

CRIMINAL LAW AND PROCEDURE

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

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

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

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

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

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

LAW 1849 v00 Abolitionism and the Law Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201849%20v00>)

J.D. Seminar | 3 credit hours

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

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

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 procedures for imposing the death penalty and racial disparities in capital sentencing, the impartiality and independence of elected judges in the state courts, competency for trial and other issues involving the mental health and intellectual functioning of people accused of crimes, and practices and procedures regarding clemency.

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

Recommended: Criminal Justice and/or Criminal Law.

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

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

LAW 032 v00 Advanced Criminal Procedure (<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.

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

J.D. Course | 2 credit hours

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

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

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

Recommended: Evidence.

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

LAW 032 v03 Advanced Criminal Procedure and Litigation (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20032%20v03>)

J.D. Course | 2 credit hours

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

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

Mutually Excluded Courses: Students may not receive credit for both this course and Advanced Criminal Procedure or 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 is actually like to be a prosecutor or a defense counsel, and the decisions and considerations they make through each stage of a matter, from investigation through sentencing and appeal. The learning outcomes for the course include:

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

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

Mutually Excluded Courses: Students may not receive credit for both this class and Federal Prosecution.

LAW 504 v01 Appellate Courts Immersion Clinic (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20504%20v01>)

J.D. Clinic | 12 credit hours

Please see the Appellate Courts Immersion Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/appellate-courts-immersion-clinic>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Appellate Courts Immersion Clinic PDF (<https://georgetown.app.box.com/s/6lclztp3yo9o37tzlvv6sknlfj2i4bsa>).

For more information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88>).

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

LAW 504 v00 Appellate Litigation Clinic (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20504%20v00>)

J.D. Clinic | 14 credit hours

Please see the Appellate Litigation Clinic website (<https://www.law.georgetown.edu/experiential-learning/clinics/appellate-litigation-clinic>) for more detailed information about the program.

For registration-specific supplemental materials, please see the Appellate Litigation Clinic PDF (<https://georgetown.app.box.com/s/b0alotrzfzfmvbgqtqf7avtdq58o8n4b>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88>).

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

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

LAW 1175 v01 Borders and Banishment Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201175%20v01>)

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

This course explores practices of border fortification, incarceration, criminal law enforcement, and immigration policing. Migration and incarceration—borders and banishment—present some of the most pressing legal and moral controversies in contemporary public life. Over the past two decades, criminal-immigration matters have become the most commonly prosecuted federal crimes; populations in prison, jail and immigration detention have dramatically increased; and though major proposed immigration reforms are stymied in Congress, pressures for reform in both the immigration and criminal contexts continue to mount.

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

There are no prerequisites. All students are welcome.

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

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

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

LAW 090 v00 Capital Punishment Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20090%20v00>)

J.D. Seminar | 2-3 credit hours

This seminar focuses on the substantive law of capital punishment and on the procedural aspects of post-conviction proceedings. The course will include an examination of the history of death penalty jurisprudence, habeas corpus, recent U.S. Supreme Court cases, public policy issues, and state and federal death penalty statutes. The writing requirement offers students an opportunity to write on a topic of their choice pertaining to the death penalty.

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

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

LAW 1865 v00 Civil Rights: Section 1983 & Police Accountability (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201865%20v00>)

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

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

Learning Objectives:

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

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

LAW 080 v00 Computer Crime Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20080%20v00>)

J.D. Course (cross-listed) | 2 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 1880 v00 Constitutional Issues in Corruption & Election Crime Enforcement (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201880%20v00>)

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

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

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

Prerequisite: Criminal Procedure, Constitutional Law

LAW 1864 v00 Corporate Criminal Liability: Theory and Practice (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201864%20v00>)

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

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

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

LAW 512 v01 Criminal Defense and Prisoner Advocacy Clinic (<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/uh12pduco9l57w14651gwu8ad1vd9lz2>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphateghs0uz7s60j9e5y88>).

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

LAW 003 v00 Criminal Justice (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20003%20v00>)

J.D. Course | 4 credit hours

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

Mutually Excluded Courses: Students may not 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 (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20003%20v01>)

J.D. Course | 4 credit hours

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

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

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

J.D. Clinic | 14 credit hours

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

For registration-specific supplemental materials, please see the Criminal Justice Clinic PDF (<https://georgetown.app.box.com/s/bturi7grohr8dzl7fvnqowru341mi0j6>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88>).

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

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

J.D. Course | 3 credit hours

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

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

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

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

J.D. Seminar | 2 credit hours

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

LAW 1845 v00 Criminal Justice Seminar: Confronting and Reimagining Judicial Writing in Foundational Criminal Cases (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201845%20v00>)

J.D. Seminar | 2 credit hours

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

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

Note: This course will enroll via waitlist.

LAW 126 v00 Criminal Law (<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 suppress 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 15-20 pages double-spaced on any issue relating to criminal procedure. The grade on the final paper will be the starting point for the final grade. The grade may be adjusted upward or downward by one-half grade based on class participation.

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

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

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

LAW 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/gui8bfwh9tfxspnr167ogoa5fpx5u8oj>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphateghs0uz7s60j9e5y88>).

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

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 9:30 a.m. on Thursday, November 9, 2023.

LAW 1110 v00 Government Enforcement Investigations: A Study at the SEC (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201110%20v00>)

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

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

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

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

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

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

Recommended: We do not assume students have taken any other classes. Prior or concurrent enrollment in Securities Regulation may give you some familiarity with issues covered in this class, but it is not necessary.

LAW 1028 v00 Health Care Fraud and Abuse Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201028%20v00>)

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

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

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

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

LAW 627 v00 Health Justice Alliance Law Clinic (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20627%20v00>)

J.D. Clinic | 10 credit hours

Please see the Health Justice Alliance Law Clinic website (<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/e40877jbijdxvouzrd4hmif80w7tk7yc>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88>).

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

LAW 611 v02 Internal Investigation Simulation: Evaluating Corporate Corruption (<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. Details regarding the registration process will be provided to students during the fall semester via email, information sessions, and on the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations>). ATTENDANCE AT ALL CLASS SESSIONS IS MANDATORY. All enrolled students must be in attendance at the start of the first class session in order to be eligible for a seat in the class and must attend each class session in its entirety. For more information, please see the Week One website (<https://www.law.georgetown.edu/experiential-learning/simulations/first-year-week-one-simulations>). Due to the intensive nature of the course, the small-group, team, and individual work that is involved, and the preparation that is necessary to ensure a positive student experience, students who wish to drop the course after they have accepted a seat must drop by **Monday, November 28, 2022 at 3:00 p.m.** After that point, students must receive permission from both the course professor and Assistant Dean for Experiential Education to drop the course. Permission will only be granted when remaining enrolled in the course would cause significant hardship for the student. Students who are enrolled but do not attend the first class session will be withdrawn from the course.

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

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

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

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

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

LAW 790 v10 International Criminal Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20790%20v10>)

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

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

Along with the substantive law on these issues, we examine the foundational topics of jurisdiction, extradition, and immunity from prosecution. The course will also examine the problems confronting international criminal justice today, including the political backlash against holding leaders accountable for core crimes. The aim of the course is to introduce students to basic doctrines of international criminal law, as well as doctrines concerning the extraterritorial application of U.S. criminal law. It also provides an overview of the work of international criminal tribunals and the challenges they face. The course combines law, policy, and history.

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

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

LAW 1863 v00 International Justice for War Crimes and Atrocities Practicum (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201863%20v00>) (Project-Based Practicum)

J.D. Practicum | 10 credit hours

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

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

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

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

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

The seminar portion of the course will:

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

LAW 880 v00 International White Collar Crime (<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.

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 reportedly enlisted criminal organizations to act as their proxies to conduct cyber attacks against United States companies; and the tradecraft used by some nation-state actors includes tools and tactics commonly used by cybercriminals, such as botnets and ransomware. The intersection between conventional cybercrimes and national security crimes with a cyber nexus raises novel legal and policy questions involving the extraterritoriality of criminal statutes, the application of international data privacy regulations, and the boundaries of international legal cooperation. Furthermore, the burgeoning role of private actors in data breach response and cyber threat intelligence gathering are altering how cyber offenses are investigated.

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

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

Strongly Recommended: 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) | 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.

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/re16hdvjbyjubobha6ox1bbpmtvnfwu7>).

For information about clinic registration generally, please see the Clinic Registration Handbook (<https://georgetown.app.box.com/s/0ehc9a8928jphteghs0uz7s60j9e5y88>).

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 credit hours

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

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

LAW 849 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 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

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

This course will explore the intersection of contemporary surveillance practices with the need to safeguard civil liberties. The course will place special emphasis on the ways in which surveillance is used to control and manage populations of people, the intersection between mass incarceration and surveillance, and the communities that experience the greatest degree of scrutiny. Throughout the course, we will investigate how race, faith, national origin, immigration status, penal status, class and other categories fundamentally shape who is being watched and why.

The course will begin with an exploration of privacy law and the limits that apply to surveillance practices, both electronic and non-electronic. We will examine free speech and freedom of expression under the First Amendment, search and seizure under the Fourth Amendment, and relevant statutory and regulatory laws. We will then explore an array of surveillance and policing practices.

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

Learning Objectives:

1. Introduce some of the major issues in state surveillance, law enforcement, and privacy, and critically examine different approaches to these issues;
2. Test our approaches against current and rapidly developing surveillance practices, both electronic and nonelectronic;
3. Explore the intersection between mass incarceration and surveillance, and the war on crime and the war on terror;
4. Understand how surveillance practices are used to profile and monitor particular communities, including on account of race, faith, national origin, immigration status, penal status, class and other categories;
5. Examine different methods for challenging surveillance; 6. Anticipate the durability of these methods going forward.

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 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) | 2 credit hours

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 perpetration of sexual violence in the United States and will explore the commonalities and differences in the barriers to effectively responding to these cases in the United States and abroad. This practicum course will provide students with the experience, knowledge, and analytical skills to identify and apply the criminal laws, evidentiary and procedural rules, and case law relevant to the prosecution of sex crimes. Students will be exposed to research related to victim behavior, sexual violence perpetration, medical and health issues, and forensics in sexual violence cases in their seminar readings, discussion, and fieldwork. Students will be provided with opportunities to apply the relevant research, court rules, and case law to the course case file. The students' fieldwork will be complemented weekly by a review of relevant case law and literature, class discussion, lectures by the lead faculty member and guest lecturers, and mock pre-trial and trial exercises. Students will develop an understanding not only of the applicable laws but also of common challenges that arise when investigating and prosecuting these crimes. Topics such as alcohol-facilitated sexual assault, violence against sexually exploited women, commonly co-occurring crimes, prosecutorial decision-making, marital rape, issues of force and consent, and more will be studied.

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

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

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

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.

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

LAW 1461 v00 Race and Poverty in Capital and Other Criminal Cases Seminar (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201461%20v00>)

J.D. Seminar | 3 credit hours

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

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 2023, this course will meet on the following Tuesdays and Thursdays: 8/29, 8/31, 9/5, 9/7, 9/12, 9/14, 9/19, 9/21, 9/28, 10/3, 10/5, 10/12, and 10/17.

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

J.D. Seminar | 2 credit hours

During this seminar our class will read six books about policing in the United States. We will spend two weeks on each book. The first week we will discuss the book with each other. The second week the author will visit the class to discuss the book. Some author visits will be in person; others will visit via video conference.

Through studying these books and speaking with their authors we will learn how theories of policing have changed over time; how policing is influenced by, and in turn influences, law, politics and culture; the role that factors like race, gender, sexual-orientation, disability, indigeneity, age and class, have played in shaping how policing happens; the connection of policing to mass incarceration and its attendant harms; and we will probe some of the biggest challenges facing policing currently.

The six books we will read include:

- *Unreasonable: Black Lives, Police Power, and the Fourth Amendment*, by Devon Carbado
- *We Own This City: A True Story of Crime, Cops, and Corruption*, by Justin Fenton
- *Becoming Abolitionists: Police, Protests, and the Pursuit of Freedom*, by Derecka Purnell
- *Shielded: How the Police Became Untouchable*, by Joanna Schwartz
- *Policing the Open Road: How Cars Transformed American Freedom*, by Sarah A. Seo
- *Punished: Policing the Lives of Black and Latino Boys*, Victor M. Rios

Reflection and Summaries: All students are required to submit a 750 word reflection paper on each book after we have read the book and before we have discussed it with the author. Reflection papers will be graded and late papers will be penalized. In addition, all students will submit at least two discussion questions on Canvas before the first week's discussion of each book. Discussion questions will be graded pass/fail.

Grading:

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

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

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

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

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

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

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

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

Course Goals/Learning Outcomes:

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

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

Prerequisite: Criminal Justice, Constitutional Law

Recommended: Criminal Law, Evidence

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.

Strongly Recommended: Criminal Law

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

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

This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling the Upperclass Legal Writing Requirement. The paper requirements of the 2 credit section will not fulfill the J.D. Upperclass Legal Writing Requirement. Note: In Summer 2023, this course will not meet on Tuesday, July 7. The final meeting of this course will be held on Friday, July 21.

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 the U.S. Topics will include the Eighth Amendment framework; capital-eligible offenses and limitations; the role of race; intellectual disability, insanity, and mental status; juvenile offenders; procedural requirements in capital cases; actual innocence claims; methods of execution; juror qualification; and the allocation of issues between judge and jury. The course also will cover current abolition initiatives under state constitutional, legislative, and clemency initiatives.

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

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

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

LAW 496 v01 The Mind and the Law (<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%20496%20v01>)

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

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

LAW 1838 v00 The Prison Reform Project: Making an Exoneree

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201838%20v00>) (Project-Based Practicum)

J.D. Practicum | 5 credit hours

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

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

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

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

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

Note:

NOTE: In addition to the weekly seminar, as part of their supervised project work time, law students must agree to participate in the weekly Friday Making an Exoneree course with the undergraduate students from 9:30 to 11:30 a.m. on the main campus (or another location closer to the Law Center) on February 2, February 23, March 22, and April 19. During the Friday classes on main campus (or another location closer to the Law Center), law students will have the opportunity to participate in group meetings with their undergraduate investigators and provide valuable legal analysis and guidance on their investigative pursuits. These classes also provide an opportunity for law students to hear guest speakers who will provide information particularly valuable to legal strategy and

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

J.D. Course | 3 credit hours

The office and work of state attorneys general both sit at the intersection of law, politics, and policy. No other legal actor has the same power and responsibility to identify and act in the public interest. Unlike private and other government lawyers, who work subject to ethical rules that defer decision making to agency "clients," state attorneys general answer directly to the public interest. The course examines decisions by attorneys general that reflect their independent status, which is most often revealed when legislatures, other elected officials, state agencies or the federal government exceed their constitutional or statutory authority. In service to the people of their respective states, today's state AGs are leading the way on issues from federalism to civil rights to workers and consumers rights to environmental protection to gun violence and more. The state attorneys general work within their respective states, across states in multistate coalitions, and both in cooperation and conflict with the federal government.

Since colonial times, three forces have molded the office of the Attorney General: state constitutions and state government codes, which specify the duties and responsibilities of the attorney general; legislative decrees altering the duties of the attorney general in response to specific state needs; and the personalities and ambitions of those who have served as attorney general. Attorneys general today deal with everything from common law and statutory authority; conflicting legal and policy demands; resource restriction; relationships with outside counsel; and hard-core partisan politics.

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

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

The course will cover the day to day challenges faced by attorneys general and their staffs in delivering legal advice to guide state government in a constitutional and ethical manner. The course will also cover the relationship of attorneys general with the federal government, the private bar, and a range of advocacy organizations. It will focus on some of the prominent substantive areas in which state attorneys general work, such as consumer protection, criminal justice, and environmental law. Although each state is unique, the course will demonstrate the congruence that exists among state attorneys general when addressing similar challenges and issues.

The course materials include case materials and court documents, scholarly articles from a variety of sources, and some journalistic coverage. There is no separate text for this course. All materials will be available via a web portal to be designated by the professor.

Students will be evaluated on class participation (15%); the quality of a short writing assignment (20%), due approximately mid-way through the course; and a compact in-class exam (65%). The exam will be closed book. In addition to substantive content, the exam will be assessed according to the quality of the prose and organization of the discussion.

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

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

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

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

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

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

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

Note: This seminar requires a paper. J.D. students must register for the 3 credit section of the seminar if they wish to write a paper fulfilling

LAW 1801 v00 Understanding and Combatting Corruption Seminar (<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 Combatting of the Financing of the Financial Action Task Force. Corruption within the political system will also be examined, including explicit bribery of politicians, conflicts of interests, and private financing of political campaigns (sometimes referred to as “legalized corruption”). Finally, the course will assess the merits of proposals to establish an International Court on Corruption.

Learning Outcomes

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

LAW 1900 v00 Victim-Centered Justice and Security Practicum

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201900%20v00>) (Project-Based Practicum)

J.D. Practicum | 4 credit hours

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

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

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

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

LAW 1686 v00 White Collar Criminal Practice: International Scandal Investigations

(<http://curriculum.law.georgetown.edu/course-search/?keyword=LAW%201686%20v00>)

J.D. Seminar | 1 credit hour

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

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

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

Note: UPPERCLASS WEEK ONE COURSE: This will meet on the following days: Monday, January 8, 2024 through Thursday, January 11, 2024. 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 (<http://curriculum.law.georgetown.edu/course-search/?keyword=law%201686%20v00>). 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 2023. 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 8, 2024 through Thursday, January 11, 2024 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 and visiting Faculty

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