



Criminal Law & Policy Initiative at GW Law

October 16, 2019

Dear Students:

Below are some seminars, reading groups, and selected topics courses that may be of interest to students looking to explore criminal law or policy in their coursework during the Spring 2020 semester. Following that is a list of related courses offered in the fall or spring semesters, or the summer session. Please check the “Information to Supplement the Bulletin” on the Records Office website for changes to these course offerings.

For more information about GW Law events and activities related to criminal law and policy, please visit the Criminal Law & Policy Initiative website at www.law.gwu.edu/crimlaw and sign up for the email list. Good luck with Spring 2020 registration! Best, Professor R. Fairfax

Spring 2020 Criminal Law-Related Seminars, Reading Groups, & Selected Topics Courses

6351-11 Reading Group: *Criminal Justice Reform and The Wire* (1) R. Fairfax

This reading group will consider the merits of, and prospects for, criminal justice reform in the United States. Topics will include legal, social, moral, and political perspectives on the modern criminal justice system and will be framed by selected readings and episodes of David Simon’s critically acclaimed HBO series *The Wire*. Prerequisite: Law 6360 (Criminal Procedure) or Law 6362 (Adjudicatory Criminal Procedure). This course is graded on a CR/NC basis. (Mandatory class attendance and participation, periodic writing assignments, Note: The first paper will be due on Monday, January 13, 2020)

6351-15 Reading Group: *The Role of the Public Defender* (1) Pinckney

This reading group will explore the challenges facing the thousands of public defenders who practice in jurisdictions across the United States. Readings and class discussions will focus on the critical issues facing public defenders in the criminal justice system, enhance students’ understanding of how these issues impact a lawyer’s work as a public defender, and highlight practical ways public defenders can engage in client-centered advocacy. This course is graded on a CR/NC basis. (Writing assignments)

6352-10 Family Law Seminar: *Juvenile Justice* (2) Blumenson

This seminar presents an overview of the juvenile justice system. We will begin building our framework for understanding the juvenile court’s evolution with a high-level review of theories of punishment. Students will learn the historical and legal progression by reading and discussing key legal decisions and the constitutional standards that shaped juvenile justice law and policy over the past 50 years. The second half of the course will focus on practice and procedure in juvenile court. Using DC’s juvenile justice system as a case study, the seminar will cover juvenile crime demographics, the agencies and courts involved, and the life of a juvenile case (arrest to reentry). Students will analyze how other systems—education, mental health, foster care, criminal justice—interact with the juvenile system. At each stage of the juvenile case, students will hear different perspectives to supplement their review of numerical trends and data. They will learn from the perspectives of youth, attorneys, agency staff, probation officers, and others in the field. Students will research current issues, interview stakeholders, and identify creative legal solutions to barriers facing court-involved youth. (Research paper, brief presentation, and class participation)

6379-11 Criminal Law Procedure Seminar: *Criminal Justice & The Surveillance State* (2) Weisburd

Surveillance technology is transforming the criminal justice system. From facial recognition software and DNA databases to electronic monitors and police-worn body cameras, technology is fundamentally changing policing, prosecution, criminal trials and sentencing. This seminar will introduce students to the range of surveillance technology currently used in the criminal justice system and what this technology means for privacy, civil rights, and evidence law, as well as criminal law and procedure more generally. This seminar will also examine the racial, structural, political and socioeconomic forces that shape how, when, and against whom, surveillance technology is deployed. This seminar will be highly interactive and may include simulations, mock debates and presentations. (Research paper and class participation)

6379-12 Criminal Law Procedure Seminar: *The Death Penalty* (2) Maher

This seminar is about the death penalty. We will explore the impact that racism, poverty, and ineffective legal representation has in capital cases. Primarily, however, the course is about the law; the rules and procedures that govern who is and is not subject to the death penalty; and what principles and measures the law invokes to distinguish death-worthy cases from cases where the sanction of death would be unlawful. We will also consider moral and philosophical questions about the death penalty to the extent that such questions affect or influence legal thought and policy, and explore some emerging issues implicated by recent death penalty jurisprudence. (Research paper)

6379-21 Criminal Law and Procedure Seminar: *Anatomy of a Homicide* (2) Canan

This seminar will use homicide cases as a model to explore various advanced legal and ethical issues that arise during the investigation, trial and sentencing phases of a criminal case. Homicide cases present many challenging and emotionally charged issues that arise in the criminal justice system. We will work with actual fact patterns during the semester, and each week students will be assigned to consider issues from a prosecutorial or defense perspective. The seminar will cover topics ranging from current controversies over the use of forensic evidence to evidentiary issues at trial to sentencing and post-conviction relief. We also plan to draw upon the wealth of criminal justice experts available in this area and occasionally feature guest speakers from law enforcement, the defense bar, prosecutors, and the judiciary. Law 6360 (Criminal Procedure) is a prerequisite for this course. (Research paper)

6379-22 Criminal Law Procedure Seminar: *Public Corruption* (2) Kravis, Gee

This course will examine issues that arise in investigating, prosecuting, and defending federal public corruption cases involving wrongdoing by federal, state and local public officials. We will begin by highlighting some of the issues unique to public corruption prosecutions through the lens of recent high-profile corruption cases. We will then examine some of the tools that prosecutors and law enforcement agents use to investigate corruption cases, including the grand jury, wiretaps, and cooperators. We will then consider two areas that raise particularly complex questions about when federal criminal prosecution of a corruption offense is warranted: the prosecution of state and local corruption and the stand-alone prosecution of perjury, obstruction, or false statement charges. This section of the course will also include discussions of the use of asset forfeiture in corruption cases and the challenges involved in the prosecution of law enforcement officials for corruption offenses. The final part of the course will examine issues raised in the defense of public corruption cases, including the Speech or Debate Clause, the application of the Fourth and Fifth Amendments, and the strategic issues faced by defense lawyers representing witnesses, subjects, targets, and indicted defendants in corruption cases. (Research paper and class participation)

6561-20 Selected Topics in Public International Law: *Immigration Criminal Enforcement* (2) Golparvar

This course examines the interplay between criminal law and civil immigration law. The class will discuss the legal and constitutional implications of criminal immigration issues, specifically the consequences of criminal and terrorism activities and convictions for foreign-born individuals, immigration detention, U.S. citizenship laws and denaturalization, removal proceedings, and relief from removal. Students will understand how crimes and convictions will impact an individual's immigration status and the civil and criminal consequences that can stem from an arrest, conviction, or violation of our immigration laws. Prerequisite: Law 6538 (Immigration Law I). (Examination)

6869-21 Selected Topics in National Security Law: *Guantanamo Bay Detention: Ethics, Law & Policy* (1) Lewis

This course addresses the ethical, legal and policy dilemmas facing the decision-makers of the Bush and Obama Administrations regarding the detention facility at Guantanamo Bay, Cuba. The course will examine the decisions facing U.S. policy-makers, focusing on the ethics involved in every-day decision-making, weighing priorities and tradeoffs. Throughout, the course will focus on decision-making processes and case studies, in order to challenge students to understand how decisions are made, as well as engage in their own decision-making processes. Among the substantive issues which will be covered in the course are the Geneva Convention, the legal authority to detainee, interrogation techniques, intelligence gathering, treatment of detainees, military commissions, oversight by Congress, oversight by the judicial branch, the arguments in favor of against closing GTMO, and the future of GTMO. (Research paper and class participation)

6872-10 National Security Law Seminar: *Foreign Intelligence Surveillance Act Seminar* (2) Barteo-Robertson

This seminar will be an in-depth study of the Foreign Intelligence Surveillance Act (FISA) and how the law has evolved over the past 40 years into the current legal framework utilized by the National Security community today. After completing this course students will fully understand the various provisions of FISA and its amendments, be able to identify the circumstances for pursuing a FISA warrant, discern the specific provision of FISA that applies to a set of circumstances and articulate the correct requirements for an application to the Foreign Intelligence Surveillance Court. They will also understand the significance of balancing National Security interests with the US citizen's privacy rights. Students must have one of the following courses as a prerequisite before taking this course Law 6870 (National Security Law); Law 6878 (Intelligence Law); or Law 6875 (Counterterrorism Law) prior to enrolling in this course. Students may be able to take this course in conjunction with one of the above courses with the professor's approval. (Research paper and class participation)

6872-20 National Security Law Seminar: *Domestic Terrorism* (2) Brzozowski

This course will examine the legal architecture that undergirds domestic terrorism investigations and prosecutions and the policy consequences that flow from that framework. Students will consider domestic terrorism in context, assess its historical evolution, and evaluate the resulting legal and policy implications. Students will better understand the distinctions between international and domestic terrorism and appreciate the singular peculiarities of domestic terrorism investigations and prosecutions. This course also will assess the broader impact of domestic terrorism on the public in general. Students will consider how domestic terrorism is understood by the media, by advocacy organizations and academic institutions. We will evaluate efforts to study domestic terrorism, consider the conclusions drawn from these studies, and weigh their impact on policymaking in this area of national security. Finally, this course will provide insights into the ever-shifting crosscurrents between law and policy as our nation charts a course between liberty and security. Domestic terrorism uniquely illustrates the many challenges and obstacles in navigating this terrain. (Research paper and class participation)

Selected Criminal Law-Related Courses

(Note: Many, but not all, of these courses and clinics are being offered in Spring 2020. Please check with the Records Office to learn which courses are available for registration in Spring 2020.)

*=required for J.D. program; **=foundational

Criminal Law (6210)*	Environmental Crimes Project (6465)
Prof. Responsibility & Ethics - Criminal (6218)	Intl. Money Launder., Corruption, Terrorism (6521)
Domestic Violence Law (6350)	International Criminal Law (6554)
Criminal Procedure (6360)**	Prisoner and Reentry Clinic (6623)
Adjudicatory Criminal Procedure (6362)**	Family Justice Litigation Clinic (6624)
Role of the Federal Prosecutor (6363)	Crim. Appeal & Post-Conviction Svcs. Clinic (6625)
White Collar Crime (6364)	Law Students in Court – Criminal Division (6639)
Criminal Tax Litigation (6365)	Legal Drafting – Criminal Litigation (6652)
Computer Crime (6369)	Domestic Violence Project (6674)
Forensic Science (6370)	National Security Law (6870)
Drugs and the Law (6372)	Military Justice (6873)
Federal Sentencing Seminar (6374)	Comparative Military Law (6874)
Prisoners Project (6376)	Counterterrorism Law (6875)
Selected Topics in Criminal & Procedure Law (6378)	Homeland Security Law and Policy (6876)
Criminal Law and Procedure Seminar (6379)	Intelligence Law (6878)
Congressional Investigations Seminar (6420)	Cybersecurity Law and Policy (6879)
Environmental Crimes (6464)	Pre-Trial Practice in Criminal Cases (6684)

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