

# CRIMINAL LAW (CRIM)

While every effort is made to ensure course lists are accurate, change is inevitable and courses may show alternate program restrictions at the time of scheduling. Courses used to satisfy graduation requirements must be designated as such at the time of registration. Not all courses are offered each year.

**CRIM 520 Criminal Law (3 Credit Hours)** This course introduces the student to substantive criminal law by reviewing the theories and rules for imposing criminal liability. The goal is to convey both a familiarity with modern criminal codes and an appreciation for the larger conceptual context in which the rules appear. The most important general doctrines are discussed, including those governing the interpretation of offense definitions, general defenses such as insanity and self defense, and doctrines imputing conduct to an actor, such as complicity and omission liability. Inchoate, and homicide offenses also are examined.

**CRIM 555 Criminal Law (Intellectual Property Program) (3 Credit Hours)** This course introduces the student to substantive criminal law by reviewing the theories and rules for imposing criminal liability. The goal is to convey both a familiarity with modern criminal codes and an appreciation for the larger conceptual context in which the rules appear. The most important general doctrines are discussed, including those governing the interpretation of offense definitions, general defenses such as insanity and self defense, and doctrines imputing conduct to an actor, such as complicity and omission liability. Inchoate, and homicide offenses also are examined.

**CRIM 601 Contemporary Problems In Criminal Procedure (3 Credit Hours)** This seminar gives the background to and probes a selection of the most pressing problems in contemporary criminal procedure. The course objectives are to provide enough of the historical background to modern problems so that those problems can be intensely examined. *Additional Course Information:* Satisfies Research Writing degree req

**CRIM 605 Therapeutic Criminal Justice (2 Credit Hours)** Using a comparative lens, this course will introduce a variety of therapeutic, restorative, and problem-solving mechanisms that have been developed and implemented in criminal justice systems both in US and worldwide. We will explore the potential of the criminal justice system, by adopting non-punitive notions of justice, to achieve goals that go beyond its classis, traditional goals, such as enhancing the well-being of its various stakeholders, empowering communities, restoring relationships between law breakers and victims, encouraging reconciliation, and providing holistic rehabilitation to offenders. The course will address the tension between the criminal justice system's traditional goals and the therapeutic-oriented goals. We will discuss the question of whether the criminal justice system is the right domain to promote therapeutic goals given potential risks of net-widening, stigmatization and its collateral consequences, deprivation of due process rights, paternalism, and coercion that arise when therapeutically oriented goals are promoted within the criminal legal regime, especially in societies that suffer from racial and socio-economic inequalities.

**CRIM 606 Historical Legacies: Race, Gender and Criminalization (3 Credit Hours)** This course will explore the way race has shaped gendered process of criminalization in the United States. Criminalization is a historically and geographically contingent process of constructing people as being worthy of punishment or denigration because of unlawful behavior or perceived dangerousness. Laws and policies surrounding immigration, child welfare, and family life—for women in particular—have also played central roles in processes of criminalization. This course will investigate historical intersections between race, gender, and processes

of criminalization by focusing on two things: the law's role in constructing the very meaning of race, gender, and criminality; and the experiences of women of color who have encountered laws and legal institutions. The format of the course will mirror a graduate student seminar. *Additional Course Information:* Satisfies Research Writing degree req

**CRIM 608 Practicum: Criminal Law (4 Credit Hours)** The goal of this Practicum is to provide students with an understanding of criminal process and the criminal justice system. Students participate in a weekly seminar discussing various readings relating to the criminal justice system. Past seminar topics have included: the Role of the Prosecutor and the Defender, Criminal Procedure Issues, Grand Jury Investigation, Indictment, Disclosure Obligations, Jury Selection, Jury Nullification, Federal Sentencing Guidelines and Sentencing Policy, Plea Agreements, Pleas Bargaining, and Ethical Obligations. Students are placed in public criminal law agencies including the United States Attorney's office, the Federal Defender's office, the State's Attorney's office, and the Public Defender's office. Students work under the supervision of attorneys in these offices for 12 to 16 hours a week (the U.S. Attorney's Office requires 16 hours per week) and, in addition to observing the proceedings in the offices and various courtrooms, conduct research, write briefs and memorandums, and assist attorneys in trial preparation and trial. Third year students with 711 licenses may have the opportunity to appear in court and to conduct courtroom proceedings under the supervision of their field supervisor. *Additional Course Information:* Counts toward Appellate Law Concentration, Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration, Counts toward Civil Litigation Dispute Res Conc

**CRIM 609A Practicum: Criminal Law Defense (4 Credit Hours)** The course is for second or third year students who have made arrangements for internships at public defender offices, federal defender offices, or similar agencies or non-profits focused on criminal defense representation. Enrollment is required for those seeking course credit for these internships. Students work under the supervision of attorneys in these offices for a minimum of 12 hours per week and, in addition to observing the proceedings in the offices and various courtrooms, these positions will involve legal research, writing briefs and memoranda, and assisting attorneys in trial preparation and trial. Third year students with 711 licenses may have the opportunity to participate in courtroom advocacy under the direction of a lawyer supervisor. This Practicum is designed to provide students with an understanding of criminal process and the criminal justice system. Students participate in a weekly seminar discussing their own experiences and various assigned readings relating to the criminal justice system. This semester, as distinguished from past years, the weekly sessions, with some exceptions, will be separate for students working on the defense side and those working on the prosecution side. Topics will include: the Role of the Prosecutor and the Defender, Criminal Procedure Issues, Grand Jury Investigation, Indictment, Disclosure Obligations, Jury Selection, Sentencing Guidelines and Sentencing Policy, Plea Agreements, Pleas Bargaining, and Ethical Obligations. Students will maintain a reflective journal about their field placement experience, and will be expected to contribute to the weekly class dialogue. Journal accounts will be considered in grading, as will a required substantive presentation to the class on a topic approved by the Professor that relates to the criminal justice system. Materials: Steve Bogira, Courtroom 302 ISBN-13: 978-0679752066.

**CRIM 609B Practicum: Criminal Law Prosecution (4 Credit Hours)** The goal of this Practicum is to provide students with an understanding of criminal process and the criminal justice system. Students participate in a weekly seminar discussing various readings relating to the criminal justice system. Past seminar topics have included: the Role of the Prosecutor and the Defender, Criminal Procedure Issues, Grand Jury

Investigation, Indictment, Disclosure Obligations, Jury Selection, Jury Nullification, Federal Sentencing Guidelines and Sentencing Policy, Plea Agreements, Pleas Bargaining, and Ethical Obligations. Students work in externships at the United States Attorney's office or the Cook County State's Attorney's office. Students work under the supervision of attorneys in these offices for 12-16 hours a week and, in addition to observing the proceedings in the offices and various courtrooms, conduct research, write briefs and memorandums, and assist attorneys in trial preparation and trial. Third year students with 711 licenses may have the opportunity to appear in court and to conduct courtroom proceedings under the supervision of their field supervisor. Students must maintain a reflective journal about their field placement experience and class discussions and respond each week to assigned questions designed to raise issues important to the Practicum. The journal is read and graded in two installments and each installment of the journal accounts for one-third of the course's grade. Students are required to make a substantive presentation to the class on a topic approved by the Professor that relates to the criminal justice system. This presentation and weekly class participation is graded and accounts for one-third of the course's grade.

**CRIM 610 Constitutional Criminal Procedure (3 Credit Hours)** This course provides a broad overview of the investigatory criminal justice process. It explores the interaction between the protection of individual constitutional criminal rights and the competing goals of the efficiency and accuracy in the criminal justice system. We will examine the Fourth, Fifth, and Sixth Amendments. Substantive areas covered include: (1) interrogations and confessions; (2) eye-witness identification procedures; (3) arrest, search and seizure; (4) eavesdropping and wiretapping; (5) the right to counsel; and (6) the exclusionary rule. Schedule permitting, we will also examine some of the strains placed on the criminal justice system by various aspects of the war on terror. *Additional Course Information:* Counts toward Appellate Law Concentration, Counts toward Law and Social Policy Concentration

**CRIM 612 Criminal RICO Prosecutions: (2 Credit Hours)** This seminar will explore federal criminal RICO law through the lens of actual public corruption and gang prosecutions. The class will be divided into two main segments. The beginning of the course will examine the basics of RICO law by focusing on learning the substantive elements and understanding the types of predicate offenses that can support a RICO prosecution. We will also compare substantive RICO and RICO conspiracy charges and consider other federal statutes that provide alternatives in some circumstances to using RICO. The remainder of the course will address RICO law through in-depth case studies of actual federal prosecutions. We will examine how RICO law is applied to criminal public corruption and gang prosecutions focusing primarily on two federal RICO cases. We will analyze the use of RICO by following those cases from indictment through the stages of a trial to the appeal. Students will apply legal principals learned during the first segment to an evaluation of real cases. This will include the opportunity to employ substantive RICO knowledge by arguing against a motion to dismiss a RICO indictment. *Additional Course Information:* Satisfies Prof Writing degree req

**CRIM 613 Abolition and the Law of Violence (3 Credit Hours)** This will be a seminar style course where students will spend the first half of the course learning about the statutory and regulatory framework that shapes governmental efforts to prevent and address crime and violence. During the second half of the course, students will work in teams of four (comprised of two law students and two Stateville students) on their own policy platform package. They will draft legislation, regulations and/or ballot initiatives, produce white papers identifying the problem their proposal aims to address and also produce op-eds/advocacy materials supporting their platform. The class will culminate in mock legislative hearings during which students will present their solutions to a panel of

local and state elected officials. *Additional Course Information:* Class dates follow University Quarter Schedule

**CRIM 614 White Collar Crime (2 Credit Hours)** This course will introduce students to the law governing the prosecution and defense of white collar crime. The course will cover the substantive law in the area such as mail and wire fraud, bribery, insider trading, perjury, and obstruction of justice. The course will also provide an overview of procedural and practical issues, such as the use of the grand jury, Fifth Amendment invocation, internal investigations, parallel civil and criminal proceedings, corporate compliance programs, and sentencing. Finally, the course will put these principles into context with case studies on past and recent white collar crime cases, and will draw on the instructors' experiences as both federal prosecutors and defense lawyers. Open to second and third-year law students. Students will be graded based on a final examination (75%) and class participation (25%). Text: White Collar Crime, Cases & Materials, Third Edition, By J. Kelly Strader and Sandra D. Johnson, with document supplement.

**CRIM 620 Criminal Process (3 Credit Hours)** Criminal Process examines the law governing lawyers and judges once the prosecution decides to press criminal charges against a suspect. This class covers, for example, prosecutors' discretion in charging, grand jury proceedings, discovery, jury selection, the defendant's right to counsel, and defense counsel's obligations at trial and in plea bargaining. In other words, the class picks up where Constitutional Criminal Procedure ends. Constitutional Criminal Procedure, however, is not a prerequisite. Evaluation: class participation and exam. *Additional Course Information:* Counts toward Appellate Law Concentration, Counts toward Law and Social Policy Concentration

**CRIM 621 Criminal Trial Practice (2 Credit Hours)** This course deals with the trial of a criminal case with focus on practical trial skills, strategy, and procedure. The course provides students with practical experience with the prosecution and defense of criminal cases. Prerequisite: CRIM 520 Criminal Law AND Pre-requisite OR Co-requisite: LITARB 635 Evidence/ LITARB 606 Evidence (ITA). *Additional Course Information:* Satisfies Experiential Learning degree req, Counts toward Law and Social Policy Concentration, Counts toward Civil Litigation Dispute Res Conc

**CRIM 626 Fed Crim Justice Practice (2 Credit Hours)** This course will integrate instruction on federal criminal issues and procedures with simulated practice by students. The course will cover federal criminal pretrial practice from investigation up to trial, and provide multiple opportunities for student performance to develop professional skills and understanding. In particular, the course will provide instruction on (i) federal investigation techniques and authority (Grand Jury/administrative subpoenas and search warrants); (ii) corporate internal investigations and related privilege and ethical issues; (iii) federal prosecution guidelines and charging decisions; (iv) initial appearances following arrest/indictment, and accompanying bail/detention proceedings (v) criminal discovery under the federal rules; (vi) pretrial motions and practice; and (vii) plea agreements (including deferred- and non-prosecution agreements) and cooperation. Students will be expected to engage in regular practice simulations related to the pretrial stages of a federal criminal case, overseen by the instructor. For example, students will conduct mock witness interviews in the context of a corporate internal investigation and draft accompanying interview memoranda, present motions and arguments seeking, and objecting to, pretrial detention, and prepare motions in limine seeking to exclude or admit evidence. Although the course will provide opportunities for oral and written advocacy, these opportunities will focus on pretrial proceedings rather than concern trial advocacy. PRE-REQUISITES/RESTRICTIONS: CRIM 520 Criminal Law is a pre-req for this course. *Additional Course*

*Information:* Satisfies Experiential Learning degree req, Satisfies Prof Writing degree req

**CRIM 627 Criminal Justice in Cook County: An Empirical Examination (2 Credit Hours)** This course will offer the students a close look at the Cook County criminal justice system in action and the opportunity for hands-on investigation into the Cook County criminal justice system. Part of a large-scale examination of how Cook County polices, jails, and adjudicates criminal offenses, the course will discuss contemporary and classic works on urban criminal justice processing, feature extensive interaction with Cook County criminal justice leaders and policymakers, and engage students in collecting data through court observations, interviews with lawyers and other participants in the system.

**CRIM 629 Justice, Equity, and Opportunity: Shifting Approaches to Criminal Justice Reform (3 Credit Hours)** The events revolving the death of George Floyd have proliferated the discourse about the criminal justice system in the United States, including the role of police and incarceration. Historically, this public discourse has been dominated mostly by media and political advocacy, with the balance of evidence-based policy solutions and political acumen receiving relatively short shrift. In this practicum, students will be trained to approach these issues from the perspective of a senior criminal justice policymaker in government who has practiced multiple theories of change, from community organizing to litigation. In turn, we will develop criminal justice policy intelligence and knowledge on the history, core themes, debates, and concepts, such as the movement to defund the police, abolish the cash bail system, and decriminalize drugs. The discussions will allow students to interrogate the extent to which efforts have been successful, imagine new strategies in the future, and learn from additional visiting guests, including politicians, community organizers, academics, artists, and formerly incarcerated individuals. We will exit with a sophisticated understanding of the skills and tools necessary to handle criminal justice policy problems raising complex legal, political and social questions. In addition to a seminar component examining criminal justice policy, students engage in a hands-on policy project involving identifying and defining key criminal issues, conducting primary and secondary research, analyzing research findings and making policy recommendations to a client in the criminal justice policy arena.

**CRIM 631 Sentencing Theory and Practice (3 Credit Hours)** The course examines theories of punishment and their practical application in the operation of American sentencing systems. The class meetings have three components: First, discussion of assigned readings will develop an expertise with punishment theory and with the challenge of translating the theory into practice in a working sentencing system. Second, the class will examine and each student will "sentence" the defendant in each of a series of real cases that present difficult sentencing issues. A team of students will argue each side of each case in class, followed by class discussion. Finally, several active sentencing judges will provide the class with information about a difficult sentencing that came before them, then will come to class to discuss the problems the case presented and how they handled the problems in their disposition of the case. Books/materials: von Hirsch & Ashworth, *Principled Sentencing*, 2nd edition, and US Sentencing Comm Guidelines manual, and xerox'd materials Method of evaluation: presentations and written work during term. Prerequisites: Criminal Law. Open to upperclass students only.

**CRIM 633 International Criminal Law & Atrocity Crimes (2 Credit Hours)** This class is about what the international community can and should do in response to atrocity crimes around the world. In terms of content, the class is a mix of international law and international relations. We will read both legal scholarship and political science scholarship to gain a broader perspective on atrocity crimes.

**CRIM 637 Criminal Procedure: Theoretical Foundations (3 Credit Hours)** This course examines the theoretical foundations of criminal procedure—political, historical, comparative, and above all philosophical. What are the ideas at work in the American system of criminal procedure? How, historically, did the system develop, and why does it presently function as it does? What do alternative systems look like? Is the system broken and, if so, what considerations should orient us in fixing it? What would a normative "theory of criminal procedure" look like? This course will take up these questions with a view toward developing different "big picture," synthetic perspectives on the procedural system. For students thinking about a career in criminal law, this course will equip you with the sort of large-scale thinking that enables lawyers to make arguments that rise above particular points of doctrine. For students interested in looking at the law from a theoretical perspective, this course will develop your ability to read and understand challenging theoretical texts, to write in the same vein, and to engage in academic discussion of the law at a high level of intellectual maturity. Course Particulars: This course is a seminar, with a heavy emphasis on reading, writing, and discussion. Grades will be based on general class participation (20%), presentations and other in-class assignments (20%), and the final paper (60%). I will approve all student requests for multi-draft papers. If you choose the one-draft paper option, the course will qualify for two credits. If you choose the two- or three-draft paper options, the course will qualify for three credits. Whichever option you choose, one of the goals of this course is to help you become a better writer, and in that spirit, we will discuss your final paper one-on-one before you start writing and you will get extensive feedback on it afterward. There are no prerequisites; in particular, an introductory course on constitutional criminal procedure is not required. This class meets the Research Writing Requirement. *Additional Course Information:* Meets Perspective Elective degree requirement, Satisfies Research Writing degree req

**CRIM 638 Criminal Justice Reform (3 Credit Hours)** The United States is at the cusp of a potentially significant period of criminal justice reform. There is an emerging consensus in both parties and all three branches of government that the criminal system is malfunctioning in ways that do profound damage to the country, but consensus stops there. On one side are those who think the root of the crisis is the American public, and the solution is to place control over the criminal system in the hands of officials and experts. On the other side are those who think the root of the crisis is a set of bureaucratic structures divorced from the American public's concerns and sense of justice, and the solution is to make criminal justice more community-focused. This course will examine criminal justice reform from two theoretical perspectives. We will first examine the two perspectives themselves. We will then bring the two perspectives to bear on three of the major headings of the contemporary crisis: criminalization, sentencing, and plea bargaining. We will close by examining some of the major proposals for policy reform. Course Particulars: This course is a seminar, with a heavy emphasis on reading, writing, and discussion. Grades will be based on general class participation (20%), in-class presentations (20%), and the final paper (60%). *Additional Course Information:* Satisfies Research Writing degree req

**CRIM 641 American Criminal Codes 2001: Rewriting the Illinois Criminal Code (3 Credit Hours)** In this course, students will act as an unofficial advisory panel to the Illinois Criminal Code Rewrite and Reform Commission, which is currently in the process of drafting a new Illinois Code. (Professor Robinson is the Commission's Reporter.) The first section of the course will introduce students to criminal law theory and problems and debates about criminal code drafting, using as the primary text Robinson, *Structure and Function in Criminal Law* and photocopied material. During the remainder of the course, students in

teams will present to the class critiques of code provisions on which the Commission is presently working. Another team will act as lead critics in the session, with the rest of the class joining in the discussion and voting for a final formulation. (Revised proposals, with accompanying commentary, will be formally submitted to the Commission for its use.) Those interested may obtain a more detailed description of the course and a provisional syllabus from Professor's Robinson's secretary in LM202. 75% classroom work, 25% final exam (1 hr., in class) Materials: (1) Robinson, *Structure and Function in Criminal Law* (Oxford 1997) (2) photocopied materials. *Additional Course Information*: Open to First Year Students

**CRIM 646 Race and the Criminal Justice System (2-3 Credit Hours)**

This seminar will try to answer one of the most sensitive questions facing Americans today: Why are African Americans grossly over-represented in the American criminal justice system? Some answer this question with a simple accusation that the system is racist in design and implementation, and point to familiar statistics to buttress their claim. African Americans are eight times more likely to be incarcerated than whites. As of 2004, over 12% of African American men between the ages of 25 and 29 were in custody. For under-educated young black men, the incarceration rates are simply astounding: in 2000, nearly one in five African-American men under 41 who had not attended college were in prison or jail. Yet these statistics, as dispiriting as they are, must open the debate, not end it. While no one credibly doubts the persistence of racially biased decision-making throughout the criminal justice system, the best evidence is that African Americans commit a disproportionate share of street crimes relative to their share of the population. In addition, some careful empirical research strongly suggests that overt discrimination plays a relatively modest role in producing the current state of play. The explanations for the disparities that haunt the criminal justice system are nuanced and complex, and therefore deserving of careful study. Absorbing lessons from a wide variety of disciplines, including history, sociology, political science, economics, and law, this seminar will try to shed light on this vexing American problem. Attendance, preparation, and participation are mandatory. Because the literature on this topic is voluminous, the readings for each class will range across a wide field. I expect the time commitment to be substantial. Still, there are no special course requirements. Grades will be based on class participation (15%) and a research paper (85%) due at the end of the term. Students may use this course to fulfill the two-draft or three-draft requirement. As part of the course, we will tour either the Cook County Jail or the Stateville Maximum Security Prison in Joliet, Illinois, the timing of which will be determined once registration is complete and we have a roster of students. To accommodate the visit, the reading schedule will be adjusted as needed. Evaluation Method: Paper and in-class participation Class Materials: David Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press 1997) Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* (New York: Oxford University Press, 1997) Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (Columbia University Press: 2005) Michael Tonry, *Punishing Race: A Continuing American Dilemma* (Oxford University Press 2011) Doris Marie Provine, *Unequal Under Law: Race in the War on Drugs* (University of Chicago Press 2007)

**CRIM 649 Children in Conflict with the Law (3 Credit Hours)** From 1990 until 2005 nine countries executed individuals under the age of 18 including the United States. In 2005 a bitterly divided Supreme Court ruled that executing individuals under the age of 18 violated the 8th amendment of the United States Constitution. In this course, we will examine the ever changing state of the legal system as it pertains to children and its changing constructions of childhood reflected in the laws

of crime and punishment. This course will use case law, studies, scholarly articles and opinion pieces to further explore the intersectionality of juvenile justice, race, sex, class, and explore contributing factors such as segregation, poverty, and the school to prison pipeline. Evaluation Method: Evaluation will be based on class participation/attendance (15%), a presentation (10%), and a final research paper (75%). Class Materials: Cases, amicus briefs, law reviews, research journal articles, etc. as assigned (all will be made available online). This seminar will be taught by Kendrick Washington (Northwestern JD), an experienced public defender who is currently an attorney with the U.S. Department of Education's Office of Civil Rights. Professor Washington has previously been an ITA adjunct and for several years on of the Northwestern Trial Team coaches. *Additional Course Information*: Satisfies Research Writing degree req

**CRIM 650 Chicago's Gun Violence Epidemic (2 Credit Hours)** This combined law and public policy course will introduce students to Chicago's longstanding gun violence epidemic. For decades, gun violence has disproportionately impacted a limited number of neighborhoods on Chicago's South and West sides. The course will address the history and root causes of that social justice concern. The course, which will include visiting lecturers, will examine the roles of Chicago government, law enforcement, the criminal justice system, social services organizations, philanthropy, and the business community in addressing the epidemic. The course will cover substantive law and case examples relating to gangs and guns, including the use of RICO and other legal and investigative tools to combat gun violence. The course is intended to take a comprehensive look at Chicago's gun violence epidemic, to foster thoughtful dialogue about the causes and long-term solutions, and to inspire future generations to action. Students will be evaluated based on papers and may be requested to do oral presentations associated with their papers.

**CRIM 655 Prisons and Prisoners' Rights (2 Credit Hours)** On any given day, over 2 million people are imprisoned in the United States. Prisoners are governed by a detailed set of rules and regulations which cover every aspect of their lives: where they live, who they live with, whether and where they work, when they get up, what and where they eat, and even when they shower. Cases filed by prisoners challenging the conditions of their confinement constitute the largest number of cases on the dockets of most federal courts. Yet the law which applies to these cases is unknown to most lawyers. This seminar investigates the law as it applies to prisons. The seminar will begin with an examination of the nature of prisons and prisoners, and will include the Eighth Amendment's prohibition against cruel and unusual punishment; the First Amendment rights to free speech, religion, and association; the Fifth Amendment right to due process; the Fourteenth Amendment's equal protection guarantee; and various statutes which expand or limit those rights. In addition to case law, a variety of secondary sources will be used, coupled with guest speakers with direct experience. There will also be (subject to approval by prison authorities) an opportunity to tour Stateville Correctional Center in Joliet. Because the tour may conflict with other classes, it is optional. *Additional Course Information*: Counts toward Law and Social Policy Concentration

**CRIM 656 The American Death Penalty (3 Credit Hours)** This "perspective elective" class combines an historical and empirical look at the American death penalty with an examination of the legal doctrines that govern the administration of the death penalty today. *Additional Course Information*: Meets Perspective Elective degree requirement

**CRIM 665 Crime and Criminology (3 Credit Hours)** Through this course, students will explore why people obey the law and why some do not. We will examine the problem of defining and measuring crime, theories

of crime, as well as research regarding certain types of lawbreaking. We will also consider theories and research regarding social responses to crime, including the fear of crime and approaches to punishment, with particular attention to the American experience. A final paper is required and students will present their research in the last month of class. *Additional Course Information:* Satisfies Research Writing degree req

**CRIM 675 White Collar Criminal Practice (2 Credit Hours)** This course will introduce students to the law governing the prosecution and defense of white-collar crime. The course will cover the substantive law in the area such as mail and wire fraud, bribery, insider trading, perjury and obstruction of justice. The course will also provide an overview of typical procedural and practical issues for prosecutors and defense lawyers. Prereq: Criminal Law (CRIM 520).

**CRIM 680 Homicide (3 Credit Hours)** This course will examine homicide from three perspectives: the structure of homicide offenses in criminal codes, the study of homicide by quantitative social scientists, and homicide as a public health issue. Particular attention will be paid to capital punishment. Statutory formulations will be examined e.g., the New Jersey criminal code; the New York homicide and death penalty statutes; and the federal criminal code provisions regarding homicide and the death penalty. Specialized aspects of homicide will be considered: the felony murder doctrine, aiding suicide, the articulation of definitions of criminal intent, the procedures and requirements for the imposition of the death penalty, and the role and influence of the media in high profile homicides. Next the course will look at how social scientists, primarily but not exclusively criminologists and sociologists, analyze homicide: reporting, measurement, incidence, and the relationship between homicide and other events and cofactors, such as socio-economic status, drug offenses and demographics. What is a homicide rate? How reliable are the statistics for homicide and are homicide statistics comparable across jurisdictions? The third perspective is that of public health officials and researchers. What is the risk of dying from homicide in comparison to other forms of "unnatural" death. How do public health officials identify and analyze risk factors for homicide: age, sex, race, and domicile. What preventive strategies are effective. And finally what public policy issues arise in all three contexts. Evaluation: Research paper. Class participation will be considered in determining final grade as well as an oral presentation. Three draft paper required. Topic to be approved by the instructor. Teaching method: Seminar discussion Text: Prerequisites: Criminal Law.

**CRIM 685 Wrongful Convictions: History, Policy, and Reform (3 Credit Hours)** This seminar will give an overview of wrongful convictions and exonerations in the United States legal system. Students will analyze case law, statutes, and scientific studies to explore (1) the systemic causes and consequences of wrongful convictions; (2) the legal remedies available in various jurisdictions to exonerate wrongfully convicted individuals; (3) issues exonerated individuals face upon re-entering society, and (4) policy reforms for preventing and remedying wrongful convictions. This class is meant to be a prelude to, but not a prerequisite for, clinic practice in the Center on Wrongful Convictions or the Center on Wrongful Convictions of Youth. Students will be graded based on (1) class attendance, (2) class participation, including one oral presentation, and (3) a research paper on a relevant topic of each student's choosing. This class fulfills the Research Writing requirement, and students will be required to submit a full draft of their research papers before final papers are due. Class sessions will be devoted to discussion of the assigned readings, guest lectures on issues related to wrongful convictions, and oral presentations by students on the topics of their papers. *Additional Course Information:* Satisfies Research Writing degree req

**CRIM 691 Practicum: Restorative Justice (4 Credit Hours)** There is growing disconnect in communities, division based on political views, and inequity. This exacerbates problems surrounding issues such as gun violence, police accountability, school-to-prison pipeline, mass incarceration, and systemic racism. As communities and other stakeholders search for solutions, restorative justice is gaining recognition for its transformative and healing potential. Restorative justice is a value-based relational approach to harm that emphasizes the importance of dialogue. It is a philosophy of justice that requires a paradigm shift in how we relate to one another and think about wrongdoing. Instead of focusing on punishment, restorative justice centers on repairing harm. It seeks to address the needs and obligations of those affected by harm through collaborative and inclusive processes. Restorative practices are used in the criminal justice system, schools, workplaces, neighborhoods, and other settings. This practicum will introduce students to the philosophy, history, and principles of restorative justice. Students will have the opportunity to gain a practical understanding of restorative justice through working in a field placement 12 hours per week, and they will participate in a circle training at the beginning of the semester. The professor teaching the course will assist students in finding a placement. Placements must be secured and pre-approved prior to the beginning of the semester. All second and third year students are eligible to enroll in the practicum. *Additional Course Information:* Satisfies Experiential Learning degree req

**CRIM 692 Mass Incarceration (2 Credit Hours)** This course explores mass incarceration, the steep increase in imprisonment rates that began in the 1970s and has disproportionately affected young, poor, African-American men. Guided by legal and social scientific scholarship, we will examine the complex roots and damaging consequences of this phenomenon. To what extent can we attribute mass incarceration to the War on Drugs? How do political shifts produce legal change, and how might legal rules themselves operate independently to fuel mass incarceration? How does incarceration affect employment, health, family, and community life - and crime rates? In thinking about mass incarceration's engines and outcomes, we will also consider the unintended consequences of some reform efforts. In addition, we will tackle difficult questions of de-carceration. While many people agree that the American criminal justice system puts too many people in prison, how do we decide who should be released, whose punishment must involve imprisonment, and how long must that incarceration last? Finally, we will reflect on how mass incarceration is evolving to include expanded monitoring and surveillance even outside the carceral institutions.

**CRIM 693 Restorative Justice, Community Building, and Practice (3 Credit Hours)** Restorative justice is a philosophy centered on creating the conditions for just and equitable communities in an interconnected world. It emphasizes strengthening relationships, building community, and repairing harm. In this experiential learning course, students will study the intersection of restorative justice theory and practice, and they will develop skills for engaging in introspection, value-based dialogue, and community building. Students will learn about the circle process. Circles are a restorative practice shaped by different Indigenous traditions and teachings as well as other community-based restorative approaches. *Additional Course Information:* Satisfies Experiential Learning degree req

**CRIM 694 Criminal Law, Race, and Blame (1 Credit Hour)** In this seminar, we will critically explore how racial dynamics frame prosecutors', judges', and jurors' interpretations of questions that, at bottom, call for moral judgments of mental states, motivations, and reasonableness.

**CRIM 696 Restorative Justice Seminar (2 Credit Hours)** Restorative justice emphasizes a relational, value-based approach to building and strengthening communities and repairing harm when there is a

breakdown in relationships. This course provides an introduction to restorative justice, and it explores restorative conceptualizations, values, concepts, and practices. Learning will involve the practical application of restorative justice in the class environment.

**CRIM 697 Reform of Criminal Procedure: Tanzania I (3 Credit Hours)**

This Seminar will examine and be part of the process of modernizing the law of Tanzania. Prof. Allen has been retained by the Tanzanian Government to assist in its effort to modernize its law of evidence and procedure. Previous years involved the preparation and presentation to the Government of the United Republic of Tanzania of a new law of evidence. Prof. Allen and his "TEAM" (those of you who elect this seminar and its follow-up next semester) have now been asked to focus on the reform of the criminal process, in particular the criminal procedure law of Tanzania. This Seminar will both examine the process of procedural law reform and contribute to it in Tanzania. It will examine the conceptual foundations of the field of criminal procedure, and look at criminal procedure law worldwide through that lens. It will then turn to the present criminal procedure in Tanzania and critically appraise it. The actual social, economic, and political conditions in Tanzania as they bear on this project will be examined, as will the structure and operation of the Tanzanian legal system. We will then appraise the most fruitful direction for reform of Tanzanian law. Most likely the Team will decide to pick particular aspects of criminal procedure for reform rather than propose an overall omnibus bill analogous to the Proposed Code of Evidence. It is expected that the seminar participants will have contact and will cooperate with the various stakeholders in Tanzania, ranging from all branches of government to lawyers, victims, and defendants. In each of the years of the Evidence Project, and the first year of the Criminal Procedure Project, the Team travelled to Tanzania for fact-finding, research, and to present findings and proposals. I anticipate that the Team will have that opportunity in the Spring of 2016, to investigate on the ground the relevant issues, and may have the opportunity to go in the intersession between semesters. Taking Evidence during this year would be helpful, but is not required. A paper or project is required. These can be general papers on pertinent matters in Tanzania, highly specific proposals for reform of aspects of the Tanzanian law, or on any other matter related to the conceptual foundations of criminal procedure or to comparative criminal procedure law. If, for example, you are interested in some other country's approach to criminal procedure, you may do a paper or project concerning it. Three draft papers may be done. Last year's seminars prepared a preliminary analysis of criminal procedure in Tanzania, focusing on complex government corruption cases, urban crime, and rural crime. This year, the Team will, first, build upon and refine this report, and in addition add two further components of criminal justice in Tanzania: juvenile justice, and prosecution in support of wildlife conservation. The class will be divided up into three different teams to focus on each of these areas. In the second semester, a follow-up seminar will be offered which will build on the seminar in the first semester and will involve both on-the-ground observational research in Tanzania and actual drafting of provisions as models for Tanzania. You may enroll in the second semester seminar only if you enrolled in the first semester seminar, or with special permission of the instructor. In prior years, the School of Law has provided some funds to subsidize the cost of travel to Tanzania. Whether that will be the case in 2016 will depend on the funding available at the time. However, the Team members are not obligated to go; this is an opportunity rather than a requirement. You have probably heard that this project involves a lot of work. That is accurate. You will note you will get the normal two hours of credit for the Fall seminar but three for the Spring seminar. The class will often meet from 4:00 p.m. to 7:00 p.m. in the Spring, and possibly even later as we prepare to go to Tanzania. However, virtually every student who has

taken this class over the last four years has found the rewards greatly exceed the costs of the workload. This class meets the Research Writing Requirement. *Additional Course Information:* Satisfies Research Writing degree req

**CRIM 698 Reform of Criminal Procedure: Tanzania II (2 Credit Hours)**

This Seminar will examine and be part of the process of modernizing the law of Tanzania. Prof. Allen has been retained by the Tanzanian Government to assist in its effort to modernize its law of evidence and procedure. Previous years involved the preparation and presentation to the Government of the United Republic of Tanzania of a new law of evidence. Prof. Allen and his "TEAM" (those of you who elect this seminar and its follow-up next semester) have now been asked to focus on the reform of the criminal process, in particular the criminal procedure law of Tanzania. This Seminar will both examine the process of procedural law reform and contribute to it in Tanzania. It will examine the conceptual foundations of the field of criminal procedure, and look at criminal procedure law worldwide through that lens. It will then turn to the present criminal procedure in Tanzania and critically appraise it. The actual social, economic, and political conditions in Tanzania as they bear on this project will be examined, as will the structure and operation of the Tanzanian legal system. We will then appraise the most fruitful direction for reform of Tanzanian law. Most likely the Team will decide to pick particular aspects of criminal procedure for reform rather than propose an overall omnibus bill analogous to the Proposed Code of Evidence. It is expected that the seminar participants will have contact and will cooperate with the various stakeholders in Tanzania, ranging from all branches of government to lawyers, victims, and defendants. In each of the years of the Evidence Project, and the first year of the Criminal Procedure Project, the Team travelled to Tanzania for fact-finding, research, and to present findings and proposals. I anticipate that the Team will have that opportunity in the Spring of 2016, to investigate on the ground the relevant issues, and may have the opportunity to go in the intersession between semesters. A requirement for the seminar is one of the criminal procedure courses taught in either the Fall or the Spring. Taking Evidence during this year would be helpful as well, but is not required. A paper or project is required. These can be general papers on pertinent matters in Tanzania, highly specific proposals for reform of aspects of the Tanzanian law, or on any other matter related to the conceptual foundations of criminal procedure or to comparative criminal procedure law. If, for example, you are interested in some other country's approach to criminal procedure, you may do a paper or project concerning it. Three draft papers may be done. Last year's seminars prepared a preliminary analysis of criminal procedure in Tanzania, focusing on complex government corruption cases, urban crime, and rural crime. This year, the Team will, first, build upon and refine this report, and in addition add two further components of criminal justice in Tanzania: juvenile justice, and prosecution in support of wildlife conservation. The class will be divided up into three different teams to focus on each of these areas. In the second semester, a follow-up seminar will be offered which will build on the seminar in the first semester and will involve both on-the-ground observational research in Tanzania and actual drafting of provisions as models for Tanzania. You may enroll in the second semester seminar only if you enrolled in the first semester seminar, or with special permission of the instructor. In prior years, the School of Law has provided some funds to subsidize the cost of travel to Tanzania. Whether that will be the case in 2016 will depend on the funding available at the time. However, the Team members are not obligated to go; this is an opportunity rather than a requirement. You have probably heard that this project involves a lot of work. That is accurate. You will note you will get the normal two hours of credit for the Fall seminar but three for the Spring seminar. The class will often meet from 4:00 p.m.

to 7:00 p.m. in the Spring, and possibly even later as we prepare to go to Tanzania. However, virtually every student who has taken this class over the last four years has found the rewards greatly exceed the costs of the workload. This class meets the Professional Writing Requirement.

*Additional Course Information:* Satisfies Prof Writing degree req

**CRIM 699 Sentencing Policy (2 Credit Hours)** This course focuses on how the law approaches central sentencing questions, such as how much discretion the sentencer should enjoy; how much weight to attach to the nature and consequences of the offense, the offender's criminal record, and personal background; and how much the criminal justice system should rely on incarceration as punishment. In addition to examining the technical and doctrinal answers to these questions, the course will engage students in one of the most urgent debates of our time - what fueled mass incarceration, and how can and should we decarcerate?

**CRIM 801-L Corporate Criminal Law (1 Credit Hour)** Corporate and white collar crime are growth areas in American law. Corporations that do business in the United States, even if foreign, can be prosecuted as entities under U.S. law. Individuals can likewise be prosecuted for crimes committed while working for corporations. And a large and growing set of statutes criminalize business-related activities, including bribery and corruption offenses committed anywhere in the world. Are these developments just? Are they good for the economy? And as a practical matter, how can a businessperson avoid criminal liability? This course will familiarize legal and business professionals with the burgeoning body of criminal law that bears on their conduct. We will discuss the foundational rules of corporate criminal law, including entity liability, individual liability, and corporate and white-collar statutes. We will discuss the current state of the field, focusing on recent developments in statutes, cases, and internal Department of Justice policy. We will closely study the Foreign Corrupt Practices Act ("FCPA"). We will discuss core criminal law principles, including the difference between criminal and civil law, the elements of a criminal offense, conspiracy liability, and complicity liability. And we will discuss fundamental policy questions of justice and economic productivity.

**CRIM 801E Criminal Procedure (2.5 Credit Hours)** This course is designed for the Executive LLM Program. This course provides a broad overview of the investigatory criminal justice process. It explore the interaction between the protection of individual constitutional criminal rights and the competing goals of the efficiency and accuracy in the criminal justice system. We will examine the Fourth, Fifth, and Sixth Amendments. Substantive areas covered include: (1) eavesdropping and surveillance; (2) search, seizure, and arrest; (3) interrogations and confessions; (4) the right to counsel in interrogations; and (5) the exclusionary rule.

**CRIM 805I Constitutional Criminal Procedure (2 Credit Hours)**

**CRIM 820 Criminal Process (3 Credit Hours)** This course is taught in the Executive Program only This course explores in detail the manner in which a formal criminal proceeding is initiated and processed by our court system. Topics include arraignment and preliminary hearings, commitment or release on bail or personal recognizance, the grand jury, prosecutorial discretion, discovery and disclosure requirements, competence to stand trial, plea bargaining, right to a speedy trial, jury selection, joinder and severance of charges and/or defendants, management of jury deliberations, sentencing, and appeals. In order to provide a deeper understanding of these criminal proceedings, the course will explore their historical and theoretical bases, as well as the current Supreme Court jurisprudence that is shaping them.