

The Mens Rea of Negligence

This Lessonette® exercise examines the mental state of negligence as set forth in the Model Penal Code. In particular, the lesson presents some material on the rationale for punishing at negligence level (or not), as well as examining the concept of "failure to perceive." Finally, the lesson examines the nature of the risk at issue in negligence, drawing particular attention to the Code terms "substantial" and "unjustifiable," and to the simultaneously subjective and objective aspects of the Code's definition of that risk.

Lesson Completion Time: 20 minutes

Author: Rosanna Cavallaro, Professor of Law, Suffolk University Law School

The Mens Rea of Purpose

In this Lessonette® exercise, students examine the mens rea of purpose as set forth in the Model Penal Code. The lesson contains some material that allow students to see purpose in relation to other levels of culpability, and to recognize and understand purpose as the highest and most subjective level of culpability. The lesson explores the Code term "conscious object," and also presents opportunities to consider the theoretical significance of requiring purpose as a condition of imposing criminal punishment, in terms of both retribution and negligence. Finally, the lesson examines certain rules

permitting presumptions and inferences that ease the difficulty of proving purpose to a factfinder.

Lesson Completion Time: 20 minutes

Author: Rosanna Cavallaro, Professor of Law, Suffolk University Law School

The Mens Rea of Recklessness

This Lessonette® exercise considers the mens rea of recklessness as defined in the Model Penal Code. After some material on the idea of a minimum level of culpability as a condition of punishment at common law, the lesson examines how recklessness operates as that minimum level in the Code. The lesson attempts to distinguish those mental states associated with greater and lesser culpability from that of "conscious disregard." It also examines the nature of the risk at issue in recklessness, drawing particular attention to the Code terms "substantial" and "unjustifiable," and to the simultaneously subjective and objective aspects of the Code's definition of that risk.

Lesson Completion Time: 20 minutes

Author: Rosanna Cavallaro, Professor of Law, Suffolk University Law School

Podcasts:

Causation: Criminal Law vs. Torts

In this Lawdible, Prof. Leslie Yalof Garfield of Pace Law School discusses the principles of causation, a concept addressed in several first year courses. Professor Garfield points out the difference and similarities between proving causation in Tort and proving causation in Criminal Law.

The discussion clearly highlights how the two concepts should be treated in each class. CALI Lesson pairings: Causation in Fact (Torts) and Causation (Criminal Law)

Run Time: 10:57 Minutes

Author: Leslie Yalof Garfield, Professor of Law, Pace Law School

Suspect's Right to Counsel

Both the fifth and the sixth amendments' rights to legal counsel may apply when authorities are seeking information from a suspect. But how are these rights different? And in what situations do either of these rights apply?

In this Lawdible, Suspect's Right To Counsel, Professor Edwin Butterfoss of Hamline University gives you a very straightforward checklist for tackling the legal questions involved with a suspect's right to an attorney.

CALI Lesson Pairings: Miranda I: Custody, Interrogation and Waiver and Miranda II: Assertion of the Rights, Exceptions, and Other Limits both written by Professor Butterfoss.

Run Time: 12:12 minutes

Author: Edwin Butterfoss, Professor of Law, Hamline University School of Law