

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 (https://curriculum.law.georgetown.edu/course-search/?cluster=cluster_10)

LAW 1849 v00 Abolitionism and the Law Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1849 v00>)

J.D. Seminar | 2-3 credit hours

This seminar will cover the history and present of abolitionist movements in the United States and the role of law in resisting or hastening abolition, mainly of slavery, but also of prisons and policing today. The first half of the course will present a legal history of abolitionism. Students will learn about the founding constitutional accommodations to slavery and the role of the Supreme Court in enforcing those constitutional protections of enslavers prior to the Civil War. They will also learn about the modes of abolitionist resistance to slavery, including freedom suits by enslaved persons and legal challenges on behalf of fugitives as well as abolitionists' petitions to state and federal legislatures to end slavery. They will read and engage with iconic primary abolitionists texts from the colonial, revolutionary and pre-Civil War eras to understand the moral, constitutional, and political arguments levelled against slavery. They will also read and understand the original intentions of the drafters of the Reconstruction Amendments and engage with their conception of "abolition democracy," that is, the democratic society they hoped to create to ensure freedom and equality for the formerly enslaved. The second half of the course will engage with abolition now, particularly the legal and social movements for abolition of modern slavery, prisons, and endemically violent policing. Students will read excerpts from signature works on contemporary abolitionism, including key law review articles on prison and policing abolition and on "abolitionist constitutionalism." They will grapple with the relevance of abolitionist thought to modern aspirations concerning individual freedom, equality, and democracy.

Learning Outcomes: (1) Students will learn about the role of abolitionists and abolitionist thought in shaping American law and guarantees of freedom and equality. (2) Students will demonstrate an ability to produce an original, high quality research paper. (3) Students will demonstrate an ability to give constructive feedback on the work of their peers. (4) Students will engage in critical analysis of the gap between our professed founding ideals of freedom and the reality for historically and presently subordinated persons and develop concrete ideas in their papers on what to do about it.

Mutually Excluded Courses: Students may not receive credit for this seminar and Reconstruction and Civil Rights Seminar.

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 1776 v00 Advanced Criminal Law Seminar: Race and Poverty in Capital and Other Criminal Cases (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1776 v00>)

J.D. Seminar (cross-listed) | 1 credit hour

This course addresses the issues of race, poverty, mental illness, and other issues of fairness and equality in the criminal courts, particularly in death penalty cases. Topics include procedures for imposing the death penalty and racial disparities in capital sentencing, the impartiality and independence of elected judges in the state courts, competency for trial and other issues involving the mental health and intellectual functioning of people accused of crimes, and practices and procedures regarding clemency.

Course Goals and Learning Objectives: Students will develop knowledge and understanding of issues regarding the imposition of the death penalty, the impartiality of judges, the treatment of people with mental disorders and intellectual disabilities in the criminal courts, and the consideration of applications for clemency. Students will engage with the views of Supreme Court justices, lower court judges, legislators, governors and commentators with regard to issues of fairness and discrimination in the state and federal governments in carrying out the death penalty since the Supreme Court allowed its resumption in 1976. The course will also address decision-making in the state courts. The overwhelming majority of cases – both criminal and civil – are decided in the state courts. In most states, judges are elected. Students will consider issues of whether judges are influenced by political considerations or have biases with regard to people of color who come before them. Students will learn the grounds for disqualification of a judge who may be biased and the law and procedures for resolving those issues. Students will also learn that the criminal courts deal with a significant number of people with serious mental disorders. Students will learn the legal standards for competency to stand trial, competency to waive appeals, and competency to be executed, as well as the procedures for deciding those issues. Students will also learn how the President of the United States and governors decide whether to commute death sentences and other severe sentences and practices regarding applications for clemency. Finally, as part of the course, 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.

Recommended: Constitutional Criminal Procedure (formerly Criminal Justice) and/or Criminal Law.

Note: WEEK ONE COURSE. This seminar will meet for one week only, on the following days: Monday, January 8, 2024, through Friday, January 12, 2024, 1:30 p.m. - 4:05 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

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 may 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 032 v00 Advanced Criminal Procedure (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 032 v00>)
J.D. Course | 2 credit hours

Advanced Criminal Procedure picks up where Criminal Justice leaves off and is primarily interested in the decisions that lawyers (as opposed to the police) confront in the criminal justice system. This course will cover topics that criminal defendants face from “bail to jail”, including charging decisions/prosecutorial discretion, bail and pre-trial detention, plea bargaining, effective 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, how the process may be improved and the pressure points where the system may be changed. Throughout the course, students will step into the shoes of the prosecution and defense to evaluate the strategic choices made during the trial. Readings will include a review of the relevant Rules of Criminal Procedure, United States Supreme Court caselaw, pleadings from assorted topical cases, and late-breaking newspaper articles.

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

Recommended: Evidence and Criminal Law.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure and Litigation or Criminal Procedure: Prosecution (formerly Criminal Justice II: Criminal Trials).

LAW 032 v03 Advanced Criminal Procedure and Litigation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 032 v03>)
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: Constitutional Criminal Procedure (formerly 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 Criminal Procedure: Prosecution (formerly Criminal Justice II: Criminal Trials).

LAW 1167 v00 Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1167 v00>)

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: Constitutional Criminal Procedure (formerly 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 (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 504 v01>)

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.

For registration-specific supplemental materials, please see the Appellate Courts Immersion Clinic PDF (<https://georgetown.app.box.com/s/6qfgrgzfuvvg9vo0yfvqo12x4t113ftf/>).

For more information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/kaax2p1h16z2hiwdsbuzljshe16le5s/>).

Mutually Excluded Courses: Students who enroll in the clinic may not concurrently or subsequently enroll in the Appellate Practice Seminar. Students in this clinic may not concurrently enroll in another class, clinic, externship or practicum with the exception of Appellate Courts and Advocacy Workshop.

LAW 504 v00 Appellate Litigation Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 504 v00>)

J.D. Clinic | 14 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.

For registration-specific supplemental materials, please see the Appellate Litigation Clinic PDF (<https://georgetown.app.box.com/s/q8nlzphaz0mjfpangpq4sw1cgw8amkm/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/kaax2p1h16z2hiwdsbuzljshe16le5s/>).

Mutually Excluded Courses: Students who enroll in the clinic may not concurrently or subsequently enroll in the Appellate Practice Seminar. Students may not concurrently enroll in this clinic and an externship or a practicum course.

LAW 1912 v00 Between Crime and War: Protecting Life in Conflicts with Non-State Groups Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1912 v00>)

J.D. Course (cross-listed) | 2 credit hours

The current fierce conflict between Israel and Hamas highlights an important feature of the modern world: the vast majority of hostilities since World War II have been between states and nonstate armed groups. These include insurgencies against states such as Northern Ireland, Colombia, Israel, Turkey, Vietnam, Sri Lanka, Afghanistan, Yemen, and many others. They also involve conflicts between states and transnational terrorist groups such as al-Qaeda, the Islamic State, and Hezbollah.

These hostilities call into question the assumptions that are the foundations of the post-World War II international regulation of force designed to provide greater protection for human rights, especially the right to life. The legal system governing state use of military force is based on the assumption that the greatest threat to life is armed conflicts between states, known as international armed conflicts. This legal regime, known as International Humanitarian Law (IHL), therefore sets forth detailed rules regarding protection of the right to life during armed conflict between states, with only minimal reference to hostilities between states and nonstate armed groups. The assumption is that state use of force to protect life from violence by private actors will involve police operations against criminal behavior, which is governed by International Human Rights Law (IHRL).

This gives rise to a clear division of regulation: IHRL governs state response to nonstate criminal threats to life during peacetime, while IHL governs state response to threats to life posed by other states during war. Each legal regime protects threats to life that may arise both from others and from the state. Each does this in a distinctive way by imposing significantly different limits on state use of lethal force.

The assumptions of the post-war system for regulating state use of force, however, do not easily apply to most conflicts since World War II. This gives rise to several difficult questions.

First, at what point may a state conclude that it needs to resort to military force against nonstate groups because police operations governed by IHRL are ineffective? In other words, when do hostilities evolve from crime or social disturbances to what is known as a non-international armed conflict (NIAC) that requires the conduct of military operations governed by IHL?

Second, IHL provides detailed guidance on state use of military force against other states, but says very little about state use of force during a NIAC. Where should states turn for guidance in the absence of explicit regulation? Should they apply provisions of IHL by analogy? Should they rely on IHRL because the threat comes from private groups? Or are conflicts with nonstate armed groups sufficiently distinctive that other rules should apply? If so, what is the source of such rules? Should it matter whether a NIAC is solely internal or whether it crosses state boundaries?

Third, it is now widely accepted that regulation of states by IHRL to protect human rights does not cease during armed conflict, but that IHRL and IHL are both applicable during wartime. How must a state reconcile these two divergent legal regimes when using force in an armed conflict?

Is it realistic to harmonize such dramatically different sets of rules? Or can each body of law make its own distinctive contribution to protecting the right to life during wartime in ways that complement one another?

These are questions at the cutting edge of international law regarding the use of force. The course will draw on case studies from several hostilities, including US counterterrorism activities against transnational terrorist organizations; the conflict between Israel and Palestinian non-state groups; the 20-year hostilities between the United Kingdom and the

LAW 1175 v01 Borders and Banishment Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1175 v01>)

J.D. Seminar (cross-listed) | 1 credit hour

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: Constitutional Criminal Procedure (formerly Criminal Justice) or Democracy and Coercion, Criminal Law, Immigration Law.

Note: In Fall 2025, this course will meet on Thursdays, 10:00-12:00 pm on the following dates: 8/28, 9/11, 9/25, 10/9, 10/23, 11/6 and 11/20.

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 the first and second class sessions in their 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.

LAW 090 v00 Capital Punishment Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 090 v00>)
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 1865 v00 Civil Rights: Section 1983 & Police Accountability (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1865 v00>)

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

This course will provide an overview of remedies (including damages and injunctive relief), and key civil rights doctrines (including municipal liability, qualified immunity, and supervisory liability). The course will focus heavily on 42 U.S.C. § 1983 (The Civil Rights Act of 1871). Required readings will include state and federal court opinions, academic and media articles, and a recent book about civil rights lawsuits against law enforcement: *Shielded, How the Police Became Untouchable*, by Joanna Schwartz. The materials covered are applicable to a wide range of civil rights litigation, but the focus of the course is on civil litigation against law enforcement officers and agencies. In addition to classroom discussion of assigned readings, the course will include visits from practitioners with experience in the topics covered by this course. Throughout the course, students will be challenged to think critically about the law's claim to neutrality and its differential effects on subordinated groups. This approach is essential to understanding why Section 1983 has been interpreted as it has over time, and how this impacts the legal arguments and strategic decisions lawyers practicing in this area should make.

Learning Objectives:

- an understanding of doctrines critical to the litigation of civil rights cases brought against law enforcement agencies and officers; both the ways in which the doctrines have been broadly defined by the Supreme Court and some examples of lower court applications of the doctrine;
- an understanding of the policy goals that animate civil rights doctrines, and the ways in which those doctrines further and inhibit those goals;
- an understanding of how facially neutral doctrines shield law enforcement and agencies from accountability in ways that disproportionately disadvantage subordinated groups, including those identified by race, gender, indigeneity, and class;
- an understanding of the ways in which lawyers deploy procedural rules as part of their litigation strategy, and the consequences of various strategic choices;
- the ability to think strategically about how to frame and pursue a police misconduct civil rights action;
- hone ability to read, analyze, and explain your understanding of a court opinion;
- improve ability to apply black letter law and case holdings to novel factual scenarios;
- the ability to constructively participate in and lead discussions of complex issues related to policing, including issues regarding structural racism and state violence; and,
- the ability to work collaboratively with classmates on exercises exploring various aspects of civil litigation.

Prerequisite: Constitutional Criminal Procedure (formerly Criminal Justice) or Democracy and Coercion (or equivalent from another school for transfer students).

LAW 080 v00 Computer Crime Law ([https://](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 080 v00)**curriculum.law.georgetown.edu/course-search/?keyword=LAW 080 v00)**

J.D. Course (cross-listed) | 2 credit hours

This course will explore the legal issues that judges, prosecutors, defense attorneys, and policymakers confront as they respond to the recent dramatic increase in computer-related crime, such as computer hacking, ransomware, and online threats. In particular, we will consider how modern online crime and electronic evidence increasingly challenge our traditional approaches to investigating, prosecuting, and defending crimes in the physical space. Topics will include: the Fourth Amendment online, the law of electronic surveillance, computer hacking and other computer crimes, the First Amendment and the Internet, artificial intelligence, and special issues in transnational and national security cyber investigations

Recommended: Criminal Law or Criminal Procedure or Constitutional Criminal Procedure (formerly Criminal Justice) recommended but not required. Although much of this class involves computer and internet technology, no prior technical background or knowledge is required.

LAW 003 v00 Constitutional Criminal Procedure ([https://](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 003 v00)**curriculum.law.georgetown.edu/course-search/?keyword=LAW 003 v00)**

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 receive credit for both this course and Criminal Procedure or Democracy and Coercion. Students may take both this course and Criminal Law.

Note: This course is open to J.D. students only and is restricted to evening students and transfer students from other law schools.

LAW 003 v01 Constitutional Criminal Procedure ([https://](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 003 v01)**curriculum.law.georgetown.edu/course-search/?keyword=LAW 003 v01)**

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.

LAW 1880 v00 Constitutional Issues in Corruption & Election Crime Enforcement ([https://curriculum.law.georgetown.edu/course-search/?](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1880 v00)**keyword=LAW 1880 v00)**

J.D. Seminar (cross-listed) | 2 credit hours

This course will explore constitutional limits on legislative and prosecutive efforts to prohibit corrupt conduct involving payments to public officials, excessive or prohibited campaign contributions and independent expenditures, fraudulent fundraising by SuperPACs, and false statements by government employees. Students will review the historical evolution of relevant statutes, applicable constitutional principles, and Supreme Court and lower court decisions addressing constitutional limits on legislative and enforcement efforts.

The course will be organized chronologically within specified topics. The primary topics will include: Constitutional Principles; Bribery & Extortion; Fraud & Misapplication; Election Crimes; and Constitutional Privileges. The topics will span several consecutive classes with relevant case law assigned as the primary reading material.

Prerequisite: Constitutional Criminal Procedure (formerly Criminal Justice) or Criminal Procedure and Constitutional Law I: The Federal System.

Recommended: Criminal Law.

LAW 1864 v00 Corporate Criminal Liability: Theory and Practice ([https://](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1864 v00)**curriculum.law.georgetown.edu/course-search/?keyword=LAW 1864 v00)**

J.D. Course (cross-listed) | 2 credit hours

The modern economy is dominated by corporations. When the activity of those corporations results in harm – whether through the promotion and sale of unsafe products, corruption and bribery of government officials, misrepresentations about financial affairs, the uncontrolled release of toxic chemicals or pollutants, or as a result of industrial accidents – governments increasingly look to apply criminal sanctions to the corporations and corporate executives. But the bases, purposes, and proper application of corporate criminal liability have been insufficiently studied, theorized, and appreciated, and while many find the notion of corporations having rights difficult to accept, the corporate criminal law in the US is premised on the idea that they have obligations above and beyond those held by their officers and employees. This course examines various approaches to corporate criminal liability both as a matter of theory and, through case studies focusing on some recent prominent federal prosecutions, in practice.

Recommended: Prior experience with Criminal Law is helpful but not required.

LAW 512 v01 Criminal Defense and Prisoner Advocacy Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 512 v01>)
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.

For registration-specific supplemental materials, please see the Criminal Defense and Prisoner Advocacy Clinic PDF (<https://georgetown.app.box.com/s/q294cdzsz64mbykmdw92uzf872pk48uz/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/kaax2p1h16z2hiwdsbuzljshel16e5s/>).

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

LAW 512 v00 Criminal Justice Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 512 v00>)
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.

For registration-specific supplemental materials, please see the Criminal Justice Clinic PDF (<https://georgetown.app.box.com/s/pxijbaqckzn2laq9de8a3kf25oc834r/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/kaax2p1h16z2hiwdsbuzljshel16e5s/>).

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

LAW 1655 v00 Criminal Justice Reform Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1655 v00>)

J.D. Seminar | 2 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.

LAW 1845 v00 Criminal Justice Seminar: Confronting and Reimagining Judicial Writing in Foundational Criminal Cases (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1845 v00>)

J.D. Seminar | 2 credit hours

Historically, legal opinions, and the law that they establish, have been shaped from a perspective that is largely white, male, and privileged. At the same time, legal opinions and the law have largely ignored the perspectives of racial minorities, women, and other marginalized groups. This course will focus on these missing perspectives and ask what the law would be like if the experiences and needs of these citizens were given equal consideration in criminal law and procedure.

Through an exploration of judicial writing and attorney advocacy in key cases, I will invite students to consider the analytical and writing choices judges have made in key criminal judicial decisions by looking beyond the page. After learning about critical race and feminist perspectives of law, and the use of rhetoric, storytelling, and metaphor in judicial writing, students will assess how race and gender are handled and whose perspectives are and are not discussed in key legal opinions. They will also read and critique published rewritten feminist and critical race opinions in many of these cases. Ultimately, students will rewrite legal opinions of their own with a better understanding of the judicial audience.

Note: This course will enroll via waitlist.

LAW 126 v00 Criminal Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 126 v00>)

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 (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 126 v02>)

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 790 v00 Criminal Law Across Borders (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 790 v00>)
J.D. Course (cross-listed) | 3 credit hours

"Criminal Law Across Borders" studies two bodies of law. One is transnational criminal law, in which domestic (national) criminal law is applied to crimes committed outside national territory; these include such offenses as money laundering and Foreign Corrupt Practices Act violations. Along with the substantive law on these issues, we examine procedural law on topics such as extraterritorial jurisdiction and extradition. The other is crimes under international law: war crimes, crimes against humanity, genocide, and aggression. These are the "core crimes" tried by courts like the Nuremberg Tribunal, the tribunals for Rwanda, Sierra Leone, and former Yugoslavia, and the International Criminal Court (ICC). The course will examine these core crimes in historical perspective and cover the workings of the ICC today. The aim is to introduce students to the basic operation of both transnational and international criminal law.

Please note that we will read about and discuss some difficult issues in this course, including genocide, torture, sexual violence, and legal issues in current ongoing armed conflicts, including the Russia-Ukraine war and Israel's conflicts with Hamas and Hezbollah.

Mutually Excluded Courses: Students may not receive credit for both this course and the first-year elective by the same name or the graduate course or the JD course, International Criminal Law.

LAW 790 v09 Criminal Law Across Borders (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 790 v09>)
J.D. Course | 3 credit hours

"Criminal law across borders" studies two bodies of law. One is domestic (national) criminal law applied to crimes committed outside national territory. The other is crimes under international law: war crimes, crimes against humanity, genocide, and aggression. These are the "core crimes" tried by courts like the Nuremberg Tribunal, the tribunals for Rwanda, Sierra Leone, and former Yugoslavia, and the International Criminal Court (ICC). Along with the substantive law on these issues, we examine procedural law on topics such as jurisdiction and immunity from prosecution. As a 1L course, it will introduce basic doctrines of criminal law and international law. The course will also examine the problems confronting international criminal justice today, including the political backlash against holding leaders accountable for core crimes. The aim is to introduce students to basic doctrines of international criminal law, as well as doctrines concerning the extraterritorial application of U.S. criminal law. The course combines law, policy, and history.

Please note that we will read about and discuss some difficult issues in this course, including genocide, torture, sexual violence, and legal issues in current ongoing armed conflicts, including the Russia-Ukraine war and Israel's conflicts with Hamas and Hezbollah.

Mutually Excluded Courses: Students may not receive credit for both this course and the graduate course or the JD course, International Criminal Law or International Criminal Law: Core International Crimes.

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

LAW 1610 v00 Criminal Practice Seminar: White-Collar Crimes in a Transnational Context (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1610 v00>)

J.D. Seminar | 2-3 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.

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 128 v01 Criminal Procedure (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 128 v01>)

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 Constitutional Criminal Procedure (formerly 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 1780 v00 Criminal Procedure and the Roberts Court Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1780 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

In this seminar, we will explore select Criminal Procedure cases decided by the Roberts Court. In each class, we will study either one or two cases in depth. Topics may include search and seizure, exceptions to the warrant requirement, excessive force, ineffective assistance of counsel, right to jury trial, double jeopardy, the right to confront witnesses, and *Bivens* liability, among others. Before each class, we will provide students with notes and discussion questions to facilitate their preparation and guide their discussion.

Students will be required to write a final paper of 15-20 pages double-spaced on any issue relating to criminal procedure. The grade on the final paper will be the starting point for the final grade. The grade may be adjusted upward or downward by one-half grade based on class participation.

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

LAW 1652 v00 Criminal Procedure: Prosecution (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1652 v00>)

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 1708 v00 Death Penalty Litigation Practicum ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1708 v00](https://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 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 Miami-Dade Public Defender, the Federal Public Defender, 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: Constitutional Criminal Procedure (formerly 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. Students may not concurrently enroll in this practicum course and a clinic, or another practicum course. Students may concurrently enroll in this practicum 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 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

LAW 1783 v00 Decentering the Police in Community Safety Practicum ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1783 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201783%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 actionable steps to decenter the role of policing in community safety efforts in order to make cities and neighborhoods safer and reduce the harms of policing. Students will participate in a weekly two-hour seminar and carry out approximately 15 hours of project work each week under the direction of the course professor.

SEMINAR: Nationwide, high-profile police killings and the documentation of patterns of police misconduct have brought about broad-based movements for change. There is a growing recognition that even lawful policing causes unnecessary harm and that we have over-relied on policing to meet community safety needs. A modern, evidence-informed approach to community safety requires decentering the role of police to make space for entities that can better carry out some responsibilities currently delegated to police. The seminar portion of this course will provide students an understanding of the history of policing and explore theories of why policing has evolved as it has. We will take close looks at particular harms and inefficiencies of the current public safety system that over relies on policing to meet a broad array of social challenges, from drug addiction and homelessness, to mental health crisis, trauma, and preventing violence. During seminars, students will hear from a broad spectrum of actors and stakeholders in the public safety system.

PROJECT WORK: Through this practicum, students will work on projects that explore and implement innovative approaches to community safety. Projects may involve research to enhance understanding of what is needed to make communities safe; implementing ideas that broaden the scope of who is involved in creating and maintaining community safety; or working directly to reduce the harms of current policing. Students will gain the skills and knowledge lawyers need to play an effective role in the effort to transform policing, community safety, and our criminal legal system. Student projects may be completely individual or in pairs, and may involve working with Georgetown Law's Center for Innovations in Community Safety on projects currently underway.

Prerequisite: Constitutional Criminal Procedure (formerly Criminal Justice) or Democracy and Coercion or Criminal Procedure. Second year evening students can take Constitutional Criminal Procedure (formerly Criminal Justice) concurrently. Transfer students can take Criminal Procedure concurrently.

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

Note: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Interested students should submit a résumé and written statement (maximum of 300 words), articulating their interest in the practicum and noting any relevant academic, work, or other experiences, especially in the field of policing, criminal legal system reform, and/or civil rights, to Professor Tahir Duckett (tahir.duckett@georgetown.edu). Students are encouraged to apply as soon as possible, as Professor Duckett is admitting students on a rolling basis.

This is a five-credit course. Two credits will be awarded for the two-hour weekly seminar and three credits will be awarded for approximately 15 hours of supervised project work per week. 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

LAW 518 v00 Domestic Violence Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 518 v00>)

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.

For registration-specific supplemental materials, please see the Domestic Violence Clinic PDF (<https://georgetown.app.box.com/s/0oxlzsuoysjm9el79nbwmdb5lk7d0m15/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/kaax2p1h16z2hiwdsbuzljshel6le5s/>).

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

LAW 1922 v00 Expelled from Democracy: A Legislative and Contemporary Analysis of Voting Rights and Incarceration (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1922 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This course provides a comprehensive examination of the history of voting rights in the United States, with a specific focus on the disenfranchisement of incarcerated individuals. Beginning with an exploration of the foundational principles of voting rights in America, students will trace the evolution of suffrage from the founding era to the present day, analyzing key legislative and judicial developments at the federal and state levels. The course will then shift its focus to the disenfranchisement of incarcerated individuals, exploring the historical origins, rationales, and legal frameworks underlying this practice. The course will challenge the students' ability to think critically about the law's claim to neutrality and its differential effects on incarcerated individuals as members of subordinated groups, including those identified by race, gender, indigeneity, and class. Through case studies, legislative analysis, and guest lectures, students will examine the disparate impact of disenfranchisement policies on marginalized communities and explore contemporary efforts to restore voting rights to incarcerated individuals. By the end of the course, students will develop a nuanced understanding of the intersection of voting rights and incarceration, gain practical insights into legislative advocacy and reform efforts, and be equipped to critically engage with issues of democracy, equality, and justice in the modern era.

LAW 455 v00 Federal White Collar Crime (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 455 v00>)

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: Transfer students need to take Criminal Procedure.

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.

LAW 455 v07 Federal White Collar Crime (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 455 v07>)

J.D. Course (cross-listed) | 3 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: Constitutional Criminal Procedure (formerly 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.

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. on a date TBD.

LAW 1110 v00 Government Enforcement Investigations: A Study at the SEC (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1110 v00>)

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 (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1028 v00>)

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 Statute (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 statutes, 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 18-20 pages in length.

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

LAW 627 v00 Health Justice Alliance Law Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 627 v00>)

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.

For registration-specific supplemental materials, please see the Health Justice Alliance Law Clinic PDF (<https://georgetown.app.box.com/s/b88f0yk7boxy9z4kosqam9be8f95yax2/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/kaax2p1h16z2hiwdsuubzljshel6le5s/>).

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

LAW 611 v02 Internal Investigation Simulation: Evaluating Corporate Corruption (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 611 v02>)

J.D. Seminar | 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 9, 2023, through Thursday, January 12, 2023.

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. Details regarding the registration process will be provided to students during the fall semester via email, information sessions, and on the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations/>). ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled 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, please 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 28, 2022 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 v01 International Criminal Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 790 v01>)

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: A prior course in Conflict of Laws: Choice of Law (or the equivalent Conflict of Laws: Choice of Law (International Focus)).

Strongly Recommended: A prior course in Criminal law; Evidence; or 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 790 v10 International Criminal Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 790 v10>)
J.D. Course (cross-listed) | 3 credit hours

This course studies two bodies of law, both concerned with “criminal law across borders.” One is domestic (national) criminal law applied to crimes committed outside national territory. The other is crimes under international law: war crimes, crimes against humanity, genocide, and aggression. These are the “core crimes” tried by courts like the Nuremberg Tribunal, the tribunals for Rwanda, Sierra Leone, and former Yugoslavia, and the International Criminal Court (ICC). The Russian invasion of Ukraine, the ICC’s indictment of President Putin, and many states’ proposal to establish an international tribunal for aggression make international criminal law exceptionally salient today.

Along with the substantive law on these issues, we examine the foundational topics of jurisdiction, extradition, and immunity from prosecution. The course will also examine the problems confronting international criminal justice today, including the political backlash against holding leaders accountable for core crimes. 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.

The textbook for the course is *International and Transnational Criminal Law*, 4th edition, by David Luban, Julie O’Sullivan, David P. Stewart, and Neha Jain.

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

LAW 1863 v00 International Justice for War Crimes and Atrocities Practicum (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1863 v00>) (Project-Based Practicum)

J.D. Practicum | 10 credit hours

This project practicum will provide an opportunity for students to be involved in two projects designed to further accountability for war crimes and other atrocities.

Most of the work will be on the Atrocity Crimes Advisory Group (ACA), which is a project established by the United States, European Union, and United Kingdom to assist the Ukraine Office of Prosecutor General (OPG) in investigating and prosecuting war crimes and atrocities committed during the conflict that began with Russia’s full-scale invasion of Ukraine in February 2022.

A second project is the Innovation Council for International Justice (ICIJ), which is an initiative that will bring together experts from a wide variety of fields to analyze efforts to achieve accountability for war crimes and atrocities in order to draw lessons for innovative future approaches to this challenge.

In the project portion of the course, students will be involved in activities with the ACA and the ICIJ that will give them a ground-level view of how institutions to provide accountability for atrocities operate in practice. These activities will enable them to acquire skills that go well beyond the typical law school experience, and may include:

- (1) coordinating, developing agendas for, attending, and summarizing meetings involving ACA subject matter experts;
- (2) helping organize visits to the US by Ukrainian prosecutors, investigators, and officials, as well as ACA events;
- (3) working on initiatives requested by the OPG such as a victim and witness support protection and support program;
- (4) supporting the collection of information on the Ukrainian population’s experience of the war and their conceptions of what would constitute accountability for harm; and
- (5) conducting occasional research for the OPG.

The seminar portion of the course will:

- (1) provide students with a solid understanding of how substantive international law attempts to ensure accountability for war crimes and other atrocities;
- (2) give them an appreciation of the jurisdictional issues that arise in international criminal law and their implications for seeking justice;
- (3) illuminate political and social challenges in creating mechanisms to seek justice for war crimes and atrocities;
- (4) prompt consideration of the conceptual and jurisprudential issues involved in ascribing criminal liability to individuals who may have engaged in significantly different activities, through discussion of concepts such as command responsibility and joint criminal enterprise;
- (5) invite reflection on ethical questions that arise in seeking accountability for war crimes and atrocities, such as potential tensions between obtaining an end to conflict and securing justice; the concept of a just peace; the extent to which political considerations should inform prosecutorial decisions; the appropriate role in prosecution decisions of local communities who have been harmed by atrocities; and the relative weight in prosecution decisions of considerations such as the gravity of an offense, strength of evidence, public attention, specific deterrence of allegedly culpable individuals, and general deterrence of future perpetrators.

LAW 880 v00 International White Collar Crime (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 880 v00>)
LL.M Seminar | 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.

LAW 3130 v00 Investigating Transnational Cyber Threats (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3130 v00>)

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, creating new investigative challenges: cybercriminals and national security cyber actors now both steal information for personal financial gain; nation-states have reportedly enlisted criminal organizations to act as their proxies to conduct cyber attacks against United States companies; and the tradecraft used by some nation-state actors includes tools and tactics 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 in data breach response and cyber threat intelligence gathering are altering how cyber offenses are 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: Constitutional Criminal Procedure (formerly Criminal Justice), Criminal Law, or Criminal Procedure.

LAW 1334 v00 Justice and Accountability for International Atrocity Crimes: Bridging Theory and Practice Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1334 v00>)

J.D. Seminar (cross-listed) | 2-3 credit hours

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.

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 532 v02 Juvenile Justice Clinic (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 532 v02>)

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.

For registration-specific supplemental materials, please see the Juvenile Justice Clinic PDF (<https://georgetown.app.box.com/s/nkvpe37yzntfzq6z7wn93a5zgi57puvq/>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/kaax2p1h16z2hiwdsbuzljshe16le5s/>).

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

LAW 1606 v00 Motherhood and the Law Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1606 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

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?

LAW 849 v01 National Security Investigations and Litigation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 849 v01>)

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

This class will address the law governing national security investigations and related litigation. Topics will include foundational legal authorities, electronic surveillance, national security letters, and the differences between Article III courts and military commissions. National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and the operational reality in which it functions. While steering clear of classified or confidential aspects of the practice, the class will attempt to present the law in context. Class participation and three short papers are required.

Prerequisite: J.D. students must complete Constitutional Criminal Procedure (formerly Criminal Justice), Democracy and Coercion, or Criminal Procedure.

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

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

J.D. Seminar | 2 credit hours

Government agencies have broad powers to act for the public good. This includes the ability to investigate individuals and organizations and to conduct surveillance about their activities, a capacity strengthened by recent technological advances. But the ability to perform these functions is limited by various constitutional protections, including the First Amendment, Fourth Amendment, and various statutory laws.

This course will explore the intersection of contemporary surveillance practices with the need to safeguard civil liberties. The course will place special emphasis on the ways in which surveillance is used to control and manage populations of people, the relationship between policing and surveillance capitalism, and how artificial intelligence is reconfiguring privacy as we know it. Throughout the course, we will investigate how race, faith, national origin, immigration status, disability, penal status, class and other categories fundamentally shape who is being watched and why.

The course will begin with an exploration of privacy law and the limits that apply to surveillance practices, both electronic and non-electronic. We will examine free speech and freedom of expression under the First Amendment, search and seizure under the Fourth Amendment, and relevant statutory and regulatory laws. We will then explore an array of surveillance and policing practices, the ways in which individuals and businesses are opting into surveillance systems, and the close relationship between private industry and law enforcement.

We will also discuss how lawmakers, advocates and communities are pushing back against overreaching policies, and situate these calls for reform amidst broader social and political movements. Our texts will include a variety of sources ranging from case law, legal scholarship, government manuals, and coalition letters to podcasts, TED Talks, and investigative journalism.

Learning Objectives:

1. Introduce some of the major issues in government surveillance and privacy, and critically examine different approaches to these issues;
2. Test our approaches against current and rapidly developing surveillance practices, both electronic and nonelectronic, including artificial intelligence;
3. Understand how surveillance practices are used to profile and monitor particular communities, including on account of race, faith, national origin, immigration status, disability, penal status, class and other categories;
4. Examine different methods for challenging surveillance;
5. Anticipate the durability of these methods going forward.

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

LAW 1493 v00 Prison Law and Policy (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1493 v00>)

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 1550 v00 Prosecuting Sex Crimes and Vindicating Constitutional Rights (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1550 v00>)

J.D. Seminar (cross-listed) | 2 credit hours

This course is a practice-based seminar that will examine sexual violence as a criminal civil rights issue. While anyone can be a victim of sexual violence, the vast majority of victims are women. This is particularly true in the law enforcement misconduct context, where men are more often the victims of physical assault and women are more often the victims of sexual assault. Unlike excessive force cases that may be captured on video or witnessed by fellow officers or civilians, sexual assaults often occur in secluded locations without any independent witnesses.

This course will address how to vindicate the constitutional rights of sexual assault victims through effective investigation, and where the evidence warrant, prosecution of offenders. Through the lens of law enforcement-committed sexual misconduct and real-life case examples, this course will begin with a victim's account, and then determine how to build a case from that initial account.

Learning Objectives:

- Debunk the fallacies surrounding sex crimes investigations that inadvertently affect objectivity and derail investigations, thereby leading to more objective, purpose-driven investigations.
- Conduct trauma-informed interviews and trial preparation by understanding the impact of trauma on a victim's ability to recount their assault and how the science behind trauma informs best practices to elicit a detailed account, and ultimately build a strong case.
- Learn to effectively use the Federal Rules of Evidence (specifically Rules 608, 609, and 412) to protect a victim's account from unfair impeachment.
- Learn to effectively develop corroborative evidence using Rules 413, 404(b), and 801(d)(1)(B).
- Develop a purpose-driven investigation that corroborates the victim's account while foreclosing common defenses in sex crimes trials.

Recommended: For J.D. students, prior or concurrent enrollment in Constitutional Criminal Procedure (formerly Criminal Justice) and Evidence are recommended, though not required.

Mutually Excluded Courses: Students may not receive credit for both this seminar and Prosecuting Sexual Violence: Applying Research to Practice (Fieldwork Practicum).

LAW 1244 v00 Prosecuting Sexual Violence: Applying Research to Practice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1244 v00>) (Fieldwork Practicum)

J.D. Practicum | 4 credit hours

Rape and sexual assault laws are complex and evolving. Rape originated as a crime against property— not as a crime against a person. These laws have since evolved, but they retain vestiges of their archaic origins, resulting in inconsistency and variability in sex crime terminology from state to state, as well as other anomalies. This practicum will provide students with the experience, knowledge, and analytical skills to identify and apply criminal laws, evidentiary and procedural rules, and case law relevant to the prosecution of sex crimes. Specifically, students will be exposed to research related to victim behavior, sexual violence perpetration, medicine and health, technology-facilitated abuse, and forensics in their seminar readings, discussion, and fieldwork.

In the two-credit, letter-graded seminar portion of the course, class material has been specially crafted to teach student evaluation, preparation, and litigation of course case files. It will include information on the prevalence and perpetration of sexual violence in the United States and internationally and explore commonalities and differences in the barriers to effectively responding to these cases domestically and abroad. Students' fieldwork will be complemented weekly by a review of relevant case law and literature, class discussion, lectures by lead faculty and guest lecturers, and mock pretrial and trial exercises. Students will develop an understanding not only of applicable laws, but also of common challenges that arise when investigating and prosecuting sex crimes. Topics such as alcohol-facilitated sexual assault, violence against sexually exploited women, commonly co-occurring crimes, technology, force and consent, and more will be studied.

In the 2-credit, mandatory pass-fail, fieldwork portion of the course, under the supervision of an AEquitas attorney, students will work, ten hours per week, 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

The fieldwork portion of this class will also include a writing competition where students will be challenged to choose a topic related to their fieldwork, coursework, and relevant research. One student's work will be selected for publication in co-authorship with an Attorney Advisor.

Learning Objectives:

- Effectively prosecute sexual violence cases using an offender-focused and victim-centered approach.
- Exercise research-informed discretion to evaluate, litigate, and dispose of cases in a manner that focuses on:
 - Identifying a just disposition;
 - Determining the proper path to achieving that disposition under the laws of a particular jurisdiction and leading social science research; and
 - Considering the impact of decisions on victim safety and well-

LAW 1352 v00 Pursuing Fraud Against the Government: A Model of Complex Civil Litigation (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1352 v00>)

J.D. Seminar | 3 credit hours

Since the 1980s, the Federal False Claims Act ("FCA") has been the United States' primary civil mechanism to stem, recover for, and punish fraud against government programs and in government contracting. It provides for both treble damages and additional statutory penalties. It also establishes a public-private partnership in which whistleblowers are empowered to work alongside or in the name of the United States to prosecute fraud. In return, they receive a portion of the recovery and attorneys' fees. The FCA has proven so successful in uncovering fraud and recovering tax payer dollars that a majority of states have passed similar statutes. As a result, FCA litigation is a particularly salient example of the complex civil litigation found throughout federal and state courts. It can involve allegations of nationwide fraud requiring extensive discovery, made on behalf of multiple plaintiffs, including multiple independent sovereigns, and for which the potential recovery risks bankrupting the defendant.

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.

Note: This course is only open to J.D. students.

LAW 1461 v00 Race and Poverty in Capital and Other Criminal Cases Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1461 v00>)

J.D. Seminar | 3 credit hours

This course examines issues of race and poverty in the criminal legal system, particularly with regard to the imposition of the death penalty. Topics include a brief history of issues of race and poverty in the courts, procedures for consideration of the death penalty, appellate and post-conviction review of convictions, constitutional and ethical responsibilities of prosecutors, the right to counsel for people who cannot afford lawyers, jury selection and decision making, and racial disparities in the imposition of the death penalty.

Learning Objectives: Students will develop knowledge and understanding regarding the history of racial bias in the courts and the extent to which courts continue to deal with issues of racial discrimination. Students will learn the substantive and procedural law regarding due process and equal protection guaranteed by the Fourteenth Amendment, the cruel and unusual punishments clause of the Eighth Amendment, and constitutional requirements with regard to the prosecution and defense of criminal cases and the selection of juries. Students will analyze standards adopted by the Supreme Court in these areas, the evolution of those standards over time, the practical impact of the Court's decisions in trial courts throughout the country, and the arguments on both sides of constitutional issues being litigated in criminal cases. Students will learn the requirements for the preservation of error and the standards of review that apply in the appellate and post-conviction review of criminal convictions. Students will also improve their research skills, engage in complex legal analysis, develop and test a thesis or argument, gain mastery over a specific topic, and enhance the clarity and precision of their writing by writing a paper that satisfies the law school's upper-class writing requirement.

Note: In Fall 2025, this course will meet on the following Mondays and Wednesdays, 1:20 p.m. - 3:20 p.m.: 8/25, 8/27, 9/3, 9/8, 9/10, 9/15, 9/22, 9/24, 9/29, 10/6, 10/8, 10/15 and 10/20.

LAW 1728 v00 Reading the Police Seminar ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1728 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201728%20v00))

J.D. Seminar | 2 credit hours

During this seminar our class will read six 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. Some author visits will be in person; others will visit via video conference.

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, politics and culture; the role that factors like race, gender, sexual-orientation, disability, indigeneity, age and class, 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.

Reflection and Summaries: All students are required to submit a 750 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 graded and late papers will be penalized. In addition, all students will submit at least two discussion questions on Canvas before the first week's discussion of each book. Discussion questions will be graded pass/fail.

Grading:

Your grade for the class will be based upon: 1) attendance and the quality of your participation; 2) reflection papers for each book; and 3) discussion questions for each book.

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

LAW 1814 v00 Reimagining the Role of the Public Defender ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1814 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201814%20v00))

J.D. Seminar (cross-listed) | 2 credit hours

The course is designed to provide students with an opportunity to critically examine the criminal legal system and the role of public defenders within it. Students will be exposed to models of practice that challenge the notion that a public defender is simply a cog in an unjust system. Students will learn how public defenders can effectuate systemic change while securing the best outcomes for their individual clients.

The course will include readings that analyze the injustices perpetuated by the criminal legal system and their root causes. Through these readings and class discussions, students will analyze how facially-neutral laws and policies are the underpinning of a racist, classist, and unjust system. Case law and sample legal pleadings will show how public defenders have successfully challenged these systemic issues through individual client representation.

The course will also rely on presentations by directly-impacted individuals who will share their experiences with the criminal legal system, their experiences being represented by public defenders, and their struggles for justice within the system.

Overall, the course is designed to challenge existing perceptions of public defense and allow students an opportunity to learn about and explore the many ways that a public defender can challenge the injustices of the criminal legal system.

Course Goals/Learning Outcomes:

The objective of the course is to provide students with a nuanced understanding of what it means to be a public defender within a racist, classist, and otherwise unjust criminal legal system. Students will develop an understanding of the traditional role of a public defender, potential shortcomings of the traditional approach, and how the role of a public defender can be expanded to more directly challenge the systemic issues within the system. By focusing on historical injustices in the system (e.g. racism, police brutality, prison conditions), students will learn how public defenders can both zealously represent their individual clients while also challenging systemic issues. Students will analyze the historical and systemic injustices perpetuated by the criminal legal system while also learning practical litigation strategies used by public defenders to effectively effectuate change.

In line with Institutional Learning Outcome 8, this course will provide students with a practical understanding of how the criminal legal system operates. This understanding will allow students to think critically about how a criminal legal system touted as a neutral arbiter of justice is in practice a perpetrator of systemic racism, classism, and inequality.

Prerequisite: Constitutional Criminal Procedure (formerly Criminal Justice), Constitutional Law

Recommended: Criminal Law, Evidence

LAW 1085 v01 Sentencing and Pre-Trial Detention: Law and Policy
(<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1085 v01>)

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: Constitutional Criminal Procedure (formerly Criminal Justice) or Democracy and Coercion or Criminal Procedure.

Strongly 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: This course will be enrolled via waitlist. The Writing Requirement section (LAWJ-1085-06) is open to J.D. students only and non-degree students may not enroll.

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 Upper-class Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upper-class Legal Writing Requirement.

LAW 1085 v02 Sentencing Law and Policy (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1085 v02>)

J.D. Course | 2 credit hours

This two-credit hour course will address issues of sentencing law and policy with an emphasis on the federal criminal justice system.

The course examines how criminal sentences are structured from constitutional, statutory and policy perspectives including the application, function and limitations of the U.S. Sentencing Guidelines. We will examine the role of the sentencing courts, prosecutorial discretion, plea-bargaining practices, mandatory minimums, the issue of mass incarceration and alternatives to incarceration. Students' grades will be based on a take-home final examination and class participation.

Prerequisite: Constitutional Criminal Procedure (formerly 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 or Sentencing Law, Policy, and Practice Seminar.

LAW 1748 v00 The Death Penalty in America Seminar (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1748 v00>)

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 496 v01 The Mind and the Law (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 496 v01>)
J.D. Course (cross-listed) | 3 credit hours

Developments in neuroscience and the psychological study of cognition and emotion are transforming our understanding of the mind. These developments have large implications for law and lawyering. They challenge some of civil and criminal law's central premises - about people's rationality, free choice, and consistency over time. This course will examine some of these challenges, and it will weigh the law's possible responses. Legal topics to be explored will include health and safety regulation, the idea of the reasonable person, intent and culpability, mental disability, and the roles of revenge, regret, and other motives in civil and criminal justice. Other themes, relevant to lawyering and to the management of conflict, will include the psychology of negotiation, the nature of intuition and judgment, and the roles of trust and social norms. The course will also consider the causes and control of violence and extremism, as well as the use of emerging neuroscience technologies for legal and national security purposes.

LAW 1838 v00 The Prison Reform Project: Making an Exoneree (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1838 v00>) (Project-Based Practicum)

J.D. Practicum | 5 credit hours

Making an Exoneree is a project-based practicum that will involve students in wrongful conviction cases and provide them with experience, knowledge and analytical skills in working with wrongfully-convicted individuals and exploring avenues towards exoneration. The percentage of wrongfully convicted persons is currently estimated to be between 2 and 5%, meaning somewhere between 46,000 and 230,000 innocent persons are currently incarcerated. This practicum will explore the causes behind wrongful convictions and involve law students directly in the complex legal process of building a case in support of, and advocating for, an exoneration (most often, long after the original underlying conviction) on behalf of several wrongfully convicted individuals.

Making and Exoneree was created by Marc Howard and Marty Tankleff, who share a unique connection and history: childhood friends since the age of three, they know about wrongful convictions through personal experience – Tankleff spent over 17 years in prison for a crime he did not commit, and Howard played a role in securing his exoneration. Every spring semester since 2018, under the guidance of Howard and Tankleff, fifteen highly motivated Georgetown University undergraduate students reinvestigate five probable wrongful conviction cases, produce short documentaries, and create social media campaigns, websites, and petitions advocating for exoneration.

Law students will play an instrumental role in reviewing, analyzing and synthesizing their assigned individual's legal case materials. They will document the procedural history of the case, perform legal research, synthesize complex case materials and legal precedent and otherwise participate in developing, assessing and advocating for different legal and related strategies that might lead to exoneration. They will contribute to identifying areas for reinvestigation, managing teams of undergraduate students doing reinvestigation, and preparing and presenting (orally and in writing) an in-depth, critical legal evaluation of their assigned case. In some cases, law students will assist legal counsel. In others, they will contribute to developing visual media, presentations and social media campaigns demonstrating the merits of a case in an effort to obtain legal representation for the person whose case they have been assigned. **In 2023 and 2024, wrongfully convicted individuals walked out of prison (in 2023, after 42 years, and in 2024, after 18 years) in large part, because of the zealous work of the Georgetown Law students assigned to the cases.**

Prerequisite: J.D. students must complete the required first-year program, including Constitutional Criminal Procedure (formerly Criminal Justice), prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Property, or their first-year elective). Students may not concurrently enroll in this practicum course and a clinic or another practicum course.

Mutually Excluded Courses: Students may not receive credit for this course and Wrongful Convictions.

Note:

This course is open to J.D. students only.

This is a five-credit course. Two credits will be awarded for the two-hour weekly seminar and three credits will be awarded for approximately 15 hours of supervised project work per week. Students will receive one letter grade for the seminar and the project work.

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

LAW 1495 v01 The Role of the State Attorney General ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1495 v01](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201495%20v01))

J.D. Course | 3 credit hours

The office and work of state attorneys general both sit at the intersection of law, politics, and policy. No other legal actor has the same power and responsibility to identify and act in the public interest. 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 examines 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. In service to the people of their respective states, today’s state AGs are leading the way on issues from federalism to civil rights to workers and consumers rights to environmental protection to gun violence and more. The state attorneys general work within their respective states, across states in multistate coalitions, and both in cooperation and conflict with the federal government.

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 prominent substantive 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.

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 in-class exam (65%). The exam will be closed book. 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 course and the seminar by the same name.

LAW 1833 v00 Transitional Justice in the 21st Century ([https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1833 v00](https://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201833%20v00))

J.D. Seminar (cross-listed) | 2-3 credit hours

This course examines how societies address widespread atrocities and serious crimes, e.g., crimes against humanity, genocide, human rights violations, and other abuses, through transitional justice mechanisms.

These violations often occur in conflict situations, but also can arise through repression, particularly of marginalized groups. Broadly defined, transitional justice mechanisms are processes that provide acknowledgment, recompense and solace to victims through various accountability measures, with a long-term goal of reconciliation and/or an acknowledgement of the abuses and the adoption of measures to address the victims and steps to prevent the recurrence of the abuses/violations. The mechanisms are labeled “transitional” because they are typically implemented during or following atrocities and widespread abuses. In this regard, the crimes committed are of a scale that the judicial system, by itself, is unable to address. The abuses require a broader and different approach. The focus in transitional justice processes is both on victims and on accountability measures that address the society as a whole. Transitional justice mechanisms can include the criminal justice system (e.g., international, national, local), as well as other non-legal approaches to justice and accountability, including truth-telling processes, reparations, reforms, memorialization. In particular, we will examine approaches to abuses and atrocities through a gender lens as well as a specific consideration of children and marginalized groups (e.g., racial, indigenous groups). In some cases, amnesties have been utilized (controversially in, e.g., South Africa). We will critically examine the underlying issues of how peace processes and transitional justice interact and support each other – and in some cases are not productive or fail.

Learning Objectives: The course has multiple objectives; these include:

- Understanding how transitional justice mechanisms work in practice and how they may support victims and also lead to reforms that target human rights abuses on a societal scale. Examining some of the 40+ transitional justice processes that have occurred and the methods that have been employed. We will evaluate the efficacy of these processes. Ultimately, do these processes move the society to adopt and ensure human rights standards are protected/enforced?
- Understanding consultation processes that are engaged for societal input, particularly among marginalized groups, as a means of determining what process and/or mechanisms, e.g., truth commissions, prosecutions, reparations, reforms, memorialization, will be adopted and adapted to the country. There will be, in some cases, proposals of the use of amnesties (e.g., South Africa) or innovative approaches, e.g., the Colombian Special Jurisdiction for Peace.
- Examining implementation problems and roadblocks/difficulties/challenges regarding the role of truth commissions or truth-seeking processes, the adoption of reparations, reforms and various criminal justice approaches (see below).
- Assessing strategies for working with victims and affected communities to address the violations that they have suffered. In this regard, memorials that recognize abuses, discrimination or the struggle for justice for victims and recall the violations, which may support memory and stand as markers to prior violations – how important are these efforts?
- Finally, assessing the role of transitional justice in the United States, given the deep fissures in American society, what relevance do these experiences, both in a range of countries, but also in the United States, e.g., the Truth Commission in Greensboro, North Carolina.

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

LAW 1801 v00 Understanding and Combatting Corruption Seminar
<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1801 v00>

J.D. Seminar (cross-listed) | 2-3 credit hours

Objectives and Overview

Addressing corruption has become a global priority. The growing number of high profile cases involving the abuse of public power for private gain has generated moral outrage, particularly at a time of rising inequality.

Moreover, there is an emerging consensus that systemic corruption not only undermines a country's economic performance but can also lead to political instability and armed conflict. The Course will examine the societal impact of public sector corruption and the efficacy of the criminal, regulatory and administrative steps that are being taken to address it, both at the national level and international levels. The Course will be interdisciplinary, focusing on the legal, political, economic and institutional dimensions of this highly complex problem.

Finding a universally accepted understanding of what we mean by "corruption" can prove elusive, and the course will begin by examining how lawyers and social scientists have approached this question. The course will then identify the environments that typically enable corruption to flourish, including natural resource economies and countries that are in economic and political transition. It will also assess the debilitating impact that corruption has on overall economic performance, inequality, poverty, political stability and national security.

Taking into account the above considerations, the course will identify the key ingredients of an effective anti-corruption strategy, emphasizing the importance of a holistic approach that includes not only effective criminalization and prosecution but also comprehensive regulatory and administrative reform. While legal obligations and best practices have been established at the international level that include many of these ingredients, evidence indicates that meaningful change only takes place when domestic conditions for reform are in place, which are often precipitated by a crisis. In that context, the course will include case studies of reform based, inter alia, on the experience of the IMF, focusing on the anti-corruption program implemented by Indonesia. Importantly, the course will also assess international efforts to address both the "supply" side of corruption (the provision of bribes to public officials by large corporations) and the problem of "concealment" (when banks in major jurisdictions assist in the laundering of the proceeds of corruption of foreign officials). These issues will be addressed through a close study of the OECD's Anti-Bribery Convention and the 40 Recommendations on Anti-Money Laundering and Combatting of the Financing of the Financial Action Task Force. Corruption within the political system will also be examined, including explicit bribery of politicians, conflicts of interests, and private financing of political campaigns (sometimes referred to as "legalized corruption"). Finally, the course will assess the merits of proposals to establish an International Court on Corruption.

Learning Outcomes

By the end of the course, students will have gained an understanding of those crimes that the international community does (and does not) generally accept as constituting corruption - and why there continues to be a debate on this important definitional question. They will also gain insight into the political and economic circumstances that most typically give rise to corruption and the debilitating impact that this problem can have on society. In terms of the design and implementation of an anti-corruption strategy, students will learn about the key elements of the most relevant anti-corruption conventions and international best practices, including the UN Convention Against Corruption. They will have sufficient knowledge to discuss in depth both the efficacy and limitations of these instruments, taking into account the importance of the domestic political environment. Students' understanding of these issues will be

LAW 3176 v00 Victim-Centered Justice (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 3176 v00>)

LL.M. Seminar (cross-listed) | 1 credit hour

Mass atrocities and conflicts have an enormous impact on victims. Since Nuremberg, policymakers and lawyers have led the way in developing new legal frameworks, definitions, and legal processes to break the cycle of impunity. While painstaking and important progress has been made, particularly focusing on criminal prosecution and documentation, the voices of those most affected by atrocities - victims, survivors, and their communities - tend not to be solicited or given sufficient weight when policymakers design responses to atrocities. The disproportionate political and financial focus on holding perpetrators accountable risks neglecting other measures survivors prioritize, like reparations, truth-telling, memorialization, and searching for missing persons, let alone informal justice and healing processes. This 1-credit seminar will provide Georgetown law students the opportunity to consider how decision-makers can set justice priorities so that victims caught amidst conflict and mass atrocities are not an afterthought, but are placed at the center. We will explore 1-2 specific case studies.

Course Goals/Student Learning Outcomes:

- # Understand the arc and architecture of the international justice movement, the current gaps and critiques of the field, and where the field seems to be going.
- # Understand the complex landscape of actors, organizations, and institutions, as well as their roles, influence, and interests
- # Develop sensitivity to and awareness of how to prioritize the experiences of affected communities and their perspectives on justice as part of a holistic effort to seek accountability
- # Gain a detailed understanding of the multiple strategies and activities necessary for meaningful and holistic justice for atrocities, beyond criminal accountability
- # Learn about the strengths and limitations of different types of mechanisms designed to facilitate transitional justice and victim-centered justice processes that enable communities affected by atrocities and conflict to move toward more stable political and social arrangements
- # Understand the legal, political, social, jurisprudential, and ethical dimensions of efforts to seek justice for atrocities

Mutually Excluded Courses: Students may not receive credit for this course and LAW 1900 v00: Victim-Centered Justice and Security Practicum (Project-Based Practicum) (4 credit-hour version).

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 may 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 1900 v00 Victim-Centered Justice and Security Practicum (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1900 v00>) (Project-Based Practicum)

J.D. Practicum | 4 credit hours

Mass atrocities and conflicts have an enormous impact on victims and civilians. The voices and concerns of such people, however, tend not to be solicited or given sufficient weight and attention in fashioning responses to atrocities, and in the law of war (or international humanitarian law (IHL)). Responses to atrocities often prioritize criminal prosecution, which is not always informed by victims' perspectives and priorities for meaningful justice and accountability. The disproportionate focus on criminal prosecution omits other measures—like reparations, truth-telling, memorialization, and searching for missing persons—that may also accord with victims' views of justice and help them and the larger society come to terms with horrific events. Furthermore, IHL balances the principles of military necessity and humanity in ways that systematically give greater weight to military necessity, which results in lawful uses of force that cause a large number of civilian casualties. Decisions about responding to atrocities therefore can fail to provide meaningful justice for victims, while decisions during wartime based on national security concerns can leave the civilian population at serious risk of ongoing substantial harm.

This course will provide students the opportunity to participate in two projects conducted by Georgetown's Center on National Security (CNS) whose common goal is to help redress these imbalances. Our fundamental aim is to recalibrate how decision-makers set justice and security priorities so that innocent people caught amidst conflict and mass atrocities are not an afterthought, but are placed at the center. The projects share a common focus on: (1) mitigating, preventing, and redressing the impact of armed conflict and atrocities on civilians and victims; and (2) enhancing the likelihood that decision-makers will hear victim's voices as they make decisions about justice and security.

The Innovation Council for International Justice (ICIJ) is an initiative that brings together experts from multiple disciplines and experiences across the world to analyze and strategize efforts to redress and respond to war crimes and other atrocities for victims and civilians in order to draw lessons for innovative future approaches to this challenge. The project will survey the rich empirical literature on the achievements, limitations, and potential counterproductive effects of different types of approaches to this issue, and will engage with many of the scholars who have conducted these studies. It will complement this by consulting leaders and organizations in areas that have suffered atrocities and violent conflict to draw lessons based on their practical experiences. The goals will be to: (1) formulate best practices that are rooted in these experiences but informed by insights that permit some generalization and (2) develop a protocol that provides a blueprint for how to engage in consultation with victims and civilians to understand their perspectives so that they are taken into account in decisions regarding justice and security.

The Cumulative Civilian Harm (CCH) project aims to illuminate and rectify a critical blindspot in international law: the law of war focuses on whether civilian harms are excessive in each individual attack, but fails to adequately account for cumulative civilian harm over the course of a conflict. This project involves: (1) research on the law of war; states' policies and procedures regarding the use of force; state armed forces manuals on the use of force and formulation of rules of engagement; and international best practices on civilian protection; (2) interviews with high-level civilian and military officials involved in the decision-making process regarding the use of force in the United States, the United Kingdom, and Israel; and (3) interviews with populations in Gaza, Israel, and Iraq to understand their experience of harm during conflicts and their perceptions of what constitutes a just decision-making process regarding civilian harm. The project will culminate in recommendations

LAW 1686 v00 White Collar Criminal Practice: International Scandal Investigations (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1686 v00>)

J.D. Seminar | 1 credit hour

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 course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

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 may 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 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 the Assistant Dean for Experiential Education. 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 1687 v00 White Collar Criminal Practice: International Scandal Investigations (Week One Teaching Fellows) (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1687 v00>)

J.D. Seminar | 1 credit hour

Week One Teaching Fellows work with faculty to facilitate the first-year Week One simulation courses offered in January. Fellows will work in teams of two to six fellows for their specific Week One class. The description of the course is available on the Curriculum Guide here (<https://curriculum.law.georgetown.edu/course-search/?keyword=law%201686%20v00>). Teaching Fellows receive 1 pass/fail credit toward their Spring course load.

Teaching Fellows should expect to meet with their faculty for two full-day training sessions, one before the exam period in December, and the second on Saturday, January 3, 2026, to review course topics, goals, simulation structure, and receive training on their role throughout the course. Readings will be assigned.

Fellows then attend all of the class sessions during Week One and assist in facilitating discussion and small-group work amongst the students enrolled in the course. For example, fellows may moot students as they prepare for a mock oral argument or client presentation, or play the witness in a key witness interview. Fellows also meet and consult regularly with faculty during the course to discuss student progress and course logistics. They should expect to participate in a daily debriefing for approximately 15-30 minutes after each class.

At the conclusion of Week One, fellows must complete a 6-8 page reaction paper assessing how the course worked, overall student experience, and how the course could be improved (e.g., legal issues, factual issues, structure of exercise).

Mutually Excluded Courses: Students who are enrolled in a Spring semester clinic should determine when any clinical meetings will take place during Week One to ensure there will be no conflict with their responsibilities as a fellow. In addition, because of the significant responsibilities each course requires during Week One, students who are enrolled in the Human Rights Advocacy in Action project-based practicum course may not concurrently enroll in a Teaching Fellow course.

Note:

THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Interested students must complete the online Week One Teaching Fellows Application Form. A resume and a 1-page statement of interest must be provided, as well. The Application Form will be made available to students no later than September 2025. If you have any difficulty accessing the application or have questions about the application process, email lawexp@georgetown.edu.

This course is open to upperclass J.D., LL.M., and S.J.D. students.

UPPERCLASS WEEK ONE COURSE. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. Teaching fellows will meet with their professors on two dates to be announced. Professors may schedule alternative and/or additional trainings as needed.

This course does **not** count toward the Experiential course requirement.

ATTENDANCE AT ALL CLASS SESSIONS AND FELLOW TRAININGS IS MANDATORY. After accepting an offer, the student may drop the course **ONLY** with the permission of the professors. Permission is granted only where remaining enrolled in the course would cause significant hardship to the student.

LAW 1622 v00 Wrongful Convictions (<https://curriculum.law.georgetown.edu/course-search/?keyword=LAW 1622 v00>)

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 and visiting Faculty

Rosa Brooks
Paul Butler
David D. Cole
Deborah Epstein
Eduardo Ferrer
Irving Gornstein
Michael Gottesman
John Hasnas
Kristin Henning
Shon Hopwood
Vida Johnson
Neal K. Katyal
Frederick Lawrence
Christy Lopez
David J. Luban
Allegra McLeod
Julie Rose O'Sullivan
Paul Ohm
Louis Michael Seidman
Cliff Sloan
Abbe Smith