CRIMINAL LAW AND PROCEDURE

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

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

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

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

Beyond these basic courses, students can go on to concentrate on more specialized courses, such as Federal White Collar Crime, International Criminal Law, International White Collar Crime (graduate), and the Role of the Federal Prosecutor. Also, there are a number of seminar offerings that provide the opportunity to undertake scholarship in this area of law. Capital Punishment Seminar and Race, Gender and Criminal Law Seminar. For hands on experience in the criminal justice system, students may apply to one of the clinics or practicums listed on this page, which focus on criminal law cases and provide a valuable introduction to criminal practice.
LAW 1776 v00 Advanced Criminal Law Seminar: Race and Poverty in Capital and Other Criminal Cases (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201776%20v00)
J.D. Seminar (cross-listed) | 1 credit hour
This course addresses the issues of race, poverty, mental illness, and other issues of fairness and equality in the criminal courts, particularly in death penalty cases. Topics include the impartiality and independence of elected judges, competency for trial and other issues involving the mental health and intellectual functioning of those accused of crimes, practices and procedures regarding clemency, and perspectives on the experiences with the death penalty since the Supreme Court’s decisions allowing the resumption of capital punishment in 1976.

Course Goals and Learning Objectives: Students will develop knowledge and understanding of issues regarding the impartiality of judges, the treatment of people with mental disorders and intellectual disabilities in the criminal courts, the consideration of applications for clemency by people sentenced to death, and the experiences of the courts in adjudicating cases involving the death penalty since 1976. The overwhelming majority of cases – both criminal and civil – are decided in the state courts. In almost all of the states, judges are elected. On occasion, the election of judges presents issues of whether judges are influenced by political considerations. In some cases, there are issues of whether judges have biases with regard to people of color who come before them. Students will learn the grounds for disqualification of a judge who may be biased and the law and procedures for resolving those issues. Students will also learn that the criminal courts deal with a significant number of people with serious mental disorders. Students will learn the legal standards for competency to stand trial, competency to waive appeals, and competency to be executed, as well as the procedures for deciding those issues. Students will also learn how the President of the United States and governors decide whether to commute death sentences and practices regarding applications for clemency. Students will also engage with the views of Supreme Court justices, lower court judges, legislators, governors and commentators with regard to issues of fairness and discrimination with regard to the experiences of the state and federal governments in carrying out the death penalty since the Supreme Court allowed its resumption in 1976. Finally, as part of the course, students will learn how to analyze issues and set out their views in writing and orally, supporting their positions with solid legal reasoning and proper citation to the relevant authorities.

Recommended: Criminal Justice and/or Criminal Law.

Note: WEEK ONE COURSE. This seminar will meet for one week only, on the following days: Monday, January 9, 2023, through Friday, January 13, 2023, 1:30 p.m. - 4:05 p.m. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students.

ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar; a student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course.

LAW 032 v00 Advanced Criminal Procedure (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20032%20v00)
J.D. Course | 2 credit hours
Advanced Criminal Procedure picks up where Criminal Justice leaves off and is primarily interested in the decisions that lawyers (as opposed to the police) confront in the criminal justice system. This course will cover topics that criminal defendants face from “bail to jail”, including charging decisions/prosecutorial discretion, bail and pre-trial detention, plea bargaining, effective assistance of counsel, and sentencing. This course will examine the responsibilities and the power allocated to each of the players in the criminal justice system, including judges, prosecutors, defense counsel, law enforcement, and defendants. At each stage, we will ask whether the system is working optimally, how the process may be improved and the pressure points where the system may be changed. Throughout the course, students will step into the shoes of the prosecution and defense to evaluate the strategic choices made during the trial. Readings will include a review of the relevant Rules of Criminal Procedure, United States Supreme Court caselaw, pleadings from assorted topical cases, and late-breaking newspaper articles.

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

Recommended: Evidence and Criminal Law.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure and Litigation or Criminal Justice II: Criminal Trials.
The stages of the criminal process beginning with the filing of charges through the sentencing stage are analyzed. Legal issues arising at each stage will be examined. How the legal and administrative obligations of the participants in the process – the court, prosecutor and defense counsel – influence decision-making at various stages is explored. The prosecutor’s paramount role is to advocate aggressively on behalf of the government. However it cannot be unmindful of its administrative responsibility to process cases expeditiously. Protecting the rights of the accused is a defense attorney’s foremost obligation but not without a regard for the attorney’s duties as an officer of the court. Arbitrating matters is a core judicial activity in the criminal process; influenced by the court’s desire to move cases to conclusion. Burdens of proof to resolve procedural issues are studied in the context of how the allocations of burdens of proof are allocated to achieve philosophical interests to be accommodated by the system.

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

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

Recommended: Evidence.

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure or Litigation or Serial and Adnan Syed: Special Topics in Criminal Procedure or Criminal Justice II: Criminal Trials.
LAW 1167 v00 Anatomy of a Federal Criminal Trial: The Prosecution and Defense Perspective (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201167%20v00)
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 actually is like to be a prosecutor or a defense counsel, and the decisions and considerations they make through each stage of a matter, from investigation through sentencing and appeal. The learning outcomes for the course include:

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

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

Mutually Excluded Courses: Students may not receive credit for both this class and Federal Prosecution.
LAW 1175 v01 Borders and Banishment Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201175%20v01)
J.D. Seminar (cross-listed) | 2-3 credit hours
This course explores practices of border fortification, incarceration, criminal law enforcement, and immigration policing. Migration and incarceration—borders and banishment—present some of the most pressing legal and moral controversies in contemporary public life. Over the past two decades, criminal-immigration matters have become the most commonly prosecuted federal crimes; populations in prison, jail and immigration detention have dramatically increased; and though major proposed immigration reforms are stymied in Congress, pressures for reform in both the immigration and criminal contexts continue to mount.

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

There are no prerequisites. All students are welcome.

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

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

FIRST AND SECOND CLASS ATTENDANCE IS MANDATORY. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to remain eligible to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a drop; failure to attend any subsequent class session in its entirety may result in a withdrawal. This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.

LAW 090 v00 Capital Punishment Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20090%20v00)
J.D. Seminar | 2-3 credit hours
This seminar focuses on the substantive law of capital punishment and on the procedural aspects of post-conviction proceedings. The course will include an examination of the history of death penalty jurisprudence, habeas corpus, recent U.S. Supreme Court cases, public policy issues, and state and federal death penalty statutes. The writing requirement offers students an opportunity to write on a topic of their choice pertaining to the death penalty.

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

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

LAW 080 v00 Computer Crime Law (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %20080%20v00)
J.D. Course (cross-listed) | 3 credit hours
This course will explore the legal issues that judges, legislators, prosecutors, and defense attorneys confront as they respond to the recent dramatic increase in computer-related crime. In particular, we will consider how crimes online 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 and the Internet, and civil liberties online.

Although much of this class involves computer and internet technology, no prior technical background or knowledge is required.

Any technology that needs to be understood will be explained in class, and students should not hesitate to ask for other technical explanations.

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

For registration-specific supplemental materials, please see the Criminal Defense and Prisoner Advocacy Clinic PDF (https://georgetown.app.box.com/s/sn7frmobaj0aw7fd679d9iusz4ivbb).

For information about clinic registration generally, please see the Clinic Registration Handbook (https://georgetown.box.com/s/y9f8wg3jyqcyuevijp3ytyrl6njy9pyyv6).

Mutually Excluded Courses: Students may not concurrently enroll in this clinic and an externship or a practicum course.
**LAW 003 v00 Criminal Justice**  [Link](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20003%20v00)

J.D. Course | 4 credit hours

Introduces the administration of the criminal justice system and serves as a foundation for the advanced courses offered in upperclass years. The course explores the development and operation of the constitutional provisions regulating the federal and state governments in the enforcement of their penal laws and analyzes in depth each step in the criminal process, including some or all of the following issues: search and seizure, arrest, interrogation, the right to counsel, plea bargaining, right to jury trial, and sentencing.

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

**Note:** This course is open to J.D. students only and is restricted to evening students and transfer students from other law schools. The course will enroll via waitlist.

**LAW 003 v01 Criminal Justice**  [Link](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20003%20v01)

J.D. Course | 4 credit hours

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

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

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

J.D. Clinic | 14 credit hours

Please see the Criminal Justice Clinic website [here](https://www.law.georgetown.edu/experiential-learning/clinics/criminal-justice-clinic) for more detailed information about the program.

For registration-specific supplemental materials, please see the Criminal Justice Clinic PDF [here](https://georgetown.app.box.com/s/n01smi05y5hixbe866etvjrqrnkhplj2).

For information about clinic registration generally, please see the Clinic Registration Handbook [here](https://georgetown.box.com/s/y9f8wg3yqcynevip3ytyrl6n9j9pyv).

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

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

J.D. Course | 3 credit hours

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

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

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

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

J.D. Seminar | 2-3 credit hours

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

The course is available as 2 or 3 credits.

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

**LAW 126 v00 Criminal Law**  [Link](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20126%20v00)

J.D. Course | 3 credit hours

This course examines society's control of unwanted behavior through criminal law. The particular focus is on the general elements of a criminal offense cutting across all criminal codes rather than on the elements of individual crimes. Some attention is given to the basic theories of punishment and criminal culpability as contrasted with civil forms—e.g., tort law or civil commitment—for controlling deviant behavior.
**LAW 126 v02 Criminal Law** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20126%20v02)
J.D. Course | 3 credit hours
This introductory course involves the jurisprudence of substantive criminal law. Among the topics we will discuss are the general elements of a criminal offense, the structure of criminal justice administration, the exercise of discretion throughout the criminal justice system, and justifications and excuses. Certain substantive offenses may also be covered. Some attention will be given to the basic theories of punishment and sentencing.

**LAW 126 v03 Criminal Law** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20126%20v03)
J.D. Course | 3 credit hours
This course examines the body of public law that is designed to punish blameworthy or antisocial behavior. The course begins by introducing the general principles governing all criminal offenses—the general part of the criminal law—and then examines how these principles apply to a variety of specific offenses as well as the exculpatory defenses. Attention is paid to the basic theories of punishment which provide the students with the theoretical tools they need to construct cogent arguments for how far the criminal law should be extended to suppressed the undesirable behavior.

**LAW 790 v09 Criminal Law Across Borders** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20790%20v09)
J.D. Course | 3 credit hours
“Criminal law across borders” studies two bodies of law. One is domestic (national) criminal law applied to crimes committed outside national territory. The other is crimes under international law. war crimes, crimes against humanity, genocide, and aggression. These are the “core crimes” tried by courts like the Nuremberg Tribunal, the tribunals for Rwanda, Sierra Leone, and former Yugoslavia, and the International Criminal Court (ICC). Along with the substantive law on these issues, we examine procedural law on topics such as jurisdiction, extradition, and immunity from prosecution. The course will also examine the problems confronting international criminal justice today, including the political backlash against holding leaders accountable for core crimes. The aim of the course is to introduce students to basic doctrines of international criminal law, as well as doctrines concerning the extraterritorial application of U.S. criminal law. It also provides an overview of the work of international criminal tribunals and the challenges they face. The course combines law, policy, and history.

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

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

**LAW 1756 v00 Criminal Law Theory in Context** (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201756%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar will introduce students to contemporary theoretical thinking about substantive criminal law. We will explore some of the most pressing problems in criminal jurisprudence, as well as some perennial ones, through the lens of the tension between morality and context.

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

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

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

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

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

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

Learning Outcomes

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

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

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

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

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

Learning Objectives:

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

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

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

LAW 1780 v00 Criminal Procedure and the Roberts Court Seminar
(http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201780%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
In this seminar, we will explore select Criminal Procedure cases decided by the Roberts Court. In each class, we will study either one or two cases in depth. Topics may include search and seizure, exceptions to the warrant requirement, excessive force, ineffective assistance of counsel, right to jury trial, double jeopardy, the right to confront witnesses, and Bivens liability, among others. Before each class, we will provide students with notes and discussion questions to facilitate their preparation and guide their discussion.

Students will be required to write a final paper of 20-25 pages double-spaced on any issue relating to criminal procedure. The grade on the final paper will be the starting point for the final grade. The grade may be adjusted upward or downward by one-half grade based on class participation.

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

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

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

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

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

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

This is a four-credit course. Two credits will be awarded for the two-hour weekly seminar and two credits will be awarded for the 10 hours/week of project work. Both the seminar and project work will be graded. Students who enroll in this course will be automatically enrolled in both the seminar and practicum components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Learning. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor's discretion, may be withdrawn from the practicum.

LAW 1783 v00 Decentering the Police in Community Safety Practicum (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201783%20v00) (Project-Based Practicum)
J.D. Practicum | 5 credit hours

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professors. This practicum will focus on actionable steps to decenter the role of policing in community safety efforts in order to make cities and neighborhoods safer and reduce the harms of policing. Students will participate in a weekly two-hour seminar and carry out approximately 15 hours of project work each week under the direction of the course professors.

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

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

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

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

**Note:** LL.M. students require permission from the professor to enroll.

This is a five-credit course. Two credits will be awarded for the two-hour weekly seminar and three credits will be awarded for approximately 15 hours of supervised project work per week. Students who enroll in this course will be automatically enrolled in both the seminar and practicum components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Learning. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and project components. Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar,
LAW 518 v00 Domestic Violence Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20518%20v00)
J.D. Clinic | 10 credit hours
Please see the Domestic Violence Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/domestic-violence-clinic) for more information about the program.

For registration-specific supplemental materials, please see the Domestic Violence Clinic PDF (https://georgetown.app.box.com/s/28audmod35d2q1swtsroav5wrw2zzl7b).

For information about clinic registration generally, please see the Clinic Registration Handbook (https://georgetown.box.com/s/y9f8wq3yqcuynqyip3ytyrf6nj9qpyv6).

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

LAW 386 v01 Federal Prosecution (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20386%20v01)
J.D. Seminar | 2 credit hours
We examine decision-making by federal prosecutors over the life of a federal case, from investigation through prosecution, through class discussion of articles and cases, and through guest speakers. We focus not just on legal, but also on organizational, cultural, and ethical factors that influence and constrain prosecution decisions.

Learning Objectives:

Students are expected to acquire a working familiarity with:

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

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

Prerequisite: Prior or concurrent enrollment in Criminal Law.

Recommended: Evidence.

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

LAW 455 v00 Federal White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20455%20v00)
J.D. Course | 4 credit hours
This advanced criminal law course covers selected substantive and procedural areas of importance in “white-collar” criminal practice. A portion of the class will be devoted to the study of certain statutes and their applications, including examinations of mail and wire fraud, conspiracy, false statements and money laundering prosecutions.

We will also study the United States Sentencing Guidelines and will explore the principles governing entity liability. The balance of the class will be devoted to an examination of subjects of particular concern to prosecutors and defense counsel in “white-collar” or business crime cases, including investigative and grand jury practices, privileges applicable in a corporate setting, immunity, plea bargaining, cooperation agreements, and the interplay between civil and criminal proceedings.

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

Prerequisite: Transfer students need to take Criminal Procedure.

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

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

LAW 455 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”. The class size is limited to maintain active class participation of interested students.

The class will conclude with a take home examination.

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

Recommended: Criminal Law and Evidence.

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

Note: J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at 9:30 a.m. ET on November 10.
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.

J.D. Students: Registration for this course will be open to Evening Division students only during the initial J.D. student registration windows. Full-time Day Division students will be able to add or waitlist this course beginning at a later date (Date TBA).

LAW 1801 v00 Global Anti-Corruption Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201801%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours

Objectives and Overview
Addressing corruption has become a global priority. The growing number of high profile cases involving the abuse of public power for private gain has generated moral outrage, particularly at a time of rising inequality. Moreover, there is an emerging consensus that systemic corruption not only undermines a country’s economic performance but can also lead to political instability and armed conflict. The course will examine the societal impact of public sector corruption and the efficacy of the criminal, regulatory and administrative steps that are being taken to address it, both at the national level and international levels. The course will be interdisciplinary, focusing on the legal, political, economic and institutional dimensions of this highly complex problem.

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

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

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

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

One-fifth of the U.S. economy centers around health care industry sectors. This seminar examines criminal, civil and administrative tools used by federal and state enforcement authorities to police the U.S. healthcare system. We will focus on cases brought under federal and state False Claims Acts (FCA), the Anti-Kickback Statue (AKS), Stark laws, Federal Food Drug and Cosmetic Act (FDCA), and Foreign Corrupt Practices Act (FCPA). The seminar provides a survey of the enforcement activities of the U.S. Department of Justice (DOJ), the Office of Inspector General at Department of Health and Human Services (OIG), and state Medicaid Fraud Control Units (MFCUs) in matters against pharmaceutical and medical device manufacturing companies, physicians, hospitals, clinical practices, nursing homes, laboratories, and others. The seminar materials thoroughly cover the statues, safe-harbors, and regulations that govern the health care industry. We will also discuss risk mitigation strategies and compliance program best practices across industry sectors to provide insight into the impact enforcement has on (1) clinical decision-making, (2) costs to providers, payers, and patients, (3) patient safety, and (4) quality of care. In an effort to maintain a broad perspective with the diverse and frequently changing legal landscape in the area, in addition to the case book, materials discussed and presented in this course draw from news reports, trade publications, and U.S. government agency materials.

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

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

LAW 627 v00 Health Justice Alliance Law Clinic

J.D. Clinic | 10 credit hours

Please see the Health Justice Alliance Law Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/health-justice-alliance-clinic) for more detailed information about the program.

For registration-specific supplemental materials, please see the Health Justice Alliance Law Clinic PDF (https://georgetown.app.box.com/s/sayjo4vhr2wq82dscz86e6d00opn1).

For information about clinic registration generally, please see the Clinic Registration Handbook (https://georgetown.box.com/s/y9f8wg3jvqcuynvip3ytyrl6nji9pyyv).

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 [Link](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 socio-economic rifts in American society. Through this practicum, students will work with MPD and community groups to transform the training and education MPD provides its officers and new recruits. Students will gain the skills and knowledge lawyers need to play an effective role in the effort to transform policing and our criminal justice system.

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

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

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

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

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

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

LAW 611 v02 Internal Investigation Simulation: Evaluating Corporate Corruption [Link](http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20611%20v02) (J.D. Seminar | 1 credit hour)

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

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

Note: FIRST-YEAR WEEK ONE COURSE: This course will meet on the following days: Monday, January 9, 2023, through Thursday, January 12, 2023.

This course is mandatory pass/fail, and does NOT count against the 7-credit pass/fail limit for J.D. students. This optional, elective course is for first-year J.D. students only, who will enroll via the Live Registration process. ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by Monday, November 28, 2022 at 3:00 p.m. After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.
LAW 790 v01 International Criminal Law (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 international law to international activities and across national boundaries. The course covers both the procedural aspects of international cooperation in criminal matters (including extradition, cross-border investigations, mutual legal assistance, and recognition of foreign penal judgments) as well as the developing substantive international law (e.g., war crimes, crimes against humanity, genocide, cybercrime, and trafficking in drugs, people and firearms). Particular attention is paid to the question of jurisdiction over criminal activities at the international level, in the context of activities such as money laundering, organized crime, and computer crime, including the reach of Constitutional protections to investigations and law enforcement activities overseas. Addresses the structure, jurisdiction, and jurisprudence of the ad hoc criminal tribunals for the former Yugoslavia and Rwanda and the statute and rules of evidence and procedure of the International Criminal Court.

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

**Mutually Excluded Courses:** Students may not receive credit for both this course and the J.D. course with the same title; the J.D. first year elective, Criminal Law Across Borders; or the J.D. seminar International Criminal Law Seminar: Tribunals and Crimes; or the J.D. course International Humanitarian Law; or the J.D. course International Criminal Courts.

LAW 880 v00 International White Collar Crime (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20880%20v00)  
LL.M Course | 2 credit hours  
This course examines key issues arising from the criminalization of transnational business conduct and attempts to enforce national laws extraterritorially, as well as how to counsel clients to comply with inconsistent or conflicting legal regimes. Topics covered will include: bribery of foreign officials, crime on the internet, economic embargoes and export and reexport controls, securities fraud, money laundering, and price-fixing. Attention will be paid to foreign governmental opposition to U.S. assertions of jurisdiction via “blocking” statutes, secrecy laws, and use of local court injunctions, as well as to mechanisms for resolving jurisdictional conflicts, including international agreements for notification, consultation, mutual legal assistance, “positive comity,” and exchanges of confidential information among enforcement authorities. The course will also focus extensively on compliance and ethics issues and on techniques for dealing with government law enforcement agencies.

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

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

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

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

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

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

**Strongly Recommended:** Criminal Justice, Criminal Law, or Criminal Procedure; Courses in technology-related subjects
LAW 1334 v00 Justice and Accountability for International Atrocity Crimes: Bridging Theory and Practice Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201334%20v00)
J.D. Seminar (cross-listed) | 2-3 credit hours
This seminar examines both progress and ongoing challenges in seeking meaningful justice and accountability for serious international crimes, including crimes against humanity, genocide, and war crimes. We'll begin with an overview of the challenges of effective atrocity prevention and an examination of fundamental developments over the last few decades establishing international and hybrid criminal tribunals and other mechanisms of transitional justice, including truth and reconciliation commissions. Building on this foundation, and drawing upon legal scholarship, social science research, and country case studies, we will then explore a range of responses to key justice challenges recurring in a number of countries emerging from conflict. These challenges include: (1) the often complicated relationship between peace processes and justice initiatives; (2) the question of whose justice goals are being pursued and how national, regional, and international stakeholders interact in such efforts; and (3) the complexities of building enduring justice on the ground through meaningful domestic rule of law reform, outreach, cultural engagement, and other means. Students will write a substantial seminar paper within the subject matter scope of the seminar.

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

LAW 532 v02 Juvenile Justice Clinic (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20532%20v02)
J.D. Clinic | 9 or 14 credit hours
Please see the Juvenile Justice Clinic website (https://www.law.georgetown.edu/experiential-learning/clinics/juvenile-justice-clinic) for more detailed information about the program.

For registration-specific supplemental materials, please see the Juvenile Justice Clinic PDF (https://georgetown.app.box.com/s/p8nbfhk8ibi0jsgoarf6ixt7wa5tn1l).
For information about clinic registration generally, please see the Clinic Registration Handbook (https://georgetown.box.com/s/y9f8wqjvcuynevpi3ytyr16nj9pyv6).

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

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

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

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

LAW 849 v00 National Security Investigations and Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20849%20v00)
LL.M Seminar (cross-listed) | 2 credit hours
This seminar will address the law governing national security investigations and related litigation. Topics will include electronic surveillance (e.g., the Foreign Intelligence Surveillance Act), national security letters, mail covers, and the handling of classified information at trial (e.g., the Classified Information Procedures Act). National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and operational reality in which it functions. The seminar will aim to present the law in context, exposing students as much as possible to the real-world effects of legal standards and rules. Requirements include participation in a four-hour investigative exercise at the end of the semester, submission of two short papers during the course of the semester, and class participation.

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

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

Students may not withdraw from this class after the add/drop period ends without the permission of the professor.
LAW 849 v01 National Security Investigations and Litigation (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20849%20v01)
LL.M Seminar (cross-listed) | 2 credit hours
This class will address the law governing national security investigations and related litigation. Topics will include foundational legal authorities, electronic surveillance, national security letters, and the differences between Article III courts and military commissions. National security law is often inaccessible, and can be particularly hard to follow when divorced from the context of historical tradition, governmental structures, and the operational reality in which it functions. While steering clear of classified or confidential aspects of the practice, the class will attempt to present the law in context. Class participation and three short papers are required.

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

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

LAW 1720 v00 Police Abolition Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201720%20v00)
J.D. Seminar | 2-3 credit hours
This course will study policing transformation through an abolitionist framework. The course will first look at abolitionist theory and its application to policing. It will then look at the implications of this framework for immediate and mid-term change-making efforts in policing and beyond. We will explore the interplay between police abolition, the “defund” movement and more “traditional” police reform efforts, critiquing each. We will look at what police currently do and the extent to which current policing promotes, or undermines, public safety. We will question how “public safety” is commonly defined and consider what role law enforcement would play if we were to define public safety differently. We will consider how the role of police (at least as currently constituted) in promoting public safety might be decreased (eliminated?) and how we would protect physical well-being if that were to come about. Throughout this course we will consider whether the police abolitionist framework might help us more effectively address institutionalized racism and entrenched class inequity as we seek to transform policing.

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

Course Readings

- Chokehold: Policing Black Men by Paul Butler.
- Additional Readings will be listed in the course syllabus and will be posted on/linked to in Canvas

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 1750 v00 Police Accountability Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201750%20v00)
J.D. Seminar | 2-3 credit hours
Alongside newer demands to end our over-reliance on policing to keep us safe, are renewed calls for more effective mechanisms for police accountability. This course will focus on the nuts-and-bolts of police accountability, from exploring the efficacy and costs of the exclusionary rule, prosecutions of individual police officers, and Section 1983 cases, to USDOJ’s reinvigorated pattern-or-practice investigations, civilian oversight, and “front-end” oversight in the form of state and federal regulation of police. Along the way we will consider subsidiary topics like qualified immunity, the Monell doctrine, and even the role of insurance companies in holding police accountable. We will consider how new or pending legislation at the federal, state, and local levels can be expected to improve (or undermine) police accountability, and discuss how this all fits in with efforts to reform, remake, or abolish policing.

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

Prerequisite: Criminal Justice or Criminal Procedure.

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

LAW 1360 v00 Policing in the 21st Century: Law Enforcement, Technology and Surveillance (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201360%20v00)
J.D. Seminar | 2 credit hours
This seminar will explore the intersection of contemporary surveillance practices with the need to safeguard civil liberties, and investigate how new technologies are being used to manage and control populations of people, in particular racial and religious minorities and immigrant communities. The course will place special emphasis on the evolving right to privacy in an increasingly cyber- and technology-oriented world, the expansion of government surveillance during the Obama and Trump administrations, and the implications of new law enforcement technologies on civil liberty protections. Our texts will include a variety of sources ranging from case law, legal scholarship, government manuals and congressional testimony to congressional letters, TED Talks, and digital publications.

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

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

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

LAW 1493 v00 Prison Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201493%20v00)
J.D. Course | 3 credit hours
This course focuses on the back end of the criminal justice system. In this class, we will be focusing on the law and policy of incarceration. We will study why the United States is so punitive, how government officials manage prisons, and what protections are in place to prevent harm to prisoners while incarcerated. We will also study whether our current penal system is successful in reducing the recidivism rate of those coming out of prison. These topics are particularly urgent given that the United States leads the world in the rate it imprisons its citizens. Topics to be covered include: the history of prisoners’ rights litigation; the scope of prisoners’ constitutional rights; inmate access to the courts; First Amendment protections for prisoners; the prison disciplinary process; conditions of confinement; medical care; the problems of prison rape and overcrowding. There will also be a focus on legal practice—how lawyers litigate prisoners’ rights suits. There will be a take-home final examination.

Mutually Excluded Courses: Students may not receive credit for both this course and the Prison Reform Advocacy and Litigation practicum.
LAW 1181 v00 Prison Reform Advocacy and Litigation (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 statues, regulations, and case law governing the U.S. carceral system. The policy units will cover issues such as privatization and approaches to sexual assault. Finally, the course will touch on practical skills such as interviewing techniques, media relations, and self-care.

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

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

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

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

Evening students are encouraged to reach out to the professor to discuss whether this practicum course would be compatible with their schedules. This is a 5 credit course. Two credits will be awarded for the two-hour weekly seminar and three credits for 15 hours of supervised fieldwork per week, for a minimum of 11 weeks, to be scheduled with the faculty. The fieldwork must be completed during normal business hours. The two-credit seminar portion of this practicum will be graded. The three credits of fieldwork are mandatory pass/fail. Students will be allowed to take another course pass/fail in the same semester as the fieldwork. Students who enroll in this course will be automatically enrolled in both the seminar and fieldwork components and may not take either component separately. After Add/Drop, a student who wishes to withdraw from a practicum course must obtain permission from the faculty member and the Assistant Dean for Experiential Education. The Assistant Dean will grant such withdrawal requests only when remaining enrolled in the practicum would cause significant hardship for the student. A student who is granted permission to withdraw will be withdrawn from both the seminar and fieldwork components. Default attendance rule for all practicum courses (unless the professor indicates otherwise): Regular and punctual attendance is required at all practicum seminars and fieldwork placements. Students in project-based practicum courses are similarly required to devote the requisite number of hours to their project. If a student must miss seminar, fieldwork, or project work, he or she must speak to the professor as soon as possible to discuss the absence. Unless the professor indicates otherwise, a student with more than one unexcused absence from the practicum seminar (out of 13 total seminar sessions), or one week of unexcused absences from the fieldwork or project work (out of a total of 11 weeks of fieldwork or project work), may receive a lower grade or, at the professor’s discretion, may be withdrawn from the practicum course.

LAW 1550 v00 Prosecuting Sex Crimes and Vindicating Constitutional Rights (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201550%20v00)
J.D. Seminar (cross-listed) | 1 credit hour
This course is a practice-based seminar that will examine gender-based violence, and more specifically sexual violence, as a criminal civil rights issue. While anyone can be a victim of sexual violence, the vast majority of victims are women, including transwomen. This is particularly true in the law enforcement misconduct context, where men are more often the victims of physical assault, and women are more often the victims of sexual assault. But unlike excessive force cases that may be captured on video or witnessed by fellow officers or civilians, sexual assaults often occur in secluded locations with no one to bear witness.

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

Learning Objectives:

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

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

Mutually Excluded Courses: Students may not receive credit for both this seminar and Prosecuting Sexual Violence: Applying Research to Practice (Fieldwork Practicum).
LAW 1244 v00 Prosecuting Sexual Violence: Applying Research to Practice (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 perpetuation 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

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.
fulfill the J.D. Upperclass Legal Writing Requirement. The paper requirements of the two-credit section will not if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing

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

Note: In Fall 2022, this course will meet on the following Tuesdays and Thursdays: 8/30, 9/1, 9/6, 9/13, 9/15, 9/20, 9/27, 9/29, 10/4, 10/13, 10/18, 10/20, and 10/25.

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

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

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Note: J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the J.D. Upperclass Legal Writing Requirement. The paper requirements of the two-credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
LAW 1085 v01 Sentencing and Pre-Trial Detention: Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201085%20v01)
J.D. Seminar | 2-3 credit hours
This seminar will focus on the legal and policy issues related to the sentencing and pre-trial detention of defendants in state and federal courts. The class will address philosophical approaches to detention, incarceration, and other punishment, and how those theories have been implemented under determinate and indeterminate sentencing schemes. Students will study the structure, goals, and application of the Federal Sentencing Guidelines and contrast them with state guidelines and non-guidelines systems. Students will also explore unique issues related to capital punishment. In addition, the class will address the roles and influence of prosecutors, defense counsel, probation officers, victims, and other non-judicial actors in sentencing decisions, and how whether a judge or a jury imposes sentence affects the sentence. The class will also address the collateral consequences of sentencing. The class will examine monetary (bail) and non-monetary detention schemes, and the differing factors considered in detention and sentencing decisions. In addition, the class will examine the impact of race, gender, class, and related factors on detention and sentencing. Finally, the class will address alternatives to incarceration, therapeutic courts, and community-based sanctions. The class will be taught as a seminar, the class will not be conducted solely in a lecture format and there will be a strong emphasis on class discussion. In addition, during many classes students will be assigned role-playing exercises that are intended to help students better understand sentencing issues and the operation of federal and state guidelines systems. Students will also complete exercises in which they will review background information and sentencing recommendations for a defendant and then impose a sentence. There will also be guest speakers representing a range of backgrounds and viewpoints.
Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.
Recommended: Criminal Law.
Mutually Excluded Courses: Students may not receive credit for this seminar and Sentencing Law and Policy or Sentencing Law, Policy, and Practice Seminar.
Note: This course will be enrolled via waitlist. The Writing Requirement section (LAW.J-1085-06) is open to J.D. students only and non-degree students may not enroll.

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

LAW 1085 v02 Sentencing Law and Policy (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201085%20v02)
J.D. Course | 2 credit hours
This two-credit hour course will address issues of sentencing law and policy with an emphasis on the federal criminal justice system. The course examines how criminal sentences are structured from constitutional, statutory and policy perspectives including the application, function and limitations of the U.S. Sentencing Guidelines. We will examine the role of the sentencing courts, prosecutorial discretion, plea-bargaining practices, mandatory minimums, the issue of mass incarceration and alternatives to incarceration. Students’ grades will be based on a take-home final examination and class participation.
Prerequisite: Criminal Justice (or Democracy and Coercion) or Criminal Procedure.

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

LAW 1748 v00 The Death Penalty in America Seminar (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW %201748%20v00)
J.D. Seminar | 2-3 credit hours
This seminar will consider the past, present, and future of the death penalty in America. This seminar will consider the past, present, and future of the death penalty in the U.S. Topics will include the Eighth Amendment framework; capital-eligible offenses and limitations; the role of race; intellectual disability, insanity, and mental status; juvenile offenders; procedural requirements in capital cases; actual innocence claims; methods of execution; juror qualification; and the allocation of issues between judge and jury. The course also will cover current abolition initiatives under state constitutional, legislative, and clemency initiatives.
Student learning goals: Students will gain both a jurisprudential understanding and practical insight into the death penalty and its administration. Students will intensively explore this challenging constitutional and legal area, and will write on an important selected issue.

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

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement.
Developments in neuroscience and the psychological study of cognition and emotion are transforming our understanding of the mind. These developments have large implications for law and lawyering. They challenge some of civil and criminal law’s central premises - about people’s rationality, free choice, and consistency over time. This course will examine some of these challenges, and it will weigh the law’s possible responses. Legal topics to be explored will include health and safety regulation, the idea of the reasonable person, intent and culpability, mental disability, and the roles of revenge, regret, and other motives in civil and criminal justice. Other themes, relevant to lawyering and to the management of conflict, will include the psychology of negotiation, the nature of intuition and judgment, and the roles of trust and social norms. The course will also consider the causes and control of violence and extremism, as well as the use of emerging neuroscience technologies for legal and national security purposes.

The Role of the State Attorney General has these overarching objectives:

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

The course will cover the day to day challenges faced by attorneys general and their staffs in delivering legal advice to guide state government in a constitutional and ethical manner. The course will also cover the relationship of attorneys general with the federal government, the private bar, and a range of advocacy organizations. It will focus on some of the most prominent areas in which state attorneys general work, such as consumer protection, criminal justice, and environmental law. Although each state is unique, the course will demonstrate the congruence that exists among state attorneys general when addressing similar challenges and issues. Unlike private and other government lawyers, who work subject to ethical rules that defer decision making to agency “clients,” state attorneys general answer directly to the public interest. The course is weighted toward those decisions by attorneys general that reflect their independent status, which is most often revealed when legislatures, other elected officials, state agencies or the federal government exceed their constitutional or statutory authority. The course materials include case materials and court documents, scholarly articles from a variety of sources, and some journalistic coverage. There is no separate text for this course. All materials will be available via a web portal to be designated by the professor.

Students will be evaluated on class participation (15%); the quality of a short writing assignment (20%), due approximately mid-way through the course; and a compact take home exam, which can be self-scheduled any time during the exam period (65%). In addition to substantive content, the exam will be assessed according to the quality of the prose and organization of the discussion.

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

Note: ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS. Enrolled students must be in attendance at the start of the first class session in order to remain enrolled. Waitlisted students must be in attendance at the start of the first class session in order to be admitted off the waitlist. All enrolled students must attend each class session in its entirety. Failure to attend the first class session in its entirety will result in a withdrawal. Failure to attend any subsequent class session in its entirety will result in a drop; failure to attend any class session in its entirety may result in a withdrawal.
**LAW 1495 v00 The Role of the State Attorney General Seminar**

As the chief legal officer of the states, commonwealths and territories of the United States, attorneys general serve as counselors to their legislatures and state agencies and as the “People’s Lawyer” for all citizens. Originating in the mid-13th century in the office of England’s “King’s Attorney,” the office had become, by the American Revolution, one of advisor to the Crown and to government agencies. Since colonial times, three forces have molded the office of the Attorney General: state constitutions and state government codes, which specify the duties and responsibilities of the attorney general; legislative decrees altering the duties of the attorney general in response to specific state needs; and the personalities and ambitions of those who have served as attorney general. Attorneys general today deal with everything from common law and statutory authority; conflicting legal and policy demands; resource restriction; relationships with outside counsel; and hard-core partisan politics.

The Role of the State Attorney General has these overarching objectives:

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

The seminar will cover the day to day challenges faced by attorneys general and their staffs in delivering legal advice to guide state government in a constitutional and ethical manner. The course will also cover the relationship of attorneys general with the federal government, the private bar, and a range of advocacy organizations. It will focus on some of the most prominent areas in which state attorneys general work, such as consumer protection, criminal justice, and environmental law. Although each state is unique, the course will demonstrate the congruence that exists among state attorneys general when addressing similar challenges and issues. Unlike private and other government lawyers, who work subject to ethical rules that defer decision making to agency “clients,” state attorneys general answer directly to the public interest. The course is weighted toward those decisions by attorneys general that reflect their independent status, which is most often revealed when legislatures, other elected officials, state agencies or the federal government exceed their constitutional or statutory authority. The course materials include case materials and court documents, scholarly articles from a variety of sources, and some journalistic coverage. There is no separate text for this course. All materials will be available via a web portal to be designated by the professor.

It is important to complete assigned reading fully before each session. It is strongly recommended that students check assignments early and budget reading time accordingly. Course grades will be based on the paper grade, the quality of class participation, and the quality of constructive feedback given to fellow students. Attendance is required. If a student must miss a class, she, he, or they should inform the professor beforehand. In addition to regular attendance, students will be credited for thoughtful questions and comments and for constructively engaging with the professor and with fellow students in class discussion. Quality is paramount, quantity far less significant.

Students will design their own paper topics in consultation with the professor. Students will submit rough drafts for comments from the professor. They will also have an opportunity to receive peer feedback on their work in progress. Final papers will be evaluated with consideration of originality, creativity, persuasiveness, clarity, quality of writing, and evidence of ability to absorb and constructively use feedback. The professor. They will also have an opportunity to receive peer feedback on their work in progress. Final papers will be evaluated with consideration of originality, creativity, persuasiveness, clarity, quality of writing, and evidence of ability to absorb and constructively use feedback. The professor.

**LAW 1686 v00 White Collar Criminal Practice: International Scandal Investigations**

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

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

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

**Note:** UPPERCLASS WEEK ONE COURSE. This will meet on the following days: Monday, January 9, 2023 through Thursday, January 12, 2023. This course is offered on a mandatory pass/fail basis and will not count toward the 7 credit pass/fail limit for J.D. students.

**ATTENDANCE IS MANDATORY AT ALL CLASS SESSIONS.** All enrolled and waitlisted students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. **Note:** Enrolled students will have until the beginning of the second class session to request a drop by contacting the Office of the Registrar at lawreg@georgetown.edu. A student who no longer wishes to remain enrolled after the second class session begins will not be permitted to drop the class but may request a withdrawal from an academic advisor in the Office of Academic Affairs. Withdrawals are permitted up until the last class for this specific course. **Note:** Students should be prepared to dedicate a significant amount of time to this class over the course of the week outside of the scheduled class hours.
LAW 1687 v00 White Collar Criminal Practice: International Scandal Investigations (Week One Teaching Fellows) (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201687%20v00)
J.D. Seminar | 1 credit hour
The Teaching Fellows for the White Collar Criminal Practice: International Scandal Investigations Week One simulation course will work with Professors DeLaurentis and Coleman to facilitate this course, which is offered in January. The description of the course is available on the Curriculum Guide here (https://curriculum.law.georgetown.edu/course-search). Teaching Fellows receive 1 pass/fail credit toward their Spring course load.

Teaching Fellows will meet at least twice with Professors DeLaurentis and Coleman in advance of Week One to review course topics, goals, simulation structure, and to receive training on their role throughout the course. Readings will be assigned.

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

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

Mutually Excluded Courses: Students who are enrolled in a Spring semester clinic should determine when any clinical meetings will take place during Week One to ensure there will be no conflict with their responsibilities as a fellow.

Note: THIS COURSE REQUIRES PROFESSOR PERMISSION TO ENROLL. Interested students must complete the online Week One Teaching Fellows Application Form. A resume and a 1-page statement of interest must be provided, as well. The Application Form will be made available to students in the latter half of June 2022. If you have any difficulty accessing the application or have questions about the application process, email lawexp@georgetown.edu.

This course is open to upperclass J.D., LL.M., and S.J.D. students. WEEK ONE COURSE. This course will meet on the following days: Monday, January 9, 2023 through Thursday, January 12, 2023 during the class meeting times for the course. Additionally, teaching fellows will meet with their professors on two dates to be announced. Professors may schedule alternative and/or additional trainings as needed. This course is mandatory pass/fail and will not count toward the 7 credit pass/fail limit for J.D. students. This course does not count toward the Experiential course requirement. ATTENDANCE AT ALL CLASS SESSIONS AND FELLOW TRAININGS IS MANDATORY. After accepting an offer, the student may drop the course ONLY with the permission of the professors. Permission is granted only where remaining enrolled in the course would cause significant hardship to the student.

LAW 1622 v00 Wrongful Convictions (http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201622%20v00)
J.D. Seminar (cross-listed) | 2 credit hours
This course will survey the problem of wrongful convictions. We will first examine the primary causes of wrongful convictions, including “junk science,” false confessions, prosecutorial misconduct, misidentifications, jailhouse snitches, and ineffective assistance of counsel. Next, we will explore the legal landscape of actual innocence litigation, including habeas corpus, Section 1983, and the lingering question of whether innocence alone is a constitutional basis for relief. Finally, we will consider the moral, ethical, and philosophical implications of wrongful convictions for our justice system, and the difficulty of administering a functioning system while also correcting its mistakes.

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

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