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, Computer Crime Seminar, Race, Gender and Criminal Law Seminar, and Theories of Criminal Responsibility Seminar.

For hands on experience in the criminal justice system, students may apply to one of the clinics or practicums listed on this page, which focus on criminal law cases and provide a valuable introduction to criminal practice.

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

LAW 032 v02 Advanced Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20032%20v02)

J.D. Course | 2 credit hours
The stages of the criminal process beginning with the filing of charges through the sentencing stage are analyzed. Legal issues arising at each stage will be examined. How the participants’ legal and administrative obligations influence decision-making during those stages is explored. The prosecutor’s paramount role is to advocate aggressively on behalf of the government while being mindful of its administrative responsibility to process cases expeditiously. Protecting the rights of the accused is a defense attorney’s foremost obligation but not without a regard for the attorney’s duties as an officer of the court. Arbitrating matters is a core judicial activity in the criminal process; but it is affected by the court’s desire to move cases to conclusion. Burdens of proof to resolve procedural issues are studied in the context of how the allocations of burdens of proof are crafted to balance the rights of the parties within the system to achieve a just result.

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

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

Recommended: Evidence.

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

LAW 032 v06 Advanced Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20032%20v06)

J.D. Course | 2 credit hours
This course examines the process of criminal litigation beginning with the filing of charges and continuing through the trial. Topics covered include the exercise of prosecutorial discretion in the charging function, the preliminary examination and grand jury, bail, joinder and severance of defendants and charges, the right to a speedy trial, discovery, trial issues, the right to confrontation, the presentation of evidence, and jury instructions.

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

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure and Litigation or Serial and Adnan Syed: Special Topics in Criminal Procedure.
LAW 032 v03 Advanced Criminal Procedure and Litigation

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

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

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

LAW 1167 v00 Anatomy of a Federal Trial: The Prosecution and Defense Perspective

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

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

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

Learning Objectives:

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

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

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

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this class and Role of the Federal Prosecutor.
This course explores practices of border fortification, incarceration, criminal law enforcement, and immigration policing. Migration and incarceration—borders and banishment—present some of the most pressing legal and moral controversies in contemporary public life. Over the past two decades, criminal-immigration matters have become the most commonly prosecuted federal crimes; populations in prison, jail and immigration detention have dramatically increased; and though major proposed immigration reforms are stymied in Congress, pressures for reform in both the immigration and criminal contexts continue to mount.

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

There are no prerequisites. All students are welcome.

**Recommended:** Criminal Justice, Criminal Law, Immigration Law.

**Note:** THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Please email Professor Allegra McLeod (mcleod@law.georgetown.edu) and Roger Bourcicot (rb1372@law.georgetown.edu) by 5:00 pm on Monday, June 4, 2018 expressing your interest in taking the seminar. Please include whether you want to take the course for 2 or 3 credits.

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

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 080 v00 Computer Crime Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20080%20v00)
J.D. Course (cross-listed) | 3 credit hours
Explores the legal issues that judges, legislators, prosecutors, and defense attorneys are confronting as they respond to the recent explosion in computer-related crime. In particular, the course considers how crimes on the Internet will challenge traditional approaches to the investigation, prosecution, and defense of crime that have evolved from our experience with crimes in physical space. Topics will include: the Fourth Amendment online, the law of electronic surveillance, computer hacking and other computer crimes, cyberterrorism, the First Amendment in cyberspace, and civil liberties online. Although much of this class involves computer and internet technology, no prior technical background or knowledge is required.

Mutually Excluded Courses: Students may not receive credit for both this course and Computer Crime Seminar or the graduate course, Global Cybercrime Law.

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

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

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

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

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

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

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

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

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

**Note:** ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety.
LAW 512 v00 Criminal Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20512%20v00)
J.D. Clinic | 14 credit hours
Please see the Criminal Justice Clinic website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/Criminal-Justice-Clinic) for more detailed information about the program.


For information about clinic registration generally, please see the Clinic Registration Handbook (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/clinic-applications/upload/Clinic-Registration-Handbook-v2.pdf).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course. Students may not concurrently enroll in this clinic and the Negotiations Seminar (LAWJ-317-05) with Professor Kleinman.

LAW 1485 v00 Criminal Justice Technology, Policy, and Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201485%20v00) (Project-Based Practicum)
J.D. Practicum | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This practicum will explore the impact of technology on the criminal justice system, and will teach students how to design, build and understand technologies that affect criminal justice processes and policy. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

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

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

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

Mutually Excluded Courses: This course is mutually exclusive with the practicum Technology, Innovation and Access to the Civil Justice System. Students may not concurrently enroll in this course and a clinic or another practicum course. Students may concurrently enroll in this course and an externship.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission.

This course is suitable for evening students; project work does not need to be completed during business hours. This is a four credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for approximately 10 hours of supervised project work per week, for a minimum of 11 weeks. Both the seminar portion and the project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and project components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal 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 and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal 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 and may not take either component separately.
**LAW 126 v00 Criminal Law**

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.

**Mutually Excluded Courses:** Students may not receive credit for both this course and the perspective elective, Criminal Law and Theories of Punishment.

**LAW 1249 v00 Criminal Law and Procedure Seminar: Supreme Court 2016 Term**

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

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

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

**LAW 1610 v00 Criminal Practice Seminar: White-Collar Crimes in a Transnational Context**

J.D. Seminar (cross-listed) | 2 credit hours
This seminar explores white-collar criminal practice in the transnational context. “Transnational” cases generally involve the potential application of one or more country’s laws to alleged criminal activity that crosses borders. We begin by introducing students to the general differences in the legal structures, concepts of criminal law, and varied standards for corporate and individual liability, that apply in civil and common law systems. We will study the substantive U.S. law that is implicated in many transnational prosecutions and learn when U.S. law applies extraterritorially. The substantive provisions we study may include proscriptions on corruption, fraud, money laundering, tax evasion, data breaches/hacking, or violations of economic sanctions. We will explore the tools available for obtaining evidence abroad, as well as some of the national laws and regulations that impact transnational investigations. Some of the challenges we will explore are regulations regarding data privacy, employment laws, national security/state secret laws, and blocking or economic protection statutes. At the conclusion of the class, we will consider a number of case studies that illustrate issues companies face in attempting to forge a global resolution among regulators and prosecutors from different countries. These include managing competition between sovereigns, joint and parallel national investigations, and the division of penalties.

**Learning Outcomes**

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

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

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

**LAW 128 v01 Criminal Procedure**

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

**Learning Objectives:**

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

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

**Note:** This course is offered only to transfer students from other law schools who have not had a first year course in constitutional criminal procedure.

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**LAW 1409 v00 Cyber Threats and Technological Insecurity: Emerging Legal, Policy, and Operational Challenges**

J.D. Seminar (cross-listed) | 2 credit hours
This seminar will focus on significant legal, operational and policy issues arising from evolving global cyber threats and related technological issues, such as the Darkweb, encryption, and cybersecurity. The course will be taught by two instructors who work as federal prosecutors and policy advisors and collectively have hands-on experience investigating cybercrime, providing guidance to law enforcement investigators on technology issues, participating in the interagency policy process, developing and evaluating legislative proposals, and training foreign law enforcement partners. While the course will focus on challenges to federal law enforcement, it will also include in-depth perspectives from other significant stakeholders. Throughout the seminar, students will gain expertise in the legal framework and technical background that is necessary for effective advocacy – whether from a policy or litigation perspective – on the most challenging and controversial issues at the intersection of cyber threats, technology and security.

The course will consist of four components:

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

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

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

**Note:** Laptops may not be used during class sessions.
LAW 518 v00 Domestic Violence Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20518%20v00)
J.D. Clinic | 10 credit hours
Please see the Domestic Violence Clinic website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/domestic-violence-clinic) for more information about the program.


For information about clinic registration generally, please see the Clinic Registration Handbook (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/clinic-applications/upload/Clinic-Registration-Handbook-v2.pdf).

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

LAW 386 v01 Federal Prosecution (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20386%20v01)
J.D. Seminar | 2 credit hours
This course explores decision-making in federal prosecution. Class sessions focus on the environments constraining and shaping the decisions made by federal prosecutors throughout the stages of investigation and prosecution. Drawing on cases, statutes, guidelines, and ethical rules, we will examine the legal, policy, practical, organizational, cultural, and ethical considerations that provide for or constrain the decisions taken by prosecutors. The course will also examine variations in these constraints in different locations, as well as the interaction among federal, state, and foreign jurisdictions as competing sovereigns in the investigation and prosecution of criminal conduct.

Learning Objectives:

Students are expected to come away with:

• A deeper understanding of the organizational environments within which federal prosecution takes place, including the recognition that prosecution is very much shaped by organizations and actors with distinct agendas and distinct interests;
• A working familiarity with the basic statutory frameworks that govern federal prosecution of violent and organized crime, especially the federal racketeering laws;
• A working familiarity with the basic investigative tools used by law enforcement agencies and prosecutors to investigate crime;
• An understanding of the practical significance of modern discovery obligations and the impact those have on prosecutorial decision-making; and
• An appreciation for the range of activity that takes place within federal prosecution, a goal that we meet in part by bringing in a number of guests with a wide range of experience.

While we also expect that students will come away with considerable knowledge that would be of use in preparing for criminal trial, we firmly believe that this is not a course in trial advocacy. The overall focus is instead to open students’ eyes to the entire process of federal prosecution, with an emphasis on identifying different factors that shape decision-making throughout that process.

Prerequisite: Prior or concurrent enrollment in Criminal Law.

Mutually Excluded Courses: Students may not receive credit for both this course and Anatomy of a Federal Trial: The Prosecution and Defense Perspective.
LAW 455 v00 Federal White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20455%20v00)
J.D. Course | 4 credit hours
This advanced criminal law course covers selected substantive and procedural areas of importance in "white-collar" criminal practice. A portion of the class will be devoted to the study of certain statutes and their applications, including examinations of mail and wire fraud, conspiracy, false statements and money laundering prosecutions. We will also study the United States Sentencing Guidelines and will explore the principles governing entity liability. The balance of the class will be devoted to an examination of subjects of particular concern to prosecutors and defense counsel in "white-collar" or business crime cases, including investigative and grand jury practices, privileges applicable in a corporate setting, immunity, plea bargaining, cooperation agreements, and the interplay between civil and criminal proceedings.

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

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

Recommended: Criminal Law.

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

LAW 455 v07 Federal White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20455%20v07)
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: 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.

LAW 455 v02 Federal White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20455%20v02)
J.D. Course (cross-listed) | 3 credit hours
This is an advanced course for the serious student interested in this area of law. It will cover procedural, substantive and practitioner oriented "tactical" considerations of "white-collar" criminal law. A student should have prior demonstrated interest in the subject area by having taken courses such as Evidence; Criminal Procedure; Constitutional Law or participated in one of the many GULC litigation clinics. The class will cover the principal federal "white collar" statutes, e.g., mail fraud, conspiracy, securities law, false statements, obstruction of justice and money laundering. Corporate criminal liability will be a course focus, covering necessarily related subjects, e.g., attorney-client privilege issues, "internal" investigations; government sponsored "Voluntary Disclosure" programs; litigation under the False Claims Act (Qui Tam); grand jury practice, document production, immunity, plea bargaining, co-operation agreements, discovery, and the interplay between civil and criminal proceedings, i.e., "parallel proceedings". We intend to limit the class size to maintain active class participation of interested students.

The class will conclude with a take home examination.

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

Recommended: Criminal Law and Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Role of the Federal Prosecutor. Note: It is not recommended that students take this course and Advanced Criminal Procedure.

Note: Laptops may not be used during class sessions.
LAW 2007 v02 Global Cybercrime Law

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

**Prerequisite:** Criminal Law.

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

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LAW 1110 v00 Government Enforcement Investigations: A Study at the SEC

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

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

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

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

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

**Recommended:** We do not assume students have taken any other classes. Prior or concurrent enrollment in Securities Regulation may give you some familiarity with issues covered in this class, but it is not necessary.
LAW 1028 v00 Health Care Fraud and Abuse Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201028%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
One-fifth of the U.S. economy centers around health care industry sectors. This seminar examines criminal, civil and administrative tools used by federal and state enforcement authorities to police the U.S. healthcare system. We will focus on cases brought under federal and state False Claims Acts (FCA), the Anti-Kickback 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 20-25 pages in length.

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

LAW 627 v00 Health Justice Alliance Law Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20627%20v00)
J.D. Clinic | 10 credit hours
Please see the Health Justice Alliance Law Clinic website (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/community-justice) for more detailed information about the program.


For information about clinic registration generally, please see the Clinic Registration Handbook (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/clinic-applications/upload/Clinic-Registration-Handbook-v2.pdf).

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

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

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

**PROJECT WORK:** Students will research best practices in police training and education, write reports on their findings, and, under the supervision of the practicum instructors, lead discussion sessions for police academy recruits and MPD officers. Students will help develop workshops and design law enforcement curricular modules for recruits and officers in Washington DC’s Metropolitan Police Department on one or more of the following topics: implicit bias, race and policing, use of force, persons in behavioral or mental health crisis, youth and policing, alternatives to arrest, active bystandership and other vital topics. Students will adapt some of these modules so they can be adopted by other US police departments. Students also will help develop metrics through which to evaluate the impact of police training over time.

This practicum will help support and expand the Georgetown Law-MPD Police for Tomorrow Fellowship Program, which has had a successful pilot run in 2017-18 with nineteen fellows selected from MPD sworn and civilian applicants. Students will help develop and carry out the second session of the Fellowship Program, even as they bring similar programming to a larger population of recruits and officers. Through this aspect of the program in particular, students will work directly with police officers and community groups to learn their perspectives on policing and our criminal justice system—a critical component of reform efforts.

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

**Recommended:** Prior coursework or other experience on policing, criminal justice, or education is recommended but not required.

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

**Note:** This course will be offered during both the Fall 2018 and Spring 2019 semesters. Students will be permitted to enroll in the course for one semester.

**THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL.** Interested students must submit to Professor Rosa Brooks (rosa.brooks@law.georgetown.edu) and Professor Christy Lopez (christy.lopez@law.georgetown.edu) a (i) cover letter, (ii) resume, and (iii) 3-5 pages of writing that demonstrates analytic capability and critical thinking, and further explains how the practicum will complement their combination of skills and interests.
LAW 611 v02 Internal Investigation Simulation: Evaluating Corporate Corruption
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v02)

J.D. Course | 1 credit hour
This Week One simulation involves an internal investigation by a French company that is in deal talks with a publicly-traded U.S. corporation. During its investigation, the French company uncovers evidence of bribe-like payments made as part of its operations in Africa. The French company 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, which in turn could threaten the viability of the potential deal, the French company has engaged outside counsel to evaluate the potential risks associated with these payments and to consider ways to mitigate those risks. Working as the outside counsel, students will interview key witnesses and assess the risks posed to their clients under the provisions of the FCPA. Students will then present their findings and recommendations to their client’s general counsel, played by practicing lawyers from Georgetown Law’s alumni network. By participating in this highly dynamic and realistic course, students will not only learn about statutory interpretation and the role of the FCPA in corporate transactions, but they will have the opportunity to engage in essential lawyering skills, including fact development and analysis, interviewing, counseling, teambuilding, project management, problem-solving, and presentation skills.

Note: FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 7, 2019, through Thursday, January 10, 2019. This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students.

This optional, elective course is for first-year J.D. students only, who are enrolled through a lottery process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information see the Week One website (http://www.law.georgetown.edu/go/weekone). 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 Friday, November 30, at 3:00 p.m. After that point, permission from the course professor and Assistant Dean for Experiential Learning is required.

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

J.D. Course (cross-listed) | 3 credit hours
In international criminal law, we begin by examining the basics: what criminal law is supposed to do and the fundamentals of international law and jurisdiction. We then study issues relating to transnational application of domestic penal codes, such as extradition and the extraterritorial application of U.S. criminal law and the U.S. Constitution. We may choose a transnational crime—such as money laundering or corruption—as a vehicle for examining the efficacy of transnational application of domestic standards. The focus of the course then shifts to truly international, rather than transnational, law. We examine the history of international tribunals intended to enforce international crimes (Nuremberg, the ICTY, and the ICTR), and delve into the structure and operation of the International Criminal Court. We focus on substantive international crimes such as genocide and crimes against humanity, and may also cover war crimes, crimes of sexual violence, and/or torture. The course closes with a consideration of alternatives to criminal prosecution, such as truth and reconciliation commissions.

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

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

LL.M Course (cross-listed) | 2 credit hours
Examines selected issues involving the application of criminal law to international activities and across national boundaries. The course covers both the procedural aspects of international cooperation in criminal matters (including extradition, prisoner transfer, mutual legal assistance, and recognition of foreign penal judgments) as well as the developing substantive international law (e.g., war crimes, crimes against humanity, terrorism, genocide, torture, and trafficking in drugs, people and firearms). Particular attention is paid to the question of jurisdiction over criminal activities at the international level, in the context of activities such as money laundering, organized crime, and computer crime, including the reach of Constitutional protections to investigations and law enforcement activities overseas. Addresses the structure, jurisdiction, and jurisprudence of the ad hoc criminal tribunals for the former Yugoslavia and Rwanda and the statute and rules of evidence and procedure of the International Criminal Court.

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

Mutually Excluded Courses: Students may not receive credit for both this course and the J.D. course with the same title; 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.
International criminal law studies a grim but important subject: the prosecution of war crimes, crimes against humanity, genocide, and aggression. These are “core crimes” tried by tribunals like the International Criminal Court (ICC) and the tribunals for Rwanda, Sierra Leone, former Yugoslavia, and elsewhere. In addition, we will study the extraterritorial application of domestic criminal law to address crimes of transnational character such as terrorism, torture, and international money laundering. Along with the substantive law on these issues, we examine procedural law on topics such as extradition and immunity from prosecution. The course will also examine the problems confronting international criminal justice today, including the political backlash against accountability. Finally, we will spend some time on alternatives to criminal prosecution such as truth and reconciliation commissions. The course aims to introduce students to basic doctrines of international criminal law, as well as doctrines concerning the extraterritorial application of U.S. criminal law. It also provides an overview of the work of international criminal tribunals and the challenges they face. The course combines law, policy, and history.

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

This course examines key issues arising from the criminalization of transnational business conduct and attempts to enforce national laws extraterritorially, as well as how to counsel clients to comply with inconsistent or conflicting legal regimes. Topics covered will include: bribery of foreign officials, crime on the internet, economic embargoes and export and reexport controls, securities fraud, money laundering, and price-fixing. Attention will be paid to foreign governmental opposition to U.S. assertions of jurisdiction via “blocking” statutes, secrecy laws, and use of local court injunctions, as well as to mechanisms for resolving jurisdictional conflicts, including international agreements for notification, consultation, mutual legal assistance, “positive comity,” and exchanges of confidential information among enforcement authorities. The course will also focus extensively on compliance and ethics issues and on techniques for dealing with government law enforcement agencies.

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

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

Note: Please note, the two sections of this course have different requirements. Please be sure to register for CRN 13649 if you wish to elect the section with a final exam and CRN 24229 if you wish to elect the section requiring a paper. The cutoff date to select either an exam or paper requirement is Tuesday, September 4, 2018.
LAW 1246 v02 Juvenile Defense After Sentencing

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

Recommended: Professional Responsibility.

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

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

Evening students who work during the day are encouraged to reach out to the professors to discuss whether this practicum course would be compatible with their schedules. THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students must submit a resume and statement of interest (one page double-spaced), explaining his or her interest in the course to Professor Whitney Louchheim (whitney@opencityadvocates.org) by June 4, 2018. After this date, interested applicants should email Professor Louchheim to inquire if there is still space in the course. This is a four-credit course. Students who are interested should email Professor Louchheim to inquire about availability.

LAW 532 v02 Juvenile Justice Clinic

For registration-specific supplemental materials, please see the Juvenile Justice Clinic PDF (http://www.law.georgetown.edu/academics/academic-programs/clinical-programs/our-clinics/JJC) for more detailed information about the program.


Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course in the first semester. Externships or practicums may be taken in the spring semester with professor permission.

LAW 1401 v00 Law and Philosophy Seminar: Crime, Punishment, Injustice

This is a three credit course. Criminal justice is in disarray, and in recent years crime and punishment have come under searching scrutiny. Specific issues include over-punishment, mass incarceration and its consequences in minority communities, the role of race, the morality of specific punishment practices (long-term solitary confinement, life without parole, adult punishments for juveniles, the death penalty). What are the alternatives to punishment? These raise old philosophical questions in new form: what is punishment for? What are the roles of deterrence, retribution, rehabilitation, and providing closure to crime victims? How should the law respond to genuine evil? These are not only U.S. controversies -- there are similar controversies in debates over international criminal justice.

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

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

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

Evening students who work during the day are encouraged to reach out to the professors to discuss whether this practicum course would be compatible with their schedules. THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students must submit a resume and statement of interest (one page double-spaced), explaining his or her interest in the course to Professor Whitney Louchheim (whitney@opencityadvocates.org) by June 4, 2018. After this date, interested applicants should email Professor Louchheim to inquire if there is still space in the course. This is a four-credit course. Students who are interested should email Professor Louchheim to inquire about availability.
Criminal Law and Procedure

LAW 1618 v00 Mass Incarceration Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201618%20v00)

J.D. Seminar (cross-listed) | 1 credit hour
This seminar examines the growth and consequences of detention centers, jails, and prisons in this age of “mass incarceration.” Nearly 2.4 million Americans are behind bars, roughly one in every 100 adults, far more per crime than any industrialized nation. If we include persons on parole or probation, one adult in 23 is under correctional supervision. With cost taxpayers paying in excess of $75 billion each year and with African Americans and Latinos overrepresented in the American justice system, some scholars, advocates, and policy makers argue that mass incarceration represents one of the greatest social injustices of our time.

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

Course Goals/Student Learning Outcomes

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

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

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

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

LAW 1606 v00 Motherhood and the Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201606%20v00)

J.D. Seminar (cross-listed) | 2-3 credit hours
The language of law and the cultural support for legal analysis can have considerable influence on the construction human behavior. The law’s treatment of motherhood is an excellent example of this phenomenon. Students in this class will explore the underlying basis for our legal system and how those principles may be affected and modified when coping with the contested notions of motherhood. Some of the questions that will run through this course include:

1. How does the law shape our notions of the responsibility of motherhood?
2. How does race and class affect that social construction?
3. How does gender essentialism affect that social construction?
4. How does the expectation of selflessness often imposed on mothers affect law's basic protection for autonomy and self-direction?
5. Given the importance of caring for children, how should the law construct expectations of parenthood?

The course materials will be available in Canvas.

Course Goals/Student Learning Outcomes:

Student outcomes include:

1. An appreciation of the way law constructs meaning and reflects and reinforces cultural norms;
2. An ability to identify patterns and assumptions that carry through a number of fields of law and to critically analyze those assumptions;
3. Insight into problem solving that requires re-imagining new structures and meaningfully uncovering implicit bias.

Note: This seminar requires a paper. J.D. students must register for the 3-credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the 2-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
This seminar will address the law governing national security investigations and related litigation. Topics will include electronic surveillance (e.g., the Foreign Intelligence Surveillance Act), national security letters, mail covers, and the handling of classified information at trial (e.g., the Classified Information Procedures Act). National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and operational reality in which it functions. The seminar will aim to present the law in context, exposing students as much as possible to the real-world effects of legal standards and rules. Requirements include participation in a four-hour investigative exercise at the end of the semester, submission of two short papers during the course of the semester, and class participation.

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

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

This seminar will explore the intersection of contemporary surveillance practices with the need to safeguard civil liberties, and investigate how new technologies are being used to manage and control populations of people, in particular racial and religious minorities and immigrant communities. The course will place special emphasis on the evolving right to privacy in an increasingly cyber- and technology-oriented world, the expansion of government surveillance following the attacks of 9/11 and emergence of global terrorism, and the implications of new law enforcement technologies on civil liberty protections. Our texts will include a variety of sources ranging from case law, legal scholarship, government manuals and congressional testimony to congressional letters, TED Talks, and digital publications.

We will investigate more widely-known electronic surveillance and lesser known non-electronic surveillance, including social media monitoring, stop and frisk, license plate readers, drones, suspicious activity reporting, predictive policing, countering violent extremism, and NSA data collection. Throughout the course, we will specifically discuss how these technologies can be used to stifle dissent and protest, using the recent events in Ferguson, Missouri; Baltimore, Maryland; and Charlottesville, Virginia as just the latest examples.

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

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

This seminar 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.

This seminar invites students to enter what Justice Kennedy called "the hidden world of punishment" to explore the implications of incarcerating more than two million men, women, and children in the United States. We will examine current issues in correctional law and practice from a variety of interdisciplinary perspectives, including those of constitutional law, anthropology, public health, history, ethics, mental health, and advocacy.

We will use a variety of approaches – including problem-solving, simulations, and primary and secondary research – to gain a nuanced understanding of some of the most vexing challenges currently facing the criminal justice system. Students will have multiple opportunities to learn and practice relevant analytical and advocacy skills including interviewing clients, factual investigation, and interpretation of criminal justice research.

In addition to case law and secondary analyses, we will read and learn from primary sources such as expert reports, medical records, testimony, and litigation materials to better understand both legal processes and lived experience.

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

Mutually Excluded Courses: Students may not receive credit for this class and the Practicum classes Mass Incarceration and Solitary Confinement or Prison Litigation Advocacy.

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 1181 v00 Prison Reform Advocacy and Litigation
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201181%20v00) (Fieldwork Practicum)
J.D. Practicum | 5 credit hours

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

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

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

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

Mutually Excluded Courses: Students may not receive credit for this class and Decriminalizing Mental Illness; Mass Incarceration and Solitary Confinement; Prison Law, Policy and Advocacy Seminar; or Prison Law and Policy. Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission.

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

LAW 1183 v01 Problem Solving Justice: Developments in Treatment, Diversion, and Community Courts
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201183%20v01) (Fieldwork Practicum)
J.D. Practicum | 4 credit hours

A full course description is forthcoming.

Prerequisite: Prerequisites: Civil Procedure, Legal Practice: Writing and Analysis, Constitutional Law I, and Criminal Justice (or Democracy and Coercion) or Criminal Procedure. J.D. students must complete the required first-year program prior to enrolling in this course (part-time and interdivisional transfer students may enroll prior to completing Criminal Justice, Property, or their first-year elective).

Recommended: Prior or concurrent enrollment in Professional Responsibility, Negotiations or Mediations Seminar, Advanced Criminal Procedure, Decriminalizing Mental Illness, or Mental Health Issues in Criminal Law.

Mutually Excluded Courses: Students may not concurrently enroll in this practicum and an externship or a clinic or another practicum course. Students cannot participate in this practicum and concurrently participate in any clinics, externships or internships which may result in representation of clients with the D.C. Superior Court.

Note: This practicum course is open to LL.M. students, space permitting. Interested LL.M. students should email Louis Fine (fine@law.georgetown.edu) to request admission.

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

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

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

Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor’s discretion, may be withdrawn from the practicum course.
LAW 1244 v00 Prosecuting Sexual Violence: Applying Research to Practice (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201244%20v00) (Fieldwork Practicum)
J.D. Practicum | 4 credit hours
In fieldwork practicum courses, students participate in weekly seminars and conduct related fieldwork at outside organizations. This practicum course will provide students with the experience, knowledge, and analytical skills to identify and apply the criminal laws, evidentiary and procedural rules, and case law relevant to the prosecution of sex crimes. Students will participate in a two-hour/week seminar and also undertake 10 hours/week of fieldwork at AEQUITAS: The Prosecutors’ Resource on Violence Against Women.

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

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

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

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

The fieldwork portion of this class will also include a writing competition, expert panels, legal research (statutory and case law based), policy guidance, and other justice system experts, etc.

LAW 1352 v00 Pursuing Fraud Against the Government: A Model of Complex Civil Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201352%20v00)
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.

LAW 1461 v00 Race and Poverty in Capital and Other Criminal Cases Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201461%20v00)
J.D. Seminar | 2 credit hours
This course will examine issues of race and poverty in the criminal justice system, particularly with regard to the imposition of the death penalty. Topics will include procedures for consideration of the death penalty, prosecutorial discretion, plea bargaining, the right to counsel for people who cannot afford lawyers, and judicial independence.

Note: In Fall 2018, this course will meet on the following Tuesdays and Thursdays: 8/28, 8/30, 9/4, 9/6, 9/18, 9/20, 9/25, 9/27, 10/16, 10/18, 10/25, 10/30 and 11/1.
LAW 1021 v01 Race, Gender and Criminal Law Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201021%20v01)

J.D. Seminar | 2-3 credit hours
The course examines the role of race and gender in substantive criminal law and criminal procedure. Selected topics include rape, racial disparities, hate crimes, victimization, race and gender based defenses, including cultural defenses and the "battered spouse" defense, jury selection and participation, prostitution and sex crimes, and racial profiling. Readings will consist primarily of cases and scholarly articles. Possible case books include "Race and Crimes" (Thompson West) and "Women and the Law" (Thompson West). Selected readings from "Race, Crime, and the Law" (Kennedy) and "Let's Get Free: A Hip-Hop Theory of Justice" (Butler).

Prerequisite: Criminal Law.

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

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

LAW 1246 v01 Representing Delinquent Youth from Incarceration through Reentry (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201246%20v01) (Project-Based Practicum)
J.D. Practicum | 4 credit hours
In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This project-based practicum course will focus on delinquent youth and their access to justice, right to due process, and the unique role of juvenile defense counsel after youth have been committed to the care of a government agency. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction and supervision of the course professors.

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

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

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

Recommended: Courses: Family Law II, Professional Responsibility.

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

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

Evening students who work during the day are encouraged to reach out to the professors to discuss whether this practicum course would be compatible with their schedules.

THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Students must submit a resume and statement of interest (one page double-spaced), explaining his or her interest in the course to Professor [Name]. Students must submit the completed form by the deadline specified by the professor.

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

Recommended: Courses: Family Law II, Professional Responsibility.

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

Evening students who work during the day are encouraged to reach out to the professors to discuss whether this practicum course would be compatible with their schedules.
LAW 386 v00 Role of the Federal Prosecutor

J.D. Course | 2 credit hours
This course will explore the powers and responsibilities of the federal prosecutor with students from several area law schools. Class segments will focus on how decisions are made by federal prosecutors throughout different stages of the criminal justice system, in light of legal, policy, practical and ethical considerations. Using actual cases as well as federal statutes, guidelines, and other materials, the course will discuss the factors that influence the decisions and discretion of the federal prosecutor. The course will also examine the interaction between and among federal, state and foreign jurisdictions, in particular the interests of competing sovereigns in the investigation and prosecution of criminal activity.

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

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

LAW 1085 v01 Sentencing and Pre-Trial Detention: Law and Policy

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 and sentencing. The class will be taught as a seminar; the class will not be conducted solely in a lecture format and there will be a strong emphasis on class discussion. In addition, during many classes students will be assigned role-playing exercises that are intended to help students better understand sentencing issues and the operation of federal and state guidelines systems. Students will also complete exercises in which they will review background information and sentencing recommendations for a defendant and then impose a sentence. There will also be guest speakers representing a range of backgrounds and viewpoints.

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

Recommended: Criminal Law.

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

Note: This course will be enrolled via waitlist.

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

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

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

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

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

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

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

Mutually Excluded Courses: Students may not receive credit for this course and Sentencing Law and Policy.

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

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

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

Prerequisite: Criminal Justice or Criminal Procedure.

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

Note: Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
This seminar will explore the question of whether the actions of victims, civil society, and nongovernmental organizations (NGOs), with key support from some national authorities and international bodies, can create a third wave of international criminal justice. We will begin with a brief exploration of the impact of the first wave—the post-World War II tribunals, and the second wave—the international, hybrid and mixed courts created since the 1990s, and continue with a survey of the obstacles to the enforcement of international criminal law in many of the conflict zones of the 21st century. We will study the procedures available in various national justice for victims or independent prosecutors/magistrates to commence criminal cases or civil actions against those allegedly responsible for atrocity crimes, including in non-territorial states based upon passive personality or universal jurisdiction. We will look at the expanding role of civil society and other nongovernmental organizations to advocate effectively for justice remedies and to build the documentation of individual criminal responsibility that will attract national authorities to take up cases and increase the availability of probative evidence for trial. Finally, we will identify the available sources of support for these cases, including through litigation in national, regional, or international courts; investigative assistance from multinational police and justice organizations; and fact-finding, human rights reporting, and investigative coordination through actions taken by multilateral bodies other than the veto-bound UN Security Council.

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

LAW 527 v00 Theories of Criminal Responsibility Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20527%20v00)
J.D. Seminar | 3 credit hours
The criminal law is a method of social control that relies on punishment as its primary mechanism of enforcement, and punishment, by definition, involves the intentional infliction of pain. Surely, then, the criminal law and its harsh method of enforcement would seem to require some sort of justifying purpose or purposes, and also some plausible theory of personal responsibility for determining who can justly be blamed and punished and who cannot.

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

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

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

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

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

Learning goals for this course:

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

Prerequisite: Constitutional Law I: The Federal System and Criminal Justice or Criminal Procedure.
LAW 937 v01 War Crimes & Prosecutions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20937%20v01)
LL.M Seminar (cross-listed) | 1 credit hour
This course focuses on international war crimes and legal actions taken against war crimes violators. Using such topics as the abuse allegations as irregular rendition, the trial of Saddam Hussein, the arrest warrant for Omar Al-Bashir, the Armenian Genocide, and other events, the course will explore in depth topics such as the principal international war crimes, universal jurisdiction and issues surrounding jurisdiction to conduct war crimes trials, civil remedies for war crimes under the Alien Tort Statute, who should conduct war crimes trials, and other matters. Students will be expected to write a paper, approximately 12-15 pages, on a topic of their choosing pertaining to war crimes, and to participate in class discussions.

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

Note: A student will be permitted to drop a course that meets for the first time after the add/drop period, without a transcript notation, if a student submits a written request to the Office of the Registrar prior to the start of the second class meeting. Withdrawals are permitted up until the last class for this specific course.

LAW 1311 v00 Writing for Practice: Federal White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201311%20v00)
J.D. Seminar | 1 credit hour
The ability to write effective professional documents is one of a lawyer's most important skills. This one-credit seminar is designed to help students develop this skill. The seminar will build upon the principles learned in the first-year Legal Research and Writing course by providing instruction in drafting legal documents typical to the particular area of law that is examined in the larger, substantive course associated with the seminar. This writing intensive seminar has been developed by an adjunct professor working in collaboration with the full-time faculty member teaching the larger course. Students should expect to write several documents common in the given practice area, such as client letters, legal research memoranda, motions, or responses. At least one document will require both an initial and final draft. The professor will provide individualized feedback on each writing assignment. In addition to the practical legal writing skills taught, students will also learn more generally about litigation strategy and the demands and concerns of professional practice.

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

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

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

Recommended: Prior enrollment in Federal White Collar Crime.

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

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

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

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

Withdrawals are permitted up until the last class for this specific course.
LAW 1622 v00 Wrongful Convictions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201622%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course will survey the problem of wrongful convictions. As of the writing of this syllabus, well over 2,200 innocent individuals have been exonerated, 352 by DNA alone; by the time our semester together is over, no doubt there will be more. And because exonerations occur only in the small subset of cases in which exculpatory evidence is discoverable, logic compels us to conclude that there must remain countless individuals locked behind bars for crimes they did not commit. In this course, we will first examine the primary causes of wrongful convictions, including “junk science,” false confessions, prosecutorial misconduct, misidentifications, jailhouse snitches, and ineffective assistance of counsel. Next, we will explore the legal landscape of actual innocence litigation, including habeas corpus, Section 1983, and the lingering question of whether innocence alone is a constitutional basis for relief. Finally, we will consider the moral, ethical, and philosophical implications of wrongful convictions for our justice system, and the difficulty of administering a functioning system while also correcting its mistakes.

Learning Objectives:

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

LAW 566 v01 Wrongful Convictions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20566%20v01)
J.D. Seminar (cross-listed) | 2 credit hours
This course will survey the problem of wrongful convictions. As of the writing of this syllabus, well over 2,200 innocent individuals have been exonerated, 352 by DNA alone; by the time our semester together is over, no doubt there will be more. And because exonerations occur only in the small subset of cases in which exculpatory evidence is discoverable, logic compels us to conclude that there must remain countless individuals locked behind bars for crimes they did not commit. In this course, 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.

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Full-time Faculty

Jane Aiken
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Laura Donohue
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