CRIMINAL LAW AND PROCEDURE

The criminal law curriculum holds a special place in the mission of the Law Center. Although most students will not plan a career in criminal law, this subject is at the very core of democratic government and a free society. All criminal law courses ultimately concern the conditions under which a government may legitimately utilize severe sanctions to coerce its citizens. Every lawyer, indeed, every citizen, should have a thoughtful understanding and appreciation of the policies and process of the criminal law. Furthermore, such an understanding and appreciation is particularly important for the significant number of Law Center graduates who will later become judges, legislators, and executive branch officials with responsibility for developing or administering criminal justice.

At Georgetown, a student has the opportunity to study every aspect of the American criminal justice system. In the spring semester of the first year (the second year, for part-time students), every student studies search and seizure, self-incrimination and right to counsel, in Criminal Justice (Curriculum A) or Democracy and Coercion (Curriculum B). Thereafter, in upperclass J.D. courses, seminars and clinics, students can delve more deeply into issues of law, procedure, policy and discretion relating to the significant areas of criminal law prosecution and defense.

Apart from concerns of career choice, the courses, seminars, clinics and practicums in the criminal law curriculum provide exceedingly useful training because the basic legal issues addressed are broadly applicable to other fields of law. For example, the exploration of the relationship between mental states and criminal responsibility, which forms the centerpiece of the Criminal Law course, is highly relevant to areas as diverse as securities regulation and torts. Similarly, the study of the incentive effects of legal rules, at the heart of many criminal and procedure courses, is important in the understanding of antitrust and commercial law. Also, the criminal law field is primarily governed by federal and state statutes, and, therefore, criminal law courses provide excellent opportunities for the student to analyze statutory interpretation and the legislative process.

Students planning a career in criminal law have a remarkable array of offerings from which to choose. In addition to the first year course in criminal procedure, two courses are considered “building blocks” in the field. Advanced Criminal Procedure and Advanced Criminal Procedure and Litigation examine the procedural rules that accompany the trial process, including discovery, plea bargaining, jury trial, and post-trial procedures. Criminal Law, which is required at many other law schools, examines the basic substantive requirements for criminal liability and many of the defenses to liability, such as insanity, duress, and self-defense. Also, this course provides the student with an opportunity to explore important and controversial distinctions between morality and law.

Beyond these basic courses, students can go on to concentrate on more specialized courses, such as Federal White Collar Crime, International Criminal Law, International White Collar Crime (graduate), and the Role of the Federal Prosecutor. Also, there are a number of seminar offerings that provide the opportunity to undertake scholarship in this area of law. Capital Punishment Seminar and Race, Gender and Criminal Law Seminar. For hands on experience in the criminal justice system, students may apply to one of the clinics or practicums listed on this page, which focus on criminal law cases and provide a valuable introduction to criminal practice.

Search Criminal Law and Procedure Courses (http://curriculum.law.georgetown.edu/course-search/?cluster=cluster_10)

LAW 032 v02 Advanced Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20032%20v02)
J.D. Course | 2 credit hours
The stages of the criminal process beginning with the filing of charges through the sentencing stage are analyzed. Legal issues arising at each stage will be examined. How the legal and administrative obligations of the participants in the process -- the court, prosecutor and defense counsel -- influence decision-making at various stages is explored. The prosecutor's paramount role is to advocate aggressively on behalf of the government. However it cannot be unmindful of its administrative responsibility to process cases expeditiously. Protecting the rights of the accused is a defense attorney's foremost obligation but not without a regard for the attorney's duties as an officer of the court. Arbitrating matters is a core judicial activity in the criminal process; influenced by the court's desire to move cases to conclusion. Burdens of proof to resolve procedural issues are studied in the context of how the allocations of burdens of proof are allocated to achieve philosophical interests to be accommodated by the system.

Prosecutorial discretion in the charging function, the constitutional basis therefore and limitation thereon are explored. Preliminary procedural steps as well as grand jury process, joinder and severance of defendants and charges, the right to a speedy trial, discovery, trial issues arising in complex multi-defendant trials, the evolving federal constitution law on the right to confrontation, the presentation of evidence, jury instructions and sentencing issues are all studied.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure and Litigation or Serial and Adnan Syed: Special Topics in Criminal Procedure or Criminal Justice II: Criminal Trials.

LAW 032 v06 Advanced Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20032%20v06)
J.D. Course | 2 credit hours
This course examines the process of criminal litigation beginning with the filing of charges and continuing through the trial. Topics covered include the exercise of prosecutorial discretion in the charging function, the preliminary examination and grand jury, bail, joinder and severance of defendants and charges, the right to a speedy trial, discovery, trial issues, the right to confrontation, the presentation of evidence, and jury instructions.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure and Litigation or Serial and Adnan Syed: Special Topics in Criminal Procedure or Criminal Justice II: Criminal Trials.
Criminal Law and Procedure

LAW 032 v03 Advanced Criminal Procedure and Litigation
J.D. Course | 2 credit hours
This course addresses the law, strategy, and ethical considerations of criminal procedure and litigation beginning with the decision to commence an investigation and/or charge through sentencing. Topics to be explored will include the prosecutorial decision to charge, representation (e.g., conflicts) of and compensation (e.g., forfeiture) by client issues, grand jury practice, immunity and plea negotiating, discovery, motions practice, prosecutorial and defense misconduct, selected trial issues, and sentencing. Materials for this course will include court opinions, pleadings from actual cases, Department of Justice manuals and policies, and news and law articles. The course may be organized around an actual case from its investigation inception, through pre-trial motions and discovery, to trial and verdict.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure or Serial and Adnan Syed: Special Topics in Criminal Procedure or Criminal Trials.

LAW 1167 v00 Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective
J.D. Seminar | 2 credit hours
This course will be an in-depth analysis of the investigation and trial of a federal white collar criminal case led by an experienced criminal defense attorney and an experienced prosecutor who faced each other in the courtroom during the trial of a former executive of Enron Corporation. This course will use a hypothetical case study based on the Enron trial the instructors conducted against each other beginning at the investigative stage through the charging stage and continuing through trial and sentencing.

Through discussion and selected assignments representative of different stages of the prosecution, students will critically examine the hypothetical criminal prosecution from both sides of the adversarial process – moving beyond a discussion of the basic stages of the trial into an analysis of how each side approaches each stage – asking themselves what they hope to accomplish and what is the best method for doing so.

Each student will do a total of three written assignments and two oral assignments.

Learning Objectives:

The goal of this course is to provide a realistic and practical view into what it is actually like to be a prosecutor or a defense counsel, and the decisions and considerations they make through each stage of a matter, from investigation through sentencing and appeal. The learning outcomes for the course include:

- Knowledge of each stage of a white collar investigation, from a defense and prosecutorial perspective.
- Ability to engage in a lively discussion while letting go of the fear of a “wrong answer.”
- Ability to engage in critical and strategic thinking beyond black letter law and into the practical effects of a particular course of action as well as any related policy considerations.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Mutually Excluded Courses: Students may not receive credit for both this class and Federal Prosecution.
LAW 504 v01 Appellate Courts Immersion Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20504\%20v01)
J.D. Clinic | 12 credit hours
Please see the Appellate Courts Immersion Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/appellate-courts-immersion-clinic) for more detailed information about the program.


**Mutually Excluded Courses:** Students may not receive credit for both this course and the Appellate Practice Seminar. Students in this clinic may not concurrently enroll in another class, clinic, externship or practicum.

LAW 504 v00 Appellate Litigation Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%20504\%20v00)
J.D. Clinic | 9 credit hours
Please see the Appellate Litigation Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/appellate-litigation-clinic) for more detailed information about the program.


**Mutually Excluded Courses:** Students may not receive credit for both this course and the Appellate Practice Seminar.

Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1175 v01 Borders and Banishment Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW\%201175\%20v01)
J.D. Seminar (cross-listed) | 2-3 credit hours
This course explores practices of border fortification, incarceration, criminal law enforcement, and immigration policing. Migration and incarceration—borders and banishment—present some of the most pressing legal and moral controversies in contemporary public life. Over the past two decades, criminal-immigration matters have become the most commonly prosecuted federal crimes; populations in prison, jail and immigration detention have dramatically increased; and though major proposed immigration reforms are stymied in Congress, pressures for reform in both the immigration and criminal contexts continue to mount.

The course will begin by considering the historical, social psychological, and legal foundations of border fortification and banishment practices. Then, attention will turn to some of the crises that pervade border enforcement, policing, and incarceration settings—from the presence of millions of people in the United States without legal status, to the explosion in criminal and immigration detention, police violence, and the widespread problem of sexual assault and prison rape. Reformist alternatives to the status quo in immigration and criminal legal processes will be considered, including through examination of social movement projects, prisoner advocacy, and public interest practice settings focused on relevant reform. Course readings and discussion will center on proposed criminal and immigration law reform and more far-reaching alternatives to borders and banishment. The course will conclude by investigating various abolitionist efforts to think and work beyond borders and banishment. Students will reflect in class and in writing on the various components of the course in relation to their own interests.

There are no prerequisites. All students are welcome.

**Recommended:** Criminal Justice (or Democracy and Coercion), Criminal Law, Immigration Law.

**Note:** THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Please email Professor Allegra McLeod (mcleod@law.georgetown.edu) and Karly Mitchell (km1602@law.georgetown.edu) by 5:00 pm on Wednesday, June 9, 2021 expressing your interest in taking the seminar. Please include whether you want to take the course for 2 or 3 credits.

**FIRST AND SECOND CLASS ATTENDANCE IS MANDATORY.** Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 090 v00 Capital Punishment Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20090%20v00)
J.D. Seminar | 2-3 credit hours
This seminar focuses on the substantive law of capital punishment and on the procedural aspects of post-conviction proceedings. The course will include an examination of the history of death penalty jurisprudence, habeas corpus, recent U.S. Supreme Court cases, public policy issues, and state and federal death penalty statutes. The writing requirement offers students an opportunity to write on a topic of their choice pertaining to the death penalty.

Mutually Excluded Courses: Students may not receive credit for this course and The Death Penalty in America Seminar or the Death Penalty Litigation Practicum.

Note: This seminar requires a paper. Students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the Upperclass Legal Writing Requirement.

LAW 1425 v00 Corporate Criminal Law: A German Case Study (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201425%20v00)
J.D. Seminar | 1 credit hour
Unlike the USA (and most other European states), Germany does not provide for corporate criminal law. Instead, it is at the discretion of the competent authorities whether or not to impose a regulatory fine on legal entities. These fines are limited to the amount of EUR 10MM (higher fines are only permissible with regard to antitrust law violations covered by EU law). Therefore, a significant impact on the organisation acting unlawfully is often only reached by further or alternative legal measures (i.e. skimming off excess profits and forfeiture of the gross pecuniary advantage gained).

For instance, even a German private limited company ("GmbH") that has drawn profits amounting to EUR 100MM from a punishable export transaction with North Korea can only be fined up to this amount due to the skimming off-provisions. A higher sum may only be determined as a forfeiture measure.

In any case, German administrative law does not allow for administrative sanctions that deliberately aim at fining the legal entity out of existence. Further, punitive damages are not awarded in Germany.

For these and further reasons German scholars and politicians of today lively discuss the necessity of introducing a corporate criminal law system (and, if required, which concrete design is preferable). The broad discussion concerns inter alia the following subject matters:
Are legal entities or rather business enterprises (including corporate groups) the appropriate circle of perpetrators under the future criminal legislation? What are the constitutional requirements – if any – with regard to “corporate mens rea”? And does an indicted corporation enjoy all of the constitutional rights implicated in the criminal investigation or prosecution of an individual?

Note: WEEK ONE COURSE. This seminar will meet for one week only, on the following days: Monday, January 9, 2017, through Thursday, January 12, 2017, 9:00 a.m. - 12:20 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

Note: Attendance at all class sessions is mandatory and all enrolled students must attend the first class in order to remain enrolled. Students on the wait list must attend the first class in order to be admitted off the wait list. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar. Once the second class session begins, students may only seek a withdrawal by contacting an academic advisor in the Office of JD Academic Services. Withdrawals are permitted up until the last class for this specific course.
LAW 1357 v00 Criminal Appellate Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201357%20v00)
J.D. Seminar | 3 credit hours
This skills-based seminar will focus on the art of crafting an effective appellate brief and presenting a persuasive oral argument — all in the context of a criminal case. Students will examine the practical, substantive and procedural aspects of appellate advocacy, learning how to identify promising appellate issues, to scour a case's factual and procedural record, to prepare a persuasive appellate brief, and to deliver an effective oral argument. Through class discussions about real-world criminal cases, attendance at an oral argument in a local appellate court, and one-on-one instruction from the professor, the course strives to convey a realistic sense of the life of a criminal-law practitioner and appellate lawyer. Although the seminar may be of special interest to those considering a career in criminal law, it should be of interest to any law student, since success in any legal career requires excellent writing and oral-advocacy skills. Students will write (and rewrite) an appellate brief, using the record and materials of a real criminal case, and will present a moot oral argument (or two) in the same case. The professor will review an interim draft of your brief, providing comments and suggestions to aid in its revision, and will offer an individualized critique of your oral argument(s). Both the draft and final versions of the student brief must be at least 6,000 words in length, excluding footnotes (or roughly 25 pages). Grading will be based on the brief (60%), the oral argument (30%), and class participation (10%). Attendance and participation in class each week are mandatory. The brief is intended to fulfill the upper-level writing requirement.

There will be no class meeting on Wednesday, October 12, 2016, because of Yom Kippur. Instead, the class will review materials for, and then attend, an oral argument in a criminal case being presented in local or federal appellate court. This "field trip" will necessarily be scheduled outside of our usual class-meeting time — most likely, on a weekday morning — but the date for the excursion will be chosen in consultation with class participants.

**Prerequisite:** Legal Practice: Writing and Analysis; prior or concurrent enrollment in Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**Recommended:** Prior or concurrent enrollment in Evidence.

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

LAW 512 v01 Criminal Defense and Prisoner Advocacy Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20512%20v01)
J.D. Clinic | 14 credit hours
Please see the Criminal Defense & Prisoner Advocacy Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/criminal-defense-prisoner-advocacy-clinic) for more detailed information about the program.


**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 003 v00 Criminal Justice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20003%20v00)
J.D. Course | 4 credit hours
Introduces the administration of the criminal justice system and serves as a foundation for the advanced courses offered in upperclass years. The course explores the development and operation of the constitutional provisions regulating the federal and state governments in the enforcement of their penal laws and analyzes in depth each step in the criminal process, including some or all of the following issues: search and seizure, arrest, interrogation, the right to counsel, plea bargaining, right to jury trial, and sentencing.

**Mutually Excluded Courses:** Students may not concurrently enroll in both this course and Criminal Procedure or Democracy and Coercion. Students may take both this course and Criminal Law.

**Note:** NOTE FOR THE SUMMER 2021 SECTION: The professor will teach this course virtually via Zoom. Students may choose to participate from the classroom or via Zoom while the professor is participating remotely. Students who want to participate in person must be in the University's COVID testing protocol (https://www.law.georgetown.edu/covid-19-updates/message-from-the-dean-covid-health-protocols-enforcement-and-discipline) and follow all other safety measures.

This course is open to J.D. students only. The course will enroll via waitlist and is restricted to evening students and transfer students from other law schools.
**LAW 003 v01 Criminal Justice** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20003%20v01)

J.D. Course | 4 credit hours
Introduces the administration of the criminal justice system and serves as a foundation for the advanced courses offered in upperclass years. The course explores the development and operation of the constitutional provisions regulating the federal and state governments in the enforcement of their penal laws and analyzes in depth each step in the criminal process up to the decision to charge, including some or all of the following issues: search and seizure, arrest, interrogation, identification procedures, and the right to counsel.

**Note:** The Summer section of this course will enroll via waitlist and is restricted to evening students and transfer students from other law schools.

**LAW 512 v00 Criminal Justice Clinic** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20512%20v00)

J.D. Clinic | 14 credit hours
Please see the Criminal Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/criminal-justice-clinic) for more detailed information about the program.


**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

**LAW 1652 v00 Criminal Justice II: Criminal Trials** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201652%20v00)

J.D. Course | 3 credit hours
This course traces the litigation of criminal cases from the time the police hand the case off to the prosecutor through final judgment, sentencing, and post-trial relief. Among the topics covered: pretrial release and bail; prosecutorial discretion in charging; venue; defendant's right to counsel and the role of defense counsel; grand jury and preliminary hearing; joinder and severance; gag orders; discovery; right to speedy trial; privilege against self-incrimination and grants of immunity; plea bargaining and guilty pleas; jury selection; sentencing; double jeopardy; and post-trial processes to correct erroneous judgments (appeal and habeas corpus). The course focuses principally on Supreme Court decisions, but also visits where appropriate the rules of criminal procedure. This course includes all the topics covered in the two-credit Advanced Criminal Procedure course, but uses the extra credit hour to dig deeper on the most interesting issues and includes post-trial procedures not usually covered in Advanced Criminal Procedure.

**Recommended:** It is desirable but not essential that the student have taken Evidence before or is taking it contemporaneously.

**Mutually Excluded Courses:** Students may not receive credit for this course and Advanced Criminal Procedure.

**LAW 1655 v00 Criminal Justice Reform Seminar** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201655%20v00)

J.D. Seminar | 2-3 credit hours
This course will familiarize students with the history, law, policy, and advocacy for criminal justice reform in the United States. The course will examine criminal justice reform from both policy and advocacy perspectives. The course will examine: 1) the problems with the American criminal justice system; 2) the institutional actors involved in the effort to create criminal justice reform; 3) the strategies that reform advocates use in pressing for criminal justice reform through both policy change and litigation; and 4) the successes advocates have made in reforming the American justice system.

The course is available as 2 or 3 credits.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 1485 v00 Criminal Justice Technology, Policy, and Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201485%20v00)  (Project-Based Practicum)
J.D. Practicum | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This practicum will explore the impact of technology on the criminal justice system, and will teach students how to design, build and understand technologies that affect criminal justice processes and policy. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

SEMINAR: Seminars will review the design, deployment, and impact of technologies throughout the criminal justice system, from law enforcement surveillance and monitoring tools to algorithmic risk assessments used in bail decisions and sentencing. Students will be asked to view these tools through two critical lenses: how well these tools further their stated policy aims, and how technology changes power relationships between government and citizens. Throughout the semester, students will also hear from guest speakers that are using technology to tackle police misconduct, expungement, and other criminal justice policy issues. To complement this policy discussion, students will learn techniques to design, deploy, and analyze criminal justice-focused technology. These exercises will teach analytical approaches to developing and understanding technology systems, including: activity-centered design, system mapping, specification building, tool selection, and prototyping. (No computer science or coding knowledge is necessary to take this course.) The semester will conclude with a pitch day, where students will present a policy or procedural problem they have identified in the criminal justice system that could be addressed through technological tools, and present their proposed design for a solution.

PROJECT WORK: Students will work with clients and the practicum instructors to identify problems in the criminal justice system that could be improved through the use of technological tools, then design such tools working in small teams. Potential practicum projects could include digitizing Miranda warnings, using text messages to lower failure to appear rates in juvenile court, or determining how to use the Digital Millennium Copyright Act (DMCA) to help people whose criminal records have been expunged but whose record information is still available online.

Prerequisite: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Mutually Excluded Courses: Students may not concurrently enroll in this course and a clinic or another practicum course. Students may concurrently enroll in this course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

This course is suitable for evening students; project work does not need to be completed during business hours. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal

LAW 126 v00 Criminal Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20126%20v00)
J.D. Course | 3 credit hours
This course examines society’s control of unwanted behavior through criminal law. The particular focus is on the general elements of a criminal offense cutting across all criminal codes rather than on the elements of individual crimes. Some attention is given to the basic theories of punishment and criminal culpability as contrasted with civil forms—e.g., tort law or civil commitment—for controlling deviant behavior.

LAW 126 v02 Criminal Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20126%20v02)
J.D. Course | 3 credit hours
This introductory course involves the jurisprudence of substantive criminal law. Among the topics we will discuss are the general elements of a criminal offense, the structure of criminal justice administration, the exercise of discretion throughout the criminal justice system, and justifications and excuses. Certain substantive offenses may also be covered. Some attention will be given to the basic theories of punishment and sentencing.

LAW 126 v03 Criminal Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20126%20v03)
J.D. Course | 3 credit hours
This course examines the body of public law that is designed to punish blameworthy or antisocial behavior. The course begins by introducing the general principles governing all criminal offenses—the general part of the criminal law—and then examines how these principles apply to a variety of specific offenses as well as the exculatory defenses. Attention is paid to the basic theories of punishment which provide the students with the theoretical tools they need to construct cogent arguments for how far the criminal law should be extended to suppressed the undesirable behavior.
International criminal law studies a grim but important subject: the prosecution of war crimes, crimes against humanity, genocide, and aggression. These are “core crimes” tried by tribunals like the International Criminal Court (ICC) and the tribunals for Rwanda, Sierra Leone, former Yugoslavia, and elsewhere. In addition, we will study the extraterritorial application of domestic criminal law to address crimes of transnational character such as terrorism, torture, and international money laundering. Along with the substantive law on these issues, we examine procedural law on topics such as extradition and immunity from prosecution. The course will also examine the problems confronting international criminal justice today, including the political backlash against accountability. Finally, we will spend some time on alternatives to criminal prosecution such as truth and reconciliation commissions. The aim of the course is to introduce students to basic doctrines of international criminal law, as well as doctrines concerning the extraterritorial application of U.S. criminal law. It also provides an overview of the work of international criminal tribunals and the challenges they face. The course combines law, policy, and history.

Mutually Excluded Courses: Students may not receive credit for both this course and the graduate course, International Criminal Law or International Criminal Law Seminar: Tribunals and Crimes or International Humanitarian Law and International Criminal Courts.

Note: This course is a first-year elective. First-year day students select an elective offered in the spring.

LAW 1249 v00 Criminal Law and Procedure Seminar: Supreme Court 2016 Term
J.D. Seminar | 3 credit hours
There are about a dozen criminal law and criminal procedure cases that the Supreme Court will be hearing and, presumably, deciding, this term. In this upperclass legal writing requirement seminar we will study all—or at least most—of these cases in depth. The readings will focus on briefs and any opinions that the Court may issue during the semester. The class will take an in-depth look at the substantive or procedural criminal law doctrines that these cases involve, whether or not those doctrines are ones that the Supreme Court itself is likely to address.

The writing component of the course will consist of writing, and after feedback, rewriting, “bench memos” on 3 (or 4) of these cases. (Alternatively, it may be feasible to write, and after feedback rewrite, the draft of an opinion in 1 (or 2) of these cases.)

Note: There are no prerequisites for this seminar. FIRST CLASS ATTENDANCE IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class.

LAW 1756 v00 Criminal Law Theory in Context
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will introduce students to contemporary theoretical thinking about substantive criminal law. We will explore some of the most pressing problems in criminal jurisprudence, as well as some perennial ones, through the lens of the tension between morality and context.

Philosophers of the criminal law have traditionally turned to moral reasoning when trying to justify or critique penal laws. Morality purports to dictate how individuals ought to act toward one another as a matter of universal truth, and therefore views social context as detrimental to analytical clarity. Sociolegal and critical scholars, on the other hand, highlight the relevance of contingent factors, such as material conditions, historical narratives, and political power relations, for proper understanding of the criminal law. However, they generally stop short of offering compelling normative theories to guide our way forward. The seminar will examine the prospects and perils of both views, explore whether they can be reconciled, and consider prominent alternative frameworks that are gaining traction in recent scholarship.

Students will become familiar with the central philosophical puzzles underlying the criminal law as well as with cutting edge theoretical approaches for tackling them. We will pay attention to both general issues, like criminalization (what to impose liability for), defenses (when to relieve of liability), and punishment (what form liability ought to take), and pertinent issues at this historical moment, like hate crimes, gun violence, and prison abolition.

There are no prerequisites. For JD students, prior or concurrent enrollment in Criminal Law is recommended, though not required.

Recommended: For JD students, prior or concurrent enrollment in Criminal Law is recommended, though not required.

Note: The 3 credit section of this seminar (LAWJ-1756-09) is restricted to J.D. students only.

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 1610 v00 Criminal Practice Seminar: White-Collar Crimes in a Transnational Context (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201610%20v00)
J.D. Seminar | 2 credit hours
This seminar explores white-collar criminal practice in the transnational context. “Transnational” cases generally involve the potential application of one or more country’s laws to alleged criminal activity that crosses borders. We begin by introducing students to the general differences in the legal structures, concepts of criminal law, and varied standards for corporate and individual liability, that apply in civil and common law systems. We will study the substantive U.S. law that is implicated in many transnational prosecutions and learn when U.S. law applies extraterritorially. The substantive provisions we study may include proscriptions on corruption, fraud, money laundering, tax evasion, data breaches/hacking, or violations of economic sanctions. We will explore the tools available for obtaining evidence abroad, as well as some of the national laws and regulations that impact transnational investigations. Some of the challenges we will explore are regulations regarding data privacy, employment laws, national security/state secret laws, and blocking or economic protection statutes. At the conclusion of the class, we will consider a number of case studies that illustrate issues companies face in attempting to forge a global resolution among regulators and prosecutors from different countries. These include managing competition between sovereigns, joint and parallel national investigations, and the division of penalties.

Learning Outcomes
This course, as its title suggests, is designed to expose students to important issues they will face in the transnational practice of law. One of our goals, then, is very practical: to give students information they will need to be successful practitioners in this area.

Another goal is to challenge students to take a step back and think about larger questions: When criminal conduct crosses borders, which sovereign should prosecute? Should U.S. criminal law extend as far as it does? Is it fair or efficient to permit multiple countries to address such conduct criminally? Should expedited evidence-gathering tools be available to both the defense and prosecution? What liability rules would best serve the purposes of punishment?

Like all writing seminars, the class also seeks to enhance students’ ability to conduct legal research, capacity to engage in critical thinking, and prowess in communicating effectively, in writing and in class.

LAW 128 v01 Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20128%20v01)
J.D. Course | 2 credit hours
An examination of the basic Fourth, Fifth, and Sixth Amendment principles that govern the interaction of the police and suspects in the investigation of crime. From stop and frisks to coerced confessions, the course will examine the constitutional doctrines developed to regulate police behavior and the admissibility of evidence. The core concepts will include the definition of a “search,” the meaning of probable cause and reasonable suspicion, the requirement of a search warrant and the many exceptions to the warrant requirement, Miranda and related limits on interrogation, and the pre-trial right to counsel. The course will also focus on the role of the courts in enforcing the constitutional guarantees, particularly through the exclusionary rule.

Learning Objectives:
1. Thorough Understanding of the Primary “Substantive” Fourth Amendment Issues in Criminal Cases and Certain Civil Cases
2. Thorough Understanding of Primary “Remedial” Fourth Amendment Issues in Criminal Cases
3. Thorough Understanding of the Primary “Substantive” Fifth Amendment Issues Related to Interrogations and Confessions
4. Thorough Understanding of the Primary “Remedial” Fifth Amendment Issues Related to Interrogations and Confessions
5. Thorough Understanding of the Sixth Amendment Issues Related to Uncounseled Confessions and Pretrial Line-ups
6. Thorough Understanding of Sixth Amendment Issues Related to the Effective Assistance of Counsel

Mutually Excluded Courses: Students may not receive credit for both this course and Criminal Justice or Democracy and Coercion.

Note: This course is offered only to transfer students from other law schools who have not had a first year course in constitutional criminal procedure.
LAW 1409 v00 Cyber Threats and Technological Insecurity: Emerging Legal, Policy, and Operational Challenges (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201409%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This seminar will focus on significant legal, operational and policy issues arising from evolving global cyber threats and related technological issues, such as the Darkweb, encryption, and cybersecurity. The course will be taught by two instructors who work as federal prosecutors and policy advisors and collectively have hands-on experience investigating cybercrime, providing guidance to law enforcement investigators on technology issues, participating in the interagency policy process, developing and evaluating legislative proposals, and training foreign law enforcement partners. While the course will focus on challenges to federal law enforcement, it will also include in-depth perspectives from other significant stakeholders. Throughout the seminar, students will gain expertise in the legal framework and technical background that is necessary for effective advocacy – whether from a policy or litigation perspective – on the most challenging and controversial issues at the intersection of cyber threats, technology and security.

The course will consist of four components:

1. Technology and Threat Landscape. The current cybercrime threat landscape, with a necessary focus on technological architecture and recent permutations.
2. Legal Framework. The relevant constitutional and statutory legal framework attendant to combatting cybercrime and technological threats.
3. Operational Case Studies. How cybercrime investigations are currently conducted, with a focus on tactics and practical considerations.

Grading will be determined primarily based on a final paper. Significant weight will also be given to an in-class presentation and class participation.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Note: Laptops may not be used during class sessions.

LAW 1708 v00 Death Penalty Litigation Practicum (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201708%20v00) (Project-Based Practicum)
J.D. Practicum | 4 credit hours
This is a project-based practicum that will involve students in ongoing death penalty cases and teach them the legal framework for death penalty litigation. Professor Sloan has been active in death penalty litigation and representation, including two recent Supreme Court victories on behalf of a death row inmate in Texas: Moore v. Texas, 137 S. Ct. 1039 (2017) and Moore v. Texas, 139 S. Ct. 666 (2019).

In their project work, students will work on legal research related to ongoing death penalty litigation on behalf of death penalty defendants and inmates. Students also may have the opportunity to draft, or contribute to, briefs and motions related to ongoing death penalty litigation. Students will work with organizations and practitioners litigating death penalty cases. Among the organizations and individuals that have partnered with this practicum are the Southern Center for Human Rights, the Florida Center for Capital Representation, and individual death penalty litigation practitioners. Other organizations and individuals are likely partners as well.

In the seminar, students will develop an understanding and appreciation of the ongoing debates on death penalty issues – both broad jurisprudential issues (such as the meaning of the Eighth Amendment and relevant state constitutional provisions) and specific doctrinal topics (such as intellectual disability, insanity, and mitigating evidence in the death penalty litigation context). It also will be helpful to students to understand the experiences of death penalty litigators. Readings on these subjects will be woven into the seminar.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Mutually Excluded Courses: Students may not receive credit for this course and Capital Punishment Seminar or The Death Penalty in America Seminar.

Note: This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for the 10 hours/week of project work. Both the seminar and project work will be graded.

Students who enroll in this course will be automatically enrolled in both the seminar and practicum components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Learning. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor’s discretion, may be withdrawn from the practicum.
**LAW 518 v00 Domestic Violence Clinic** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20518%20v00)

J.D. Clinic | 10 credit hours

Please see the Domestic Violence Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/domestic-violence-clinic) for more information about the program.


**Mutually Excluded Courses:** Students may not concurrently enroll in this clinic and an externship or a practicum course.

**LAW 386 v01 Federal Prosecution** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20386%20v01)

J.D. Seminar | 2 credit hours

We examine decision-making by federal prosecutors over the life of a federal case, from investigation through prosecution, through class discussion of articles and cases, and through guest speakers. We focus not just on legal, but also on organizational, cultural, and ethical factors that influence and constrain prosecution decisions.

**Learning Objectives:**

Students are expected to acquire a working familiarity with:

- The organizational environments within which federal prosecution takes place;
- The statutes governing violent crime and racketeering;
- The investigative tools used by law enforcement agencies and prosecutors;
- The practical significance of modern discovery obligations; and
- The range of federal criminal legal practice.

This is not a course in federal criminal trial advocacy; it is instead a survey of the entire process of federal prosecution, with an emphasis on the decisions that prosecutors have to make.

**Prerequisite:** Prior or concurrent enrollment in Criminal Law.

**Recommended:** Evidence.

**Mutually Excluded Courses:** Students may not receive credit for both this course and Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective.

**LAW 455 v00 Federal White Collar Crime** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20455%20v00)

J.D. Course | 4 credit hours

This advanced criminal law course covers selected substantive and procedural areas of importance in “white-collar” criminal practice. A portion of the class will be devoted to the study of certain statutes and their applications, including examinations of mail and wire fraud, conspiracy, false statements and money laundering prosecutions. We will also study the United States Sentencing Guidelines and will explore the principles governing entity liability. The balance of the class will be devoted to an examination of subjects of particular concern to prosecutors and defense counsel in “white-collar” or business crime cases, including investigative and grand jury practices, privileges applicable in a corporate setting, immunity, plea bargaining, cooperation agreements, and the interplay between civil and criminal proceedings.

Students will be required to complete a number of short written assignments relating to the application of the Sentencing Guidelines, and the class will conclude with an examination.

**Prerequisite:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**Recommended:** Criminal Law.

**Mutually Excluded Courses:** Students may not receive credit for this course and White Collar Crime and Securities Fraud.

**Note:** Students may take this course and Advanced Criminal Procedure, but it is not recommended.
This is an advanced course for the serious student interested in this area of law. It will cover procedural, substantive and practitioner oriented “tactical” considerations of “white-collar” criminal law. A student should have prior demonstrated interest in the subject area by having taken courses such as Evidence; Criminal Procedure; Constitutional Law or participated in one of the many GULC litigation clinics. The class will cover the principal federal “white collar” statutes, e.g., mail fraud, conspiracy, securities law, false statements, obstruction of justice and money laundering. Corporate criminal liability will be a course focus, covering necessarily related subjects, e.g., attorney-client privilege issues; “internal” investigations; government sponsored “Voluntary Disclosure” programs; litigation under the False Claims Act (Qui Tam); grand jury practice, document production, immunity, plea bargaining, co-operation agreements, discovery, and the interplay between civil and criminal proceedings, i.e., “parallel proceedings”. The class size is limited to maintain active class participation of interested students.

The class will conclude with a take home examination.

**Prerequisite:** Criminal Justice (or Democracy and Coercion), or Criminal Procedure.

**Recommended:** Criminal Law and Evidence.

**Mutually Excluded Courses:** Students may not receive credit for this course and White Collar Crime and Securities Fraud.

**Note:** J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. ET on Friday, October 29.

This advanced criminal law course covers selected substantive and procedural areas of importance in "white-collar" criminal practice. A portion of the class will be devoted to the study of certain statutes and their applications, including examinations of mail and wire fraud, conspiracy, false statements and money laundering prosecutions. We will also study the United States Sentencing Guidelines and will explore the principles governing entity liability. The balance of the class will be devoted to an examination of subjects of particular concern to prosecutors and defense counsel in "white-collar" or business crime cases, including investigative and grand jury practices, privileges applicable in a corporate setting, immunity, plea bargaining, cooperation agreements, and the interplay between civil and criminal proceedings.

Students will be required to complete a number of short written assignments relating to the application of the Sentencing Guidelines, and the class will conclude with an examination.

**Prerequisite:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**Recommended:** Criminal Law.

**Note:** Students may take this course and Advanced Criminal Procedure, but it is not recommended.
Criminal Law and Procedure

LAW 2007 v02 Global Cybercrime Law
LL.M Seminar (cross-listed) | 2 credit hours
This course will examine the key legal and policy issues associated with cybercrime – i.e., crimes in which computers and the Internet serve as targets, as storage devices, and as instrumentalities of crime – as a global phenomenon. As the Internet has become a truly global medium for commerce and communication, nations are gradually recognizing that new technology can not only expand the reach and power of traditional crimes, but foster new forms of criminal activity as well, throughout the world. The course will adopt an explicitly comparative legal approach to the problem of cybercrime, focusing principally on nations in North America, Europe, and Asia, and address pertinent international legal issues where appropriate. It will first address basic issues in comparative criminal law, as well as background information on computing and Internet technology. It will then address some of the most prominent topics in the substantive law of cybercrime (e.g., pornography and obscenity, "hate speech," cyberstalking, hacking, fraud, intellectual property offenses such as software piracy and economic espionage, and other issues associated with privacy and anonymity on the Internet). It will then turn to major issues in the procedural law of cybercrime (e.g., surveillance technologies such as Carnivore and legal standards for interception of electronic communications). Given the rapid pace of developments in computing and Internet law, the course will incorporate the most current materials available online and in hard copy. Students will be expected to use the Internet for intraclass communications and access to certain course materials, but need not have a detailed knowledge of computing or the Internet.

Prerequisite: Criminal Law.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. seminar, Computer Crime Seminar, or the J.D. course, Computer Crime.

LAW 1110 v00 Government Enforcement Investigations: A Study at the SEC
J.D. Course (cross-listed) | 2 credit hours
Government enforcement programs are more vigorous than ever, and lawyers on all sides of an issue need to be able to investigate and understand what happened. Investigative skills are an essential part of the toolkit of any attorney. Fact-finding and analysis are core elements of all legal work, but too often, lawyers are left to develop crucial, practical skills without guidance or training.

Government investigations – such as those into violations of the federal securities laws – require a unique skill set, above and beyond substantive knowledge of legislation and rules. Enforcement attorneys need skills to identify key documents, review large amounts of information, interview witnesses and then summarize their work in writing. The private attorneys representing companies and individuals need to do similar work.

The course attempts to provide practical skills in the context of broader ideas about how to investigate and about how the Securities and Exchange Commission investigates. This will include some substantive law and some academic critique of the SEC, but it will concentrate on practical issues like how to gather information, how to analyze it against substantive law, how to deal with lies, and why lawyers must make themselves comfortable with technical subjects.

Through this course, students will learn about how lawyers investigate through the lens of the SEC Enforcement Division’s securities enforcement investigation. Students will consider the life cycle of an Enforcement Division investigation – from the first tips through collecting information through deciding whether a violation has occurred – and gain an appreciation of how to use investigative powers responsibly. The course will rely heavily on publicly-available primary documents, including lawyer work product like subpoenas, transcripts, court orders, complaints and motions. The course will also include case studies for students to try their hand at making decisions.

The course will focus on the goals and tools of law enforcement, including how to start, plan and conduct an investigation. It will contrast those investigations with similar efforts by journalists, investors, and other government agencies. It will also examine investigations from the perspective of defense lawyers – both conducting their own investigations and responding to the government – so that students may learn how to act on behalf of private clients. We want students to think about and prepare for the investigations that they’ll do in their careers.

Recommended: We do not assume students have taken any other classes. Prior or concurrent enrollment in Securities Regulation may give you some familiarity with issues covered in this class, but it is not necessary.
LAW 1028 v00 Health Care Fraud and Abuse Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201028%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
One-fifth of the U.S. economy centers around health care industry sectors. This seminar examines criminal, civil and administrative tools used by federal and state enforcement authorities to police the U.S. healthcare system. We will focus on cases brought under federal and state False Claims Acts (FCA), the Anti-Kickback Statue (AKS), Stark laws, Federal Food Drug and Cosmetic Act (FDCA), and Foreign Corrupt Practices Act (FCPA). The seminar provides a survey of the enforcement activities of the U.S. Department of Justice (DOJ), the Office of Inspector General at Department of Health and Human Services (OIG), and state Medicaid Fraud Control Units (MFCUs) in matters against pharmaceutical and medical device manufacturing companies, physicians, hospitals, clinical practices, nursing homes, laboratories, and others. The seminar materials thoroughly cover the statues, safe-harbors, and regulations that govern the health care industry. We will also discuss risk mitigation strategies and compliance program best practices across industry sectors to provide insight into the impact enforcement has on (1) clinical decision-making, (2) costs to providers, payers, and patients, (3) patient safety, and (4) quality of care. In an effort to maintain a broad perspective with the diverse and frequently changing legal landscape in the area, in addition to the case book, materials discussed and presented in this course draw from news reports, trade publications, and U.S. government agency materials.

The class requires a paper of approximately 20-25 pages in length.

Recommended: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

LAW 627 v00 Health Justice Alliance Law Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20627%20v00)
J.D. Clinic | 10 credit hours
Please see the Health Justice Alliance Law Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/health-justice-alliance-clinic) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1612 v00 Innovative Policing: From Theory to Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201612%20v00) (Project-Based Practicum)
J.D. Practicum | 5 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This practicum will focus on innovative efforts to transform policing and our criminal justice system. Students will participate in a two hour/week seminar and carry out 15 hours/week of project work under the direction of the course professors.

SEMINAR: Nationwide, high-profile police shootings and the documentation of patterns of police misconduct have triggered the emergence of broad-based protest and reform movements. Here in Washington DC, relations between DC’s Metropolitan Police Department (MPD) and the community it serves have been relatively positive compared to many other regions, but MPD nonetheless struggles to ensure it polices effectively, fairly and collaboratively in a diverse and changing city. What’s more, even “good” policing is part of a criminal justice system that both reflects and drives racial, ethnic and socioeconomic rifts in American society. Through this practicum, students will work with MPD and community groups to transform the training and education MPD provides its officers and new recruits. Students will gain the skills and knowledge lawyers need to play an effective role in the effort to transform policing and our criminal justice system.

PROJECT WORK: Project work will be comprised of three components: 1) student projects, conducted either individually or in groups; 2) once per month leading break-out groups of officer recruits at the MPD training academy; and 3) helping to support and expand Georgetown Law’s Police for Tomorrow Fellowship Program. Through some or all of these components students will have the opportunity to work directly with police officers and community groups to learn their perspectives on policing and our criminal justice system—a critical component of reform efforts.

Student Projects. Student projects will be based on a combination of student interest and Program on Innovative Policing needs. Students may be assigned to work on a project on their own, or with a team of students. Projects may include researching and writing up innovative projects and best practices in policing; developing workshops for the Program on Innovative Policing’s MPD Academy or Police for Tomorrow work; developing and implementing legislative initiatives related to policing; designing law enforcement curricular modules for use at MPD or other departments; and developing and implementing outcome metrics to evaluate innovative police projects.

Police for Tomorrow--MPD Training Academy. Students will lead break-out groups of officer recruits during monthly sessions for recruits and officers in Washington DC’s Metropolitan Police Department on topics such as: implicit bias, race and policing, homelessness, history of policing/DC, use of force, persons in behavioral or mental health crisis, youth and policing, alternatives to arrest, active bystandership and other vital topics. As noted above, some students, as part of their student projects, may help develop workshops and design law enforcement curricular modules for MPD’s training academy.

Police for Tomorrow--Fellowship Program. The practicum will help support and expand the Georgetown Law-MPD Police for Tomorrow Fellowship.

Prerequisite: Students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Prior coursework or other experience on policing, criminal justice, or education is recommended but not required.
LAW 611 v02 Internal Investigation Simulation: Evaluating Corporate Corruption (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v02)

J.D. Course | 1 credit hour

In this Week One simulation, you will act as outside counsel conducting an internal investigation into Santé, an issuer on a U.S. exchange. Santé has uncovered evidence of bribe-like payments made as part of its operations in Africa. It is concerned that these payments may trigger liability under the Foreign Corrupt Practices Act (FCPA), a U.S. statute with a wide extraterritorial reach. Fearing criminal penalties and negative press, the French company has engaged outside counsel—you—to evaluate the potential risks associated with these payments and to consider ways to mitigate those risks. In your role as outside counsel, you will interview key witnesses to gather facts, then assess the risks to your corporate client under the FCPA. You will present your findings and recommendations to Santé’s general counsel, played by Georgetown Law alumni.

The focus of this course is skills exposure and acquisition in a challenging and complex international context. You should expect intensive group work and a highly-participatory environment. You will not only learn about statutory interpretation and the role of the FCPA in corporate transactions, but you will have the opportunity to engage in essential lawyering skills, including fact development, legal analysis, witness interviewing, client counseling, team-building, project management, and problem-solving.

Note: FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 11, 2021, through Thursday, January 14, 2021. This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information see the Week One website (https://www.law.georgetown.edu/ experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by Monday, November 30, 2020 at 3:00 p.m. After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

LAW 790 v00 International Criminal Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20790%20v00)

J.D. Course (cross-listed) | 3 credit hours

In international criminal law, we begin by examining the basics: what criminal law is supposed to do and the fundamentals of international law and jurisdiction. We then study issues relating to transnational application of domestic penal codes, such as extradition and the extraterritorial application of U.S. criminal law and the U.S. Constitution. We may choose a transnational crime—such as money laundering or corruption—as a vehicle for examining the efficacy of transnational application of domestic standards. The focus of the course then shifts to truly international, rather than transnational, law. We examine the history of international tribunals intended to enforce international crimes (Nuremberg, the ICTY, and the ICTR), and delve into the structure and operation of the International Criminal Court. We focus on substantive international crimes such as genocide and crimes against humanity, and may also cover war crimes, crimes of sexual violence, and/or torture.

The course closes with a consideration of alternatives to criminal prosecution, such as truth and reconciliation commissions.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. first-year elective or the graduate course with the same title.

LAW 790 v01 International Criminal Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20790%20v01)

LL.M Course (cross-listed) | 2 credit hours

Examines selected issues involving the application of criminal law to international activities and across national boundaries. The course covers both the procedural aspects of international cooperation in criminal matters (including extradition, cross-border investigations, mutual legal assistance, and recognition of foreign penal judgments) as well as the developing substantive international law (e.g., war crimes, crimes against humanity, genocide, cybercrime, and trafficking in drugs, people and firearms). Particular attention is paid to the question of jurisdiction over criminal activities at the international level, in the context of activities such as money laundering, organized crime, and computer crime, including the reach of Constitutional protections to investigations and law enforcement activities overseas. Addresses the structure, jurisdiction, and jurisprudence of the ad hoc criminal tribunals for the former Yugoslavia and Rwanda and the statute and rules of evidence and procedure of the International Criminal Court.

Recommended: Criminal Law, Conflict of Laws: Choice of Law (or the equivalent Conflict of Laws: Choice of Law (International Focus)); International Law I: Introduction to International Law.

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. course with the same title; the J.D. first year elective, Criminal Law Across Borders; or the J.D. seminar International Criminal Law Seminar: Tribunals and Crimes; or the J.D. course International Humanitarian Law; or the J.D. course International Criminal Courts.
LAW 880 v00 International White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20880%20v00)
LL.M Course | 2 credit hours
This course examines key issues arising from the criminalization of transnational business conduct and attempts to enforce national laws extraterritorially, as well as how to counsel clients to comply with inconsistent or conflicting legal regimes. Topics covered will include: bribery of foreign officials, crime on the internet, economic embargoes and export and reexport controls, securities fraud, money laundering, and price-fixing. Attention will be paid to foreign governmental opposition to U.S. assertions of jurisdiction via "blocking" statutes, secrecy laws, and use of local court injunctions, as well as to mechanisms for resolving jurisdictional conflicts, including international agreements for notification, consultation, mutual legal assistance, "positive comity," and exchanges of confidential information among enforcement authorities. The course will also focus extensively on compliance and ethics issues and on techniques for dealing with government law enforcement agencies.

Recommended: International Law I: Introduction to International Law (or the equivalent of International Law I, which is a 3 credit course in public international law).

Mutually Excluded Courses: Students may not receive credit for both this course and International Economic Crime and Corruption.

Note: Please note, the two sections of this course have different requirements. Please be sure to register for CRN 13649 if you wish to elect the section with a final exam and CRN 24229 if you wish to elect the section requiring a paper. The cutoff date to select either an exam or paper requirement is Tuesday, September 7, 2021.

LAW 3130 v00 Investigating Transnational Criminal Organizations & Cyber Threats to National Security (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%203130%20v00)
LL.M Course (cross-listed) | 2 credit hours
As a rule, investigating and prosecuting cybercrime is fraught with challenges. Ephemeral electronic evidence, international evidence-gathering obstacles, and anonymizing technologies can frustrate conventional law enforcement investigative techniques. Recently, distinctions between traditional cybercrimes and crimes committed by foreign actors with national security objectives have eroded, thereby increasing investigative challenges: cybercriminals and national security cyber actors now both steal information for personal financial gain; nation-states have enlisted criminal organizations to act as their proxies to cyber attacks against United States companies; and the tradecraft used by some nation-state actors includes tools commonly used by cybercriminals, such as "botnets" and ransomware. The intersection between conventional cybercrimes and national security crimes with a cyber nexus raises novel legal and policy questions involving the extraterritoriality of criminal statutes, the application of international data privacy regulations, and the boundaries of international legal cooperation. Furthermore, the burgeoning role of private actors, like cybersecurity firms, in data breach response and cyber threat intelligence gathering contribute to confusion over how cybercrime should be investigated.

This course will take a practical look at how U.S. federal law enforcement pursues investigations and prosecutions of sophisticated cyber threat actors using investigative and prosecutorial criminal tools that at times are augmented by national security authorities. It will furnish a background in criminal statutes that are the bedrock of electronic evidence gathering (e.g., the Wiretap Act, 18 U.S.C. § 2510 et seq.; the Stored Communications Act, 18 U.S.C. § 2701 et seq.; and the Pen Register/Trap and Trace Act, 18 U.S.C. § 3121 et seq.); the substantive laws used to indict cyber actors (e.g., the Computer Fraud and Abuse Act, 18 U.S.C. § 1030); the constitutional questions raised by surveillance techniques used to gather domestic evidence against international actors; and national security issues that prosecutors confront when handling hybrid criminal cases (e.g., discovery issues associated with the use of national security authorities). Students in this class will learn how a federal case against transnational cybercriminals and national security cyber actors is built and the legal landmines that can surface while gathering evidence in "cyberspace."

No technical background is required to take this course, but you will be taught the basics of Internet technology to better understand how technology affects the application of certain criminal laws.

Strongly Recommended: Criminal Justice, Criminal Law, or Criminal Procedure; Courses in technology-related subjects
This seminar examines both progress and ongoing challenges in seeking meaningful justice and accountability for serious international crimes, including crimes against humanity, genocide, and war crimes. We'll begin with an overview of the challenges of effective atrocity prevention and an examination of fundamental developments over the last few decades establishing international and hybrid criminal tribunals and other mechanisms of transitional justice, including truth and reconciliation commissions. Building on this foundation, and drawing upon legal scholarship, social science research, and country case studies, we will then explore a range of responses to key justice challenges recurring in a number of countries emerging from conflict. These challenges include: (1) the often complicated relationship between peace processes and justice initiatives; (2) the question of whose justice goals are being pursued and how national, regional, and international stakeholders interact in such efforts; and (3) the complexities of building enduring justice on the ground through meaningful domestic rule of law reform, outreach, cultural engagement, and other means. Students will write a substantial seminar paper within the subject matter scope of the seminar.

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This project-based practicum course will focus on youth in D.C.’s delinquency system and their access to justice, the right to due process, and the unique role of juvenile defense counsel after youth have been sentenced to the care and custody of a government agency. Students will participate in a two-hour/week seminar and carry out 10 hours/week of project work under the direction and supervision of the course professors.

SEMINAR: When a youth is adjudicated delinquent in the District of Columbia’s juvenile justice system, s/he could be committed to the Department of Youth Rehabilitation Services (DYRS). Although youth accused of crime are guaranteed the right to a lawyer at every “critical phase” of a delinquency case, committed youth routinely appear without counsel at numerous administrative meetings and post-sentencing hearings where important decisions are made about their liberty interests and basic needs. Many lawyers are unaware of their ethical obligations to continue representing their client after sentencing and have not been trained on the best practices for post-sentencing advocacy. Other stakeholders, such as DYRS, diverge on whether lawyers must, may, or should appear at meetings and proceedings that take place after commitment.

PROJECT WORK: In the 10 hours/week project component, each student will support the defense team for one of the professors’ juvenile clients and will work with that client as a mentor and legal advocate. Students will work in pairs with a specific client. For the majority of the fall semester, the clients will be incarcerated at New Beginnings Youth Development Center, which is the long-term secure juvenile facility for D.C. youth located in Laurel, Maryland. Students will travel as a group to New Beginnings each week and will meet with the clients under the supervision of the professors. STUDENTS MUST BE AVAILABLE ON FRIDAYS FROM 10:30 A.M. - 2:00 P.M. THROUGHOUT THE SEMESTER TO MAKE THESE GROUP TRIPS. Students might also attend reentry planning meetings, discharge meetings, disciplinary hearings, and administrative and/or court hearings as needed for the respective clients. Please note that due to the nature of the work, some periods will be busier than others and there may be times when students will need to work more than 10 hours in a given week. Transportation to New Beginnings will be provided.

Prerequisite: J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Professional Responsibility.

Mutually Excluded Courses: Students may not take another practicum course or a clinic at the same time as a project-based practicum course. Students may enroll in an externship at the same time as a project-based practicum course.

Note: This practicum course is open to LL.M. students, space permitting.

Evening students who work during the day are encouraged to reach out to the professors to discuss whether this practicum course would be compatible with their schedules. THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students must submit a resume and statement of interest (one page double-spaced), explaining his or her interest in the course to Professor Whitney Louchheim (whitney@opencityadvocates.org) by June 4, 2018. After this date, interested applicants should email Professor Louchheim to inquire if there is still space in the course. This is a four-credit course. Students
**LAW 532 v02 Juvenile Justice Clinic** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20532%20v02)
J.D. Clinic | 9 or 14 credit hours
Please see the Juvenile Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/juvenile-justice-clinic) for more detailed information about the program.


**Mutually Excluded Courses**: Students may not concurrently enroll in this clinic and an externship or a practicum course in the first semester.

**LAW 1401 v00 Law and Philosophy Seminar: Crime, Punishment, Injustice** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201401%20v00)
J.D. Seminar (cross-listed) | 3 credit hours
Criminal justice is in disarray, and in recent years crime and punishment have come under searching scrutiny. Specific issues include over-punishment, mass incarceration and its consequences in minority communities, the role of race, the morality of specific punishment practices (long-term solitary confinement, life without parole, adult punishments for juveniles, the death penalty). What are the alternatives to punishment? These raise old philosophical questions in new form: what is punishment for? What are the roles of deterrence, retribution, rehabilitation, and providing closure to crime victims? How should the law respond to genuine evil? These are not only U.S. controversies – there are similar controversies in debates over international criminal justice.

This is a colloquium-style seminar: most sessions will involve distinguished guest speakers presenting their own research. These will include both philosophers and legal scholars. The seminar is offered jointly to law students and graduate students in philosophy. It is a writing seminar that satisfies the WR requirement at the law school. Although most sessions will take place at the Law Center, some will be held on the main campus.

**LAW 1618 v00 Mass Incarceration Seminar** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201618%20v00)
J.D. Seminar (cross-listed) | 1 credit hour
This seminar examines the growth and consequences of detention centers, jails, and prisons in this age of "mass incarceration." Nearly 2.4 million Americans are behind bars, roughly one in every 100 adults, far more per crime than any industrialized nation. If we include persons on parole or probation, one adult in 23 is under correctional supervision. With cost taxpayers paying in excess of $75 billion each year and with African Americans and Latinos overrepresented in the American justice system, some scholars, advocates, and policy makers argue that mass incarceration represents one of the greatest social injustices of our time.

The seminar is designed to stimulate students to think critically about contemporary punishment practices, and the serious social and economic consequences of mass incarceration. What accounts for the growth of incarceration, including both prison and jail? What have been the effects of the prison build-up on individuals, their families, and communities? What are the public safety consequences? What happens to individuals when they attempt to reenter society and what barriers do they face? What happens to the children of incarcerated parents?

**Course Goals/Student Learning Outcomes**

The substantive course goals are to: (1) understand the critical issues facing the criminal justice system; (2) expand awareness of the opportunities and risks facing criminal justice reformers by the crisis of mass incarceration, and (3) identify solutions for policy makers to reduce incarceration at the federal, state, and local levels.

The skills-oriented goals are: (1) by participating in class discussions, you will hone your skills in speaking fluently and comfortably about criminal justice policy issues; (2) by writing a research paper in the course, you will sharpen your skills in policy research and writing.

By the end of the course, I hope you will gain a basic understanding of the legal, social, and policy factors that contributed to the exponential rise of America's prison population, their consequences for U.S. law and policy, and the emerging alternative approaches to punishment that may reduce our reliance on incarceration. You will not learn every detail about America's criminal justice system, but you should grasp the nature and structure of mass incarceration and have the ability to critically assess and effectively communicate its contemporary policy issues and possible solutions.

**Note**: Withdrawals are permitted up until the last class for this specific course.
**LAW 1720 v00 Police Abolition Seminar**

This seminar will study policing transformation through an abolitionist framework. The course will first look at abolitionist theory and its application to policing. It will then look at the implications of this framework for immediate and mid-term change-making efforts in policing and beyond. We will explore the interplay between police abolition, the "defund" movement and more "traditional" police reform efforts, critiquing each. We will look at what police currently do and the extent to which current policing promotes, or undermines, public safety. We will question how "public safety" is commonly defined and consider what role law enforcement would play if we were to define public safety differently. We will consider how the role of police (at least as currently constituted) in promoting public safety might be decreased (eliminated?) and how we would protect physical well-being if that were to come about. Throughout this course we will consider whether the police abolitionist framework might help us more effectively address institutionalized racism and entrenched class inequity as we seek to transform policing.

Students may take this course to fulfill Georgetown's Upperclass Legal Writing Requirement. If you take this class to fulfill your Writing Requirement, you should be prepared to devote a considerable amount of time in the course developing a paper proposal about a conflict, crisis, or controversy within policing; researching your idea in depth; and both drafting and revising a substantial paper of at least six thousand words (exclusive of footnotes) that meets the elements of the Writing Requirement as set out in the Georgetown Law Student Handbook of Academic Policies.

**Course Readings**

- Additional Readings will be listed in the course syllabus and will be posted on/linked to in Canvas

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

---

**LAW 1606 v00 Motherhood and the Law Seminar**

This course will examine society’s notions of motherhood and how various laws affect becoming and being a mother. Specific topics include laws that affect reproduction, pregnancy, leave from work following childbirth, parenting decisions, when to legally punish mothers and lastly navigating motherhood and professional identity as a lawyer. Some of the questions that will run through this course include:

1. Given the importance of caring for children, how should the law construct expectations of parenthood?
2. How does the law shape our notions of the responsibility of motherhood?
3. Is there common ground among political opponents on issues related to law and motherhood?
4. What laws should be implemented to better support mothers in the United States?

**Note:** This seminar requires a paper. J.D. students must register for the 3-credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

---

**LAW 849 v00 National Security Investigations and Litigation**

This seminar will address the law governing national security investigations and related litigation. Topics will include electronic surveillance (e.g., the Foreign Intelligence Surveillance Act), national security letters, mail covers, and the handling of classified information at trial (e.g., the Classified Information Procedures Act). National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and operational reality in which it functions. The seminar will aim to present the law in context, exposing students as much as possible to the real-world effects of legal standards and rules. Requirements include participation in a four-hour investigative exercise at the end of the semester, submission of two short papers during the course of the semester, and class participation.

**Mutually Excluded Courses:** Students may not receive credit for this course and the J.D. course, National Security Law: Investigations and Prosecutions or National Security Surveillance.

**Note:** Grading for this class will be based on three components, each equally weighted: class participation; two short papers; and performance during the final exercise.

Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 1750 v00 Police Accountability Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201750%20v00)

J.D. Seminar | 2-3 credit hours
Alongside newer demands to end our over-reliance on policing to keep us safe, are renewed calls for more effective mechanisms for police accountability. This course will focus on the nuts-and-bolts of police accountability, from exploring the efficacy and costs of the exclusionary rule, prosecutions of individual police officers, and Section 1983 cases, to USDOJ’s reinvigorated pattern-or-practice investigations, civilian oversight, and “front-end” oversight in the form of state and federal regulation of police. Along the way we will consider subsidiary topics like qualified immunity, the Monell doctrine, and even the role of insurance companies in holding police accountable. We will consider how new or pending legislation at the federal, state, and local levels can be expected to improve (or undermine) police accountability, and discuss how this all fits in with efforts to reform, remake, or abolish policing.

Students may take this course to fulfill Georgetown’s Upperclass Legal Writing Requirement. If you take this class to fulfill your Writing Requirement, you should be prepared to devote a considerable amount of time in the course developing a paper proposal about a particular aspect or type of police accountability; researching your idea in depth; and both drafting and revising a substantial paper of at least six thousand words (exclusive of footnotes) that meets the elements of the Writing Requirement as set out in the Georgetown Law Student Handbook of Academic Policies.

Prerequisite: Criminal Justice or Criminal Procedure.

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1360 v00 Policing in the 21st Century: Law Enforcement, Technology and Surveillance (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201360%20v00)

J.D. Seminar | 2 credit hours
This seminar will explore the intersection of contemporary surveillance practices with the need to safeguard civil liberties, and investigate how new technologies are being used to manage and control populations of people, in particular racial and religious minorities and immigrant communities. The course will place special emphasis on the evolving right to privacy in an increasingly cyber- and technology-oriented world, the expansion of government surveillance during the Obama and Trump administrations, and the implications of new law enforcement technologies on civil liberty protections. Our texts will include a variety of sources ranging from case law, legal scholarship, government manuals and congressional testimony to congressional letters, TED Talks, and digital publications.

We will investigate a variety of electronic and non-electronic forms of surveillance, including social media monitoring, stop and frisk, license plate readers, drones, suspicious activity reporting, predictive policing, countering violent extremism programs, and NSA data collection. Throughout the course, we will specifically discuss how these technologies can be used to stifle dissent and protest.

We will discuss how judges and legislators have responded to these surveillance technologies, and pay special attention to the legal tools, doctrines, and defenses available to the government in surveillance-related matters. We will simultaneously investigate the different avenues through which today’s surveillance practices can be challenged, including lobbying, litigation, and private industry innovation. Specific reforms that will be discussed include encryption, informed consent, body cameras, diversity, community policing, and abolition.

Recommended: Prior or concurrent enrollment in Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

LAW 1493 v00 Prison Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201493%20v00)

J.D. Course | 3 credit hours
This course focuses on the back end of the criminal justice system. In this class, we will be focusing on the law and policy of incarceration. We will study why the United States is so punitive, how government officials manage prisons, and what protections are in place to prevent harm to prisoners while incarcerated. We will also study whether our current penal system is successful in reducing the recidivism rate of those coming out of prison. These topics are particularly urgent given that the United States leads the world in the rate it imprisons its citizens. Topics to be covered include: the history of prisoners’ rights litigation; the scope of prisoners’ constitutional rights; inmate access to the courts; First Amendment protections for prisoners; the prison disciplinary process; conditions of confinement; medical care; the problems of prison rape and overcrowding. There will also be a focus on legal practice—how lawyers litigate prisoners’ rights suits. There will be a take-home final examination.

Mutually Excluded Courses: Students may not receive credit for both this course and the Prison Reform Advocacy and Litigation practicum.
**LAW 1181 v00 Prison Reform Advocacy and Litigation**

In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This fieldwork practicum course will introduce students to the prison reform and related fields. Students will participate in a two-hour/week seminar and carry out 15 hours/week of fieldwork at non-profits or agencies that deal with prison reform and related issues.

**SEMINAR:** Seminar materials will cover substantive law, policy, and practical advocacy skills. Substantive law will comprise the major statutes, regulations, and case law governing the U.S. carceral system. The policy units will cover issues such as privatization and approaches to sexual assault. Finally, the course will touch on practical skills such as interviewing techniques, media relations, and self-care.

**FIELDWORK:** Fieldwork placements will be at various non-profits and agencies that deal with prison reform and related issues. Depending on the agency and its needs, work will include litigation, individual advocacy, policy development, or legislative advocacy.

**Prerequisite:** J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

**Mutually Excluded Courses:** Students may not receive credit for this class and Prison Law and Policy. Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course.

**Note:** This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email the Office of the Registrar (lawreg@georgetown.edu) to request admission.

Evening students are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules. This is a 5 credit course. Two credits will be awarded for the two-hour weekly seminar and three credits for 15 hours of supervised fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two-credit seminar portion of this practicum will be graded. The three credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as the fieldwork. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and fieldwork components.

Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor’s discretion, may be withdrawn from the practicum course.

**LAW 1183 v01 Problem Solving Justice: Developments in Treatment, Diversion, and Community Courts**

This course is suitable for evening students who can commit to regularly attending class and working 10 hours/week, during business hours, primarily on site at the D.C. Superior Court.

This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits for approximately 10 hours of supervised fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork work must be completed during normal business hours. The two-credit seminar portion of this practicum will be graded. The two credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as the fieldwork.

Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and fieldwork components.

Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor’s discretion, may be withdrawn from the practicum course.
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This practicum course will provide students with the experience, knowledge, and analytical skills to identify and apply the criminal laws, evidentiary and procedural rules, and case law relevant to the prosecution of sex crimes. Students will participate in a two-hour/week seminar and also undertake 10 hours/week of fieldwork at AEQuitas: The Prosecutors’ Resource on Violence Against Women.

**SEMINAR:** In the two-credit, graded, seminar portion of the practicum, students will learn about the prosecution of sex crimes. Rape and sexual assault laws are complex and evolving. The crime of rape originated as a crime against property – not against a person. While these laws have evolved, they still retain vestiges of their archaic origins, resulting in inconsistency and variability in sex crime terminology and elements from state to state, as well as other anomalies. This course is designed to inform students’ evaluation, preparation, and litigation through a course-long review of a complex sexual assault case file. It will also address the prevalence and perpetration of sexual violence in the United States and will explore the commonalities and differences in the barriers to effectively responding to these cases in the United States and abroad. This practicum course will provide students with the experience, knowledge, and analytical skills to identify and apply the criminal laws, evidentiary and procedural rules, and case law relevant to the prosecution of sex crimes. Students will be exposed to research related to victim behavior, sexual violence perpetration, medical and health issues, and forensics in sexual violence cases in their seminar readings, discussion, and fieldwork. Students will be provided with opportunities to apply the relevant research, court rules, and case law to the course case file. The students’ fieldwork will be complemented weekly by a review of relevant case law and literature, class discussion, lectures by the lead faculty member and guest lecturers, and mock pre-trial and trial exercises. Students will develop an understanding not only of the applicable laws but also of common challenges that arise when investigating and prosecuting these crimes. Topics such as alcohol-facilitated sexual assault, violence against sexually exploited women, commonly co-occurring crimes, prosecutorial decision-making, marital rape, issues of force and consent, and more will be studied.

**FIELDWORK:** In the two-credit, mandatory pass-fail, fieldwork portion of the practicum, students will undertake 10 hours of fieldwork/week at AEQuitas, where each student will be supervised by an Attorney Advisor. Students will be expected to assist AEQuitas Attorney Advisors with daily tasks of providing technical assistance to prosecutors and allied professionals and to prepare for trainings. Technical assistance requests span the continuum and include but are not limited to: information on experts, legal research (statutory and case law based), policy guidance, and more.

Students will also work in pairs to complete a semester-long project related to AEQuitas’s work, focusing on sexual assault prosecution and advocacy. Projects may include:

- Utilizing technology to enhance the prosecution of these cases, such as developing a public service campaign to raise awareness of issues related to prosecution and sexual assault and/or creating short podcasts on relevant topics that feature AEQuitas Attorney Advisors and other justice system experts, etc.
- Developing sample briefs
- Analyzing relevant laws
- Peer review of colleagues’ work

This course will use the allegations, discovery, and trial testimony from actual FCA suits to introduce students to the intricacies of and strategic considerations presented by this and other complex civil litigation. The course will follow the development of FCA suits from the under seal investigation of the case through trial with a special focus on utilizing and defending against discovery and driving cases to early resolution. Students will draft portions of complaints, proposed orders, discovery requests, motions, and jury instructions. Class time will be used to critique student work product and strategize responses so that students will be exposed to both defense and plaintiff perspectives and understand the tradeoffs faced by litigants in multi-party suits.

Students will also hear from practitioners, including mediators and judges, to understand the techniques they employ and what motivates their decisions. The goal is that at the end of the course students will have experience with all of the tools of complex civil litigation, an understanding of how to take a case from complaint to trial, a familiarity with the central legal doctrines underlying FCA actions, exposure to private-public interest practice, and an appreciation for working with the government and other co-parties.

Students will be evaluated based on their written work product and class participation.

**Prerequisite:** Civil Procedure (or Legal Process and Society).

**Recommended:** Prior or concurrent enrollment in Evidence.
**Criminal Law and Procedure**

**LAW 1461 v00 Race and Poverty in Capital and Other Criminal Cases Seminar**

J.D. Seminar | 2 credit hours

This course will examine issues of race and poverty in the criminal justice system, particularly with regard to the imposition of the death penalty. Topics will include procedures for consideration of the death penalty, prosecutorial discretion, plea bargaining, the right to counsel for people who cannot afford lawyers, jury selection, and racial disparities in sentencing.

**Learning Outcomes:** Students will develop knowledge and understanding regarding the history of racial bias in the courts and the extent to which race continues to influence outcomes in cases. Students will learn the substantive and procedural law regarding racial discrimination; due process and equal protection guaranteed by the Fourteenth Amendment; the cruel and unusual clause of the Eighth Amendment; prosecutorial discretion; and the right to counsel for poor people accused of crimes.

Students will analyze the standards adopted by the Supreme Court in these areas, the evolution of those standards over time, and the practical impact of the Court’s decisions on the law in trial courts throughout the country. Students will learn how lack of compliance with procedural rules may bar any consideration of the merits of issues. Students will learn the responsibilities of prosecutors and defense lawyers. Students will learn how to analyze issues and set out their views in writing and orally, supporting their positions with solid legal reasoning and proper citation to the relevant authorities.

**Note:** In Fall 2021, this course will meet on the following Tuesdays and Thursdays: 8/31, 9/2, 9/7, 9/9, 9/23, 9/28, 9/30, 10/5, 10/7, 10/19, 10/21, 10/26, and 10/28.

**LAW 1719 v00 Race, Law, and Inequality Seminar**

J.D. Seminar | 2-3 credit hours

The deaths of black men and women at the hands of white police officers in places like Ferguson, Missouri, New York City, North Charlestown, South Carolina, and Baltimore has launched a conversation about race in the United States unlike any we have seen in recent decades. Recent debates have focused on racial bias, discrimination and disadvantage, but have largely ignored the effects of law in the racial inequality context. This course looks to correct that omission. It offers students an opportunity to explore the ongoing role that law plays in both shaping notions of race and in fostering structural racial inequality in the United States. Launching an inquiry that emphasizes history, as well as scholarly critique and social science insights, the course invites students to consider the racial contours and function of law in a host of contexts, including criminal justice, education, family, and housing.

**Note:** J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the two-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1021 v01 Race, Gender and Criminal Law Seminar**

J.D. Seminar | 2-3 credit hours

The course examines the role of race and gender in substantive criminal law and criminal procedure. Selected topics include rape, racial disparities, hate crimes, victimization, race and gender based defenses, including cultural defenses and the “battered spouse” defense, jury selection and participation, prostitution and sex crimes, and racial profiling. Readings will consist primarily of cases and scholarly articles. Possible case books include “Race and Races” (Thompson West) and “Women and the Law” (Thompson West). Selected readings from “Race, Crime, and the Law” (Kennedy) and “Let’s Get Free: A Hip-Hop Theory of Justice” (Butler).

**Prerequisite:** Criminal Law.

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 1728 v00 Reading the Police Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201728%20v00)
J.D. Seminar | 2 credit hours
During this seminar our class will read six recent books about policing in the United States. We will spend two weeks on each book. The first week we will discuss the book with each other. The second week the author will visit the class to discuss the book. Author visits are likely to be via video conference for the entire term.

Through studying these books and speaking with their authors we will learn how theories of policing have changed over time; how policing is influenced by, and in turn influences, law and politics; the role that race, gender, age and socio-economic status have played in shaping how policing happens; the connection of policing to mass incarceration and its attendant harms; and we will probe some of the biggest challenges facing policing currently, such as combatting gun violence and the rise of big data and surveillance technologies.

The books we will read are:

- **Unwarranted: Policing without Permission**, Barry Friedman (2017)
- **Tangled Up in Blue: Policing the American City**, Rosa Brooks (2021)

**Reflection and Summaries:** All students are required to submit a 500 word reflection paper on each book after we have read the book and before we have discussed it with the author. Reflection papers will be submitted via Canvas by noon two days before class so that they can be made available to the authors before our discussion. Reflection papers will be graded and late papers will be penalized. In addition, all students will submit a 500 word summary of the reading before the first week's discussion of each book. Summaries will be graded pass/fail and must be submitted each week by 5pm the day before class.

**Grading**
Your grade for the class will be based upon: 1) attendance and participation; 2) reflection papers for each book; and 3) weekly reading summaries.

**Prerequisite:** Criminal Justice or Democracy & Coercion or Criminal Procedure or Instructor Approval (LL.M.s are welcome).

**Note:** FIRST CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal.

All students are required to submit a 500 word reflection paper on each book after we have read the book and before we have discussed it with the author. Reflection papers will be submitted via Canvas by noon two days before class so that they can be made available to the authors before our discussion.
LAW 386 v00 Role of the Federal Prosecutor (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20386%20v00)
J.D. Course | 2 credit hours
This course will explore the powers and responsibilities of the federal prosecutor with students from several area law schools. Class segments will focus on how decisions are made by federal prosecutors throughout different stages of the criminal justice system, in light of legal, policy, practical and ethical considerations. Using actual cases as well as federal statutes, guidelines, and other materials, the course will discuss the factors that influence the decisions and discretion of the federal prosecutor. The course will also examine the interaction between and among federal, state and foreign jurisdictions, in particular the interests of competing sovereigns in the investigation and prosecution of criminal activity.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure, Criminal Law, and prior or concurrent enrollment in Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective.

LAW 1085 v01 Sentencing and Pre-Trial Detention: Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201085%20v01)
J.D. Seminar | 2-3 credit hours
This seminar will focus on the legal and policy issues related to the sentencing and pre-trial detention of defendants in state and federal courts. The class will address philosophical approaches to detention, incarceration, and other punishment, and how those theories have been implemented under determinate and indeterminate sentencing schemes. Students will study the structure, goals, and application of the Federal Sentencing Guidelines and contrast them with state guidelines and non-guidelines systems. Students will also explore unique issues related to capital punishment. In addition, the class will address the roles and influence of prosecutors, defense counsel, probation officers, victims, and other non-judicial actors in sentencing decisions, and how whether a judge or a jury imposes sentence affects the sentence. The class will also address the collateral consequences of sentencing. The class will examine monetary (bail) and non-monetary detention schemes, and the differing factors considered in detention and sentencing decisions. In addition, the class will examine the impact of race, gender, class, and related factors on detention and sentencing. Finally, the class will address alternatives to incarceration, therapeutic courts, and community-based sanctions. The class will be taught as a seminar; the class will not be conducted solely in a lecture format and there will be a strong emphasis on class discussion. In addition, during many classes students will be assigned role-playing exercises that are intended to help students better understand sentencing issues and the operation of federal and state guidelines systems. Students will also complete exercises in which they will review background information and sentencing recommendations for a defendant and then impose a sentence. There will also be guest speakers representing a range of backgrounds and viewpoints.

Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Criminal Law.

Mutually Excluded Courses: Students may not receive credit for this seminar and Sentencing Law and Policy or Sentencing Law, Policy, and Practice Seminar.

Note: NOTE FOR THE SUMMER 2021 SECTION: This professor has committed to teaching this course from the classroom on campus. Students may participate in-person or remotely.

This course will be enrolled via waitlist. This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 1085 v00 Sentencing Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201085%20v00)
J.D. Course | 2 credit hours
This two-hour credit course will address issues of sentencing law and policy in the state and federal court systems, in both capital and non-capital cases. Students will study relevant Supreme Court case law, statutory and sentencing guideline schemes, and relevant reports of the United States Sentencing Commission. The larger focus on the course will be on the proper purposes of criminal punishment and whether state and federal sentencing schemes adequately address those purposes. Students’ grades will be based on a take-home final examination, and class participation.

**Prerequisite:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**Mutually Excluded Courses:** Students may not receive credit for this course and Sentencing and Pre-Trial Detention: Law and Policy.

LAW 1085 v02 Sentencing Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201085%20v02)
J.D. Course | 2 credit hours
This two-credit hour course will address issues of sentencing law and policy in the state and federal court systems. It examines courtroom decision making from a policy making perspective, drawing on research and writing from legal, criminological, and political perspectives. We will examine prosecutorial discretion, plea-bargaining practices, sentencing guidelines, mandatory minimums, truth-in-sentencing reforms, and alternatives to incarceration. The larger focus on the course will be on the proper purposes of criminal punishment and the role of empirical research in sentencing policy. Students’ grades will be based on a take-home final examination and class participation.

**Prerequisite:** Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

**Mutually Excluded Courses:** Students may not receive credit for this course and Sentencing and Pre-Trial Detention: Law and Policy.

LAW 1614 v00 Sentencing Law, Policy, and Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201614%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will familiarize students with the history, law, policy, and administration of American criminal sentencing, both state and federal. The course will examine sentencing from theoretical and policy perspectives, while also explaining how federal sentencing proceedings are litigated. The course will examine: 1) the goals and justifications for punishment; 2) the institutional actors involved in the sentencing process and their often-competing interests; 3) various sentencing schemes including discretionary versus non-discretionary sentencing; 4) risk prediction; 5) the role and function of the U.S. Sentencing Commission and similar commissions; and 6) the collateral consequences of a conviction. Students will learn the basic elements of the U.S. Sentencing Guidelines, apply those Guidelines to a hypothetical case, prepare a sentencing memorandum, and witness an actual sentencing hearing in either the DC Superior Court or the DC Federal District Court. The course is available as 2 or 3 credits.

**Mutually Excluded Courses:** Students may not receive credit for this course and Sentencing Law and Policy or Sentencing and Pre-Trial Detention: Law and Policy.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 1441 v00 Serial and Adnan Syed: Special Topics in Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201441%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
The popular podcast Serial’s first season was a classic “whodunit,” chronicling the case of Adnan Syed, a Baltimore high school student accused and convicted of murder. The story also raised several complex and interesting questions of criminal procedure. Using the case of Adnan Syed as a case study, this course will cover topics that criminal defendants face from “bail to jail”, including bail and pre-trial detention, plea bargaining, ineffective assistance of counsel, and sentencing. This course will examine the responsibilities and the power allocated to each of the players in the criminal justice system, including judges, prosecutors, defense counsel, law enforcement, and defendants. At each stage, we will ask whether the system is working optimally, and how the process may be improved.

The first hour of each class will tackle the constitutional cases assigned that week; the second hour will apply the law to the Adnan Syed case facts. Because the Adnan Syed case is ongoing, the readings may be supplemented with late-breaking court filings. The course will also feature guest speakers involved in the Adnan Syed litigation. Assignments will include three short (2-3 page) writing assignments and a final (10-15 page) paper.

**Prerequisite:** Criminal Justice or Criminal Procedure.

**Mutually Excluded Courses:** Students may not receive credit for this course and Advanced Criminal Procedure or Advanced Criminal Procedure and Litigation.

**Note:** Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
**LAW 1748 v00 The Death Penalty in America Seminar**

J.D. Seminar | 2-3 credit hours
This seminar will consider the past, present, and future of the death penalty in the U.S. Topics will include the Eighth Amendment framework; capital-eligible offenses and limitations; the role of race; intellectual disability, insanity, and mental status; juvenile offenders; procedural requirements in capital cases; actual innocence claims; methods of execution; juror qualification; and the allocation of issues between judge and jury. The course also will cover current abolition initiatives under state constitutional, legislative, and clemency initiatives.

**Student learning goals:** Students will gain both a jurisprudential understanding and practical insight into the death penalty and its administration. Students will intensively explore this challenging constitutional and legal area, and will write on an important selected issue.

**Mutually Excluded Courses:** Students may not receive credit for this course and Capital Punishment Seminar or the Death Penalty Litigation Practicum.

**Note:** This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

**LAW 1467 v00 The Future of International Criminal Justice Seminar**

J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will explore the question of whether the actions of victims, civil society, and nongovernmental organizations (NGOs), with key support from some national authorities and international bodies, can create a third wave of international criminal justice. We will begin with a brief exploration of the impact of the first wave—the post-World War II tribunals, and the second wave—the international, hybrid and mixed courts created since the 1990s, and continue with a survey of the obstacles to the enforcement of international criminal law in many of the conflict zones of the 21st century. We will study the procedures available in various national justice for victims or independent prosecutors/ magistrates to commence criminal cases or civil actions against those allegedly responsible for atrocity crimes, including in non-territorial states based upon passive personality or universal jurisdiction. We will look at the expanding role of civil society and other nongovernmental organizations to advocate effectively for justice remedies and to build the documentation of individual criminal responsibility that will attract national authorities to take up cases and increase the availability of probative evidence for trial. Finally, we will identify the available sources of support for these cases, including through litigation in national, regional, or international courts; investigative assistance from multinational police and justice organizations; and fact-finding, human rights reporting, and investigative coordination through actions taken by multilateral bodies other than the veto-bound UN Security Council.

**Note:** This course requires a paper. J.D. students must register for the 3 credit section of the course if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 1495 v01 The Role of the State Attorney General (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201495%20v01)
J.D. Course | 2 credit hours
As the chief legal officer of the states, commonwealths and territories of the United States, attorneys general serve as counselors to their legislatures and state agencies and as the "People's Lawyer" for all citizens. Originating in the mid-13th century in the office of England's "King's Attorney," the office had become, by the American Revolution, one of advisor to the Crown and to government agencies. Since colonial times, three forces have molded the office of the Attorney General: state constitutions and state government codes, which specify the duties and responsibilities of the attorney general; legislative decrees altering the duties of the attorney general in response to specific state needs; and the personalities and ambitions of those who have served as attorney general. Attorneys general today deal with everything from common law and statutory authority; conflicting legal and policy demands; resource restriction; relationships with outside counsel; and hard-core partisan politics.
The Role of the State Attorney General has these overarching objectives:

• To examine the unique junction of law, policy, and politics at which the state attorney general operates and to consider whether and when each of these does or should feature in a state attorney general's deliberations and decisions
• To explore issues of law and governance, especially to consider the role of the executive branch in tripartite democratic republics
• To consider how the state attorneys general figure in the current iteration of American federalism
• To showcase in concrete terms the actual workings and work of state attorneys general

The course will cover the day to day challenges faced by attorneys general and their staffs in delivering legal advice to guide state government in a constitutional and ethical manner. The course will also cover the relationship of attorneys general with the federal government, the private bar, and a range of advocacy organizations. It will focus on some of the most prominent areas in which state attorneys general work, such as consumer protection, criminal justice, and environmental law. Although each state is unique, the course will demonstrate the congruence that exists among state attorneys general when addressing similar challenges and issues. Unlike private and other government lawyers, who work subject to ethical rules that defer decision making to agency "clients," state attorneys general answer directly to the public interest. The course is weighted toward those decisions by attorneys general that reflect their independent status, which is most often revealed when legislatures, other elected officials, state agencies or the federal government exceed their constitutional or statutory authority. The course materials include case materials and court documents, scholarly articles from a variety of sources, and some journalistic coverage. There is no separate text for this course. All materials will be available via a web portal to be designated by the professor.
Students will be evaluated on class participation (15%); the quality of a short writing assignment (20%), due approximately mid-way through the course; and a compact take home exam, which can be self-scheduled any time during the exam period (65%). In addition to substantive content, the exam will be assessed according to the quality of the prose and organization of the discussion.

Mutually Excluded Courses: Students may not receive credit for this seminar and the course by the same name.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted

LAW 1495 v00 The Role of the State Attorney General Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201495%20v00)
J.D. Seminar | 3 credit hours
As the chief legal officer of the states, commonwealths and territories of the United States, attorneys general serve as counselors to their legislatures and state agencies and as the "People's Lawyer" for all citizens. Originating in the mid-13th century in the office of England's "King's Attorney," the office had become, by the American Revolution, one of advisor to the Crown and to government agencies. Since colonial times, three forces have molded the office of the Attorney General: state constitutions and state government codes, which specify the duties and responsibilities of the attorney general; legislative decrees altering the duties of the attorney general in response to specific state needs; and the personalities and ambitions of those who have served as attorney general. Attorneys general today deal with everything from common law and statutory authority; conflicting legal and policy demands; resource restriction; relationships with outside counsel; and hard-core partisan politics.
The Role of the State Attorney General has these overarching objectives:

• To examine the unique junction of law, policy, and politics at which the state attorney general operates and to consider whether and when each of these does or should feature in a state attorney general's deliberations and decisions
• To explore issues of law and governance, especially to consider the role of the executive branch in tripartite democratic republics
• To consider how the state attorneys general figure in the current iteration of American federalism
• To showcase in concrete terms the actual workings and work of state attorneys general

The seminar will cover the day to day challenges faced by attorneys general and their staffs in delivering legal advice to guide state government in a constitutional and ethical manner. The course will also cover the relationship of attorneys general with the federal government, the private bar, and a range of advocacy organizations. It will focus on some of the most prominent areas in which state attorneys general work, such as consumer protection, criminal justice, and environmental law. Although each state is unique, the course will demonstrate the congruence that exists among state attorneys general when addressing similar challenges and issues. Unlike private and other government lawyers, who work subject to ethical rules that defer decision making to agency "clients," state attorneys general answer directly to the public interest. The course is weighted toward those decisions by attorneys general that reflect their independent status, which is most often revealed when legislatures, other elected officials, state agencies or the federal government exceed their constitutional or statutory authority. The course materials include case materials and court documents, scholarly articles from a variety of sources, and some journalistic coverage. There is no separate text for this course. All materials will be available via a web portal to be designated by the professor.
It is important to complete assigned reading fully before each session. It is strongly recommended that students check assignments early and budget reading time accordingly. Course grades will be based on the paper grade, the quality of class participation, and the quality of constructive feedback given to fellow students. Attendance is required. If a student must miss a class, she, he, or they should inform the professor beforehand. In addition to regular attendance, students will be credited for thoughtful questions and comments and for constructively engaging with the professor and with fellow students in class discussion. Quality is paramount, quantity far less significant.
Students will design their own paper topics in consultation with the professor. Students will submit rough drafts for comments from the professor. They will also have an opportunity to receive peer feedback on their work-in-progress. Final papers will be evaluated with consideration of the organization of the discussion, the quality and depth of analysis, and the demonstration of independent work-in-progress.
LAW 527 v00 Theories of Criminal Responsibility Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20527%20v00)
J.D. Seminar | 3 credit hours
The criminal law is a method of social control that relies on punishment as its primary mechanism of enforcement, and punishment, by definition, involves the intentional infliction of pain. Surely, then, the criminal law and its harsh method of enforcement would seem to require some sort of justifying purpose or purposes, and also some plausible theory of personal responsibility for determining who can justly be blamed and punished and who cannot.

In this seminar we will be discussing and evaluating the various purposes that can plausibly be advanced to justify the institution of punishment generally and also various theories of responsibility and blame that determine whether punishment can justly be imposed in a particular case. Though the seminar will focus on responsibility in the context of criminal liability, we will be discussing topics, such as free will and determinism, that have relevance far beyond the criminal law. And though we will take up some issues that are touched on in the basic criminal law course, the focus here will be theoretical and philosophical rather than doctrinal. Thus, the seminar will, I hope, be worthwhile and interesting both for those who have already taken a criminal law course as well as those who have not. There are no prerequisites for the course.

Note: FIRST CLASS ATTENDANCE IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class.

LAW 1430 v00 Transforming the Police Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201430%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
The relationship between police and the communities they serve is not only one of the most important civil rights issues facing our country today; it is one of the most important issues we face overall. In many respects, police are the face of our criminal justice system and the embodiment of our Constitution. Understandably then, each new revelation of apparent police abuse raises concern, not only about that particular incident, but about the fairness and humanity of our criminal justice system—and even our democracy. These concerns are particularly acute in communities from which police misconduct takes a disproportionate toll.

We will review current thinking on approaches to policing and study police practices related to stops, searches, arrests, custodial interrogations, and the use of force. We will explore different mechanisms of protecting constitutional rights (primarily the First, Fourth, and Fourteenth Amendments) and other legal limitations on police powers. We will pay particular attention to enforcement mechanisms aimed at long-term structural reform of police departments and other law enforcement agencies, such as Section 1983 injunctive suits and the statute authorizing DOJ’s pattern-or-practice investigations in Ferguson, Baltimore, and elsewhere. This course also will explore the extent to which existing legal interpretations of the Constitution may undermine lawful and effective policing, including whether current law sufficiently incentivizes police and non-police players in the legal arena to use their unique authority to prevent police misconduct and its related harms.

The final grade for the seminar will be based on a final paper and participation.

Learning goals for this course:

- Better understand the democratic/ethical values we want local law enforcement to embody and promote.
- Explore the extent to which current policing furthers those values; where it falls short; and why.
  - Gain general understanding of current police practices and the extent to which they do or do not promote lawful and effective policing;
  - Understand/develop an informed opinion on the extent to which the law does and does not appropriately direct and constrain police behavior (emphasis on 1st, 4th, 14th A)
- Understand strengths and weaknesses of legal mechanisms that have been developed to hold police individuals/agencies accountable to the rule of law; develop an informed opinion on which might be more effective in differing climates and how to improve.
  - Explore and gain better understanding of limits of the law to “fix” policing and potential need for other interventions (reference to poverty, education, unemployment, but focus in this respect will be on role of protest and direct action, as well as on education/advocacy specifically around issues of bias, esp. race bias).
- Develop and hone skills related to constructive discussions regarding policing, including the nexus between race and policing.

Prerequisite: Constitutional Law I: The Federal System and Criminal Justice or Criminal Procedure.
LAW 937 v01 War Crimes & Prosecutions
This course focuses on international war crimes and legal actions taken against war crimes violators. Using such topics as the abuse allegations as irregular rendition, the trial of Saddam Hussein, the arrest warrant for Omar Al-Bashir, the Armenian Genocide, and other events, the course will explore in depth topics such as the principal international war crimes, universal jurisdiction and issues surrounding jurisdiction to conduct war crimes trials, civil remedies for war crimes under the Alien Tort Statute, who should conduct war crimes trials, and other matters. Students will be expected to write a paper, approximately 12-15 pages, on a topic of their choosing pertaining to war crimes, and to participate in class discussions.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Law of War, Law of War Seminar, or War Crimes, Terrorism and International Criminal Procedure.

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety will result in a withdrawal.

Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar, a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 1686 v00 White Collar Criminal Practice: International Scandal Investigations
This intensive, Week One simulation course is designed to provide students with a basic understanding of how to defend clients in the early stages of an international criminal scandal investigation. The course requires students to work in teams to defend a fictitious foreign celebrity client in an investigation conducted by the U.S. Attorney’s Office for the Southern District of New York. Through role-plays and practice-based exercises, students will handle assignments of the exact type associates at leading white collar practices might be called upon to complete. Among other things, students will learn to:

- Work collaboratively as a member of a defense team
- Analyze a criminal case against a high-profile international client, isolate points of weakness in the prosecution’s case, develop important interview questions for the client, and create a strategic research and defense plan
- Explore typical issues arising in high-profile international criminal investigations, including press, jurisdiction, and statute of limitations
- Gain basic understanding of substantive U.S. crimes arising in the context of international criminal investigations, such as mail and wire fraud, bribery, money laundering, and conspiracy
- Conduct fast-paced legal research, and draft high-quality written work product
- Present and defend findings orally, and prepare a witness for interview by the U.S. Attorney’s Office

Assignments students will complete during the course of the week will include drafting an initial press release, conducting “flash” research, delivering an oral presentation and responding to real-time questions, preparing a PowerPoint presentation, drafting persuasive talking points for use in a meeting with a federal prosecutor, and preparing a client for interview by that prosecutor.

Note: UPPERCLASS WEEK ONE COURSE: This will meet on the following days: Monday, January 10, 2022 through Thursday, January 13, 2022. This course is offered on a mandatory pass/fail basis and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. Note: Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar at lawreg@georgetown.edu. A student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. Note: Students should be prepared to dedicate a significant amount of time to this class over the course of the week outside of the scheduled class hours.
LAW 1311 v00 Writing for Practice: Federal White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201311%20v00)
J.D. Seminar | 1 credit hour

The ability to write effective professional documents is one of a lawyer’s most important skills. This one-credit seminar is designed to help students develop this skill. The seminar will build upon the principles learned in the first-year Legal Research and Writing course by providing instruction in drafting legal documents typical to the particular area of law that is examined in the larger, substantive course associated with the seminar. This writing intensive seminar has been developed by an adjunct professor working in collaboration with the full-time faculty member teaching the larger course. Students should expect to write several documents common in the given practice area, such as client letters, legal research memoranda, motions, or responses. At least one document will require both an initial and final draft. The professor will provide individualized feedback on each writing assignment. In addition to the practical legal writing skills taught, students will also learn more generally about litigation strategy and the demands and concerns of professional practice.

This seminar, taught by a federal prosecutor and former law fellow, will expose students to some of the central legal documents and processes that govern the federal white collar criminal case, including investigative techniques, indictments, plea negotiations and agreements, pre-trial motions, and sentencing. The seminar will give students opportunities to develop investigative and charging decisions, formulate defense strategies, and grapple with cutting edge legal issues, with an emphasis on written work product. Occasional guest speakers will also provide students with special insight into federal white collar criminal practice.

Written work will consist of several short writing assignments to be completed between class sessions, as well as one longer assignment that students will draft over the course of the semester. Students will be evaluated based on the quality of their written work—check, check-plus, and check-minus for short assignments; letter grades for the long assignment—and class participation. Attendance is mandatory (and will be rewarded with bagels and cream cheese).

Prerequisite: Legal Practice: Writing and Analysis; prior or concurrent enrollment in Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

Recommended: Prior enrollment in Federal White Collar Crime.

Note: Note: This course requires Professor Permission to enroll. Students should email a short statement of their interest in the seminar to Professor Cooper at Aaron.Cooper@usdoj.gov by 5:00 p.m. on August 1, 2016. After the August 1 application deadline, students will be admitted into open seats on a rolling basis.

Limit: 10 students. This course is open to J.D. students only.

In the Fall 2016 semester, this class will meet on the following seven Wednesdays: 8/31, 9/14, 9/28, 10/12, 10/26, 11/9, and 11/30.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.

Withdrawals are permitted up until the last class for this specific course.

LAW 1622 v00 Wrongful Convictions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201622%20v00)
J.D. Seminar (cross-listed) | 2 credit hours

This course will survey the problem of wrongful convictions. We will first examine the primary causes of wrongful convictions, including “junk science,” false confessions, prosecutorial misconduct, misidentifications, jailhouse snitches, and ineffective assistance of counsel. Next, we will explore the legal landscape of actual innocence litigation, including habeas corpus, Section 1983, and the lingering question of whether innocence alone is a constitutional basis for relief. Finally, we will consider the moral, ethical, and philosophical implications of wrongful convictions for our justice system, and the difficulty of administering a functioning system while also correcting its mistakes.

Learning Objectives:

1. We hope that, by the end of this class, you will have a working understanding of the most common causes of wrongful convictions and the most common issues that arise when litigating them.
2. We also hope that, throughout the course, you will develop a broader sense for what the fact of wrongful convictions means for our criminal justice system overall, and what if anything we can improve.
3. Finally, we hope that you will develop and demonstrate improved critical thinking, persuasive writing, and oral advocacy through the written and oral components of this class.

LAW 566 v01 Wrongful Convictions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20566%20v01)
J.D. Seminar (cross-listed) | 2 credit hours

This course will survey the problem of wrongful convictions. We will first examine the primary causes of wrongful convictions, including “junk science,” false confessions, prosecutorial misconduct, misidentifications, jailhouse snitches, and ineffective assistance of counsel. Next, we will explore the legal landscape of actual innocence litigation, including habeas corpus, Section 1983, and the lingering question of whether innocence alone is a constitutional basis for relief. Finally, we will consider the moral, ethical, and philosophical implications of wrongful convictions for our justice system, and the difficulty of administering a functioning system while also correcting its mistakes.

Learning Objectives:

1. We hope that, by the end of this class, you will have a working understanding of the most common causes of wrongful convictions and the most common issues that arise when litigating them.
2. We also hope that, throughout the course, you will develop a broader sense for what the fact of wrongful convictions means for our criminal justice system overall, and what if anything we can improve.
3. Finally, we hope that you will develop and demonstrate improved critical thinking, persuasive writing, and oral advocacy through the written and oral components of this class.
Full-time Faculty

Paul Butler
David D. Cole
John M. Copacino
Laura Donohue
Deborah Epstein
Kristin Henning
Shon Hopwood
Vida Johnson
Neal K. Katyal
David J. Luban
Allegra McLeod
Wallace J. Mlyniec
Julie Rose O’Sullivan
Louis Michael Seidman
Abbe Smith