Advanced Topics in Criminal Law Seminar
Credits: 2

This seminar will examine a range of selected issues dealt with only in passing, if at all, in the first-year Criminal Law course. The overarching purpose of the course will be to explore the moral concepts that underlie the substantive criminal law, particularly those of harm, culpability, and wrongfulness. We will deal with issues involving both the “general part” of the criminal law (the part that deals with general rules and principles that apply to some or all of the range of criminal offenses) and its “special part” (the part that identifies and defines the specific offenses that are subject to criminal sanctions). Among the topics dealt with will be the nature and purposes of punishment, the act requirement, omission liability, causation, legality, complicity, inchoate liability, justification, excuse, the codification of criminal law, and various specific offenses such as homicide, rape, and theft.
**Computer Crimes Seminar**  
**Credits: 2**

This course explores the growing field of cybercrime and the Fourth Amendment issues arising in investigations involving computers, digital media and digital communications. Discussion will include both legal and policy issues now encountered by judges, legislators, prosecutors and defense counsel as they react to the ever-growing and changing computer-related crime. We will consider the interplay between traditional laws, investigations and prosecutions, on the one hand, and cyberspace, on the other. Topics include: computer crimes, such as computer hacking, logic bombs, viruses, worms, cyberterrorism, Trojan horses, and identity theft; criminal procedure, such as electronic surveillance and the Fourth Amendment in cyberspace; and policy, including defining what cyber conduct should be criminalized, identifying appropriate resolutions, and discussing civil liberties online.
Confinement, Reentry and Policy Seminar
Credits: 2

Every day in this country, nearly 1,800 people are released from prisons, jails, and detention facilities – a number likely to rise in the ensuing months with the implementation in California of the “population reduction order” required by the U.S. Supreme Court in this year’s Coleman/Plata decision, and preemptive measures taken elsewhere). In those states with the highest rates of confinement, the communities to which offenders will return are disproportionately poor and racially segregated. Legal, physical, psychological, financial, and social barriers await their return; and, not surprisingly, more than two-thirds of them will “reoffend” within three years of release. In many circles, there is general agreement that the system, with its chronic recidivism and ballooning cost, is “broken” and in critical need of reform. The question that remains hotly debated, and that to which we repeatedly will return over the course of the semester, is “How?”

As its title suggests, this interdisciplinary seminar examines the roots of the challenges of reentry in the legal history of mass incarceration, while at the same time tracing the contours of policy skirmishes occurring in local, state, and federal arenas regarding “best practices” for addressing this phenomenon.

For our purposes, this requires a study of how law – constitutional, statutory, and judicially-rendered at the local, state, and federal levels – directly impacts communities, public safety, justice, and human development, and also how social categorizations of persons by gender, race, class, and sexuality reflect and refract certain assumptions about deviance and criminality. While the course takes a national arc, our focus will remain local, with appropriate consideration given to New Jersey and New York (in our assigned readings and featured guest speakers).

In addition to weekly written responses to assigned readings, a final research paper (15+ pages, in the style of a law review/scholarly article) is required (in lieu of an exam).
Criminal Law Theory: the Sexual Offenses
Credits 2

Our law criminalizes a remarkably broad array of sexual, and sex-related, conduct. Among the offenses to be covered in this course are rape, sexual assault, human sex trafficking, female genital mutilation, voyeurism, public indecency, sexual transmission of disease, prostitution, pimping, statutory rape, child molestation, abuse of position of trust, child grooming, sexting, revenge porn, possession of child pornography, failure to register as a sex offender, adultery, assault by sadomasochism, incest, polygamy, bestiality, and necrophilia. We will consider these offenses from a practical and policy perspective, as well as from a more theoretical one. We will pay particular attention to the concepts of harmfulness, wrongfulness, offensiveness, consent, autonomy, deviance, and sex itself. Ultimately, we will be interested in the proper limits of the criminal law: Where has the law gone too far in criminalizing (or decriminalizing) various forms of sexual conduct? Where should it go further?
Domestic Violence Seminar
Credits: 2

This seminar will examine the legal system’s response to domestic violence, both through the civil courts and the criminal justice system. Students will review both criminal and civil laws and policies employed by law enforcement and the judiciary in an effort to address family violence, as well as scholarly articles and essays dealing with various legal theories (feminist theory and critical race theory, e.g.). In addition, students will look at the national Violence Against Women Act (VAWA) and will conduct a comparison of New Jersey’s Prevention of Domestic Violence Act and New York’s Domestic Violence Act, in the context of exploring the different nuanced approaches and collaborations involved in various state actors’ and social service providers’ attempts to address the legal and social needs of domestic violence victims. The course will involve an exploration of some of the more controversial methods used (mandatory arrest, compelled victim testimony, e.g.) that continue to divide domestic violence scholars and practitioners. Finally, to permit a practical component, students will also participate in trips to the Essex County Family Court and will hear from attorneys who represent domestic violence victims.
Juvenile Justice Seminar
Credits: 2

This seminar will examine the state’s treatment of children and adolescents accused of unlawful behavior. Students will study the creation and evolution of the juvenile justice system in historical context. That exploration begins by assessing the legal, social, and historical underpinnings of the juvenile justice system at its creation in 1899, as well as the turn of the century assumptions about childhood, punishment, and the judiciary’s parens patriae responsibilities. Ultimately the historical exploration focuses on the late 20th century ideological and institutional evolution of the juvenile court. Students will consider the United States Supreme Court’s recognition of certain due process rights for juveniles, its subsequent rejection of others, and the ongoing effort to reconcile the often competing goals of rehabilitation, punishment, and procedural protection. The course would then turn to current issues and challenges facing the juvenile justice system, including: 1) the criminalization of youthful offending (e.g., waiver and transfer, erosion of confidentiality, and sentencing), 2) the unique obligations of juvenile defense counsel, 3) institutional reform litigation, 4) disproportionate representation of minority youth in the juvenile justice system, and 5) efforts to integrate social sciences and medical adolescent development research with juvenile justice policy and practice. The course will include student participation in one or two simulation exercises (for example, a juvenile court detention hearing).
Moral Puzzles of Criminal Law Seminar
Credits: 2

This seminar will explore and compare a number of legal and moral concepts. Can someone “cause” a result by doing nothing? How should the law treat a person who did the right thing but for a wrong reason? Should people be able to consent to actions that would hurt them? These are only some of the questions that will be discussed. In addition to cases and theoretical works, the seminar materials include movies, popular legal non-fiction, and news stories.
Policing the City
Credits: 1

This course will study the development, implementation, and practical effects of urban policing strategies in New York City and the surrounding metropolitan area. In August 2013, a federal judge ruled that the New York Police Department’s (NYPD) use of the popular urban policing strategy “stop-and-frisk” had violated the constitutional rights of the city’s residents (Floyd). In this course, we will study policing innovations, including stop-and-frisk, along with community policing, problem-oriented policing, hot spots policing, third-party policing, and evidence-based policing. The court’s rulings in Floyd v. City of New York, along with the resulting remedial efforts by the City and the court-appointed independent monitor and facilitator, will form the raw material for this course. Students will develop critical and practical analytical perspectives on the problems attendant to policing urban areas and the promise of reform and court-ordered remedial efforts.
Wrongful Convictions
Credits: 2

This seminar is about the conviction and incarceration of the factually innocent in the American criminal justice system. We will examine how and why wrongful convictions occur, the sources of error (e.g., eyewitness mis-identifications, false confessions, perjured testimony from jailhouse informants, police and prosecutorial misconduct, etc.), and what can be done to minimize future errors. A paper will be required.
International Criminal Law
Credits: 3

This course examines the historical development of international criminal law; the institutions and procedures through which international crimes have been and are currently prosecuted; substantive international crimes including war crimes, crimes against peace, crimes against humanity, genocide, torture, and terrorism; as well as modes of responsibility, available defenses, and sentencing.
White Collar Crime Seminar
Credits: 2

This course considers the legal, moral, and policy considerations that underlie a number of key white collar criminal offenses, including perjury, mail and securities fraud, false statements, obstruction of justice, bribery, extortion and blackmail, tax evasion, regulatory offenses, money laundering, conspiracy, and RICO. Interwoven will be an ongoing treatment of various issues of corporate and organizational liability, individual liability in an organizational setting, federal jurisdiction over crime, the question of overcriminalization, sentencing, and the role of the white collar prosecutor and defense attorney.
Political and Corporate Corruption Law
Credits: 2

Law is the primary public tool to meet the challenges posed by political and corporate corruption. Bribery, bid-rigging, undisclosed conflicts of interest, omission of material information from corporate disclosures, legal restraints on political activity by government workers, and the use of campaign contributions to gain political influence are all within the range of laws designed to limit and restrain public and private corruption. This course will examine leading corruption cases including the Watergate and Iran contra scandals; the Enron, Arthur Anderson, Worldcom fraud cases; the Abscam congressional payoff prosecutions, corporate fiduciary duty as seen in the Miliken and Martha Stewart cases; the Clinton-era Whitewater and impeachment investigations; the ethics inquiries of Senator Robert Torricelli and Representative Tom DeLay. An important feature of the course will be an extended legal analysis of corruption issues arising out of New Jersey’s political and governmental system. The full range of legal and ethical tools concerning governmental and business corruption will be explored, including the federal Hobbs Act, civil and criminal RICO applied to corporate and political corruption cases; New Jersey’s anti-bribery act; legislative disclosure rules, Sarbanes-Oxley corporate governance, the status of “pay to play” donations under anti-bribery laws; obstruction of justice and destruction of corporate records. Constitutional questions as to state/federal enforcement power in political and corporate cases will also be examined.
Punishment and Sentencing  
Credits: 3

Punishment and sentencing serve many different functions in society. This course explores connections between specific sentencing rules and the purposes, politics, and practicalities of criminal justice. In this course, we will consider the role of the U.S. Constitution in limiting legislative initiatives and judicial discretion. We will examine federal and state sentencing guidelines; sentencing factors that determine the choice of a penalty for an individual offender; the role of race, class and gender in administration of criminal sentences; death penalty jurisprudence; treatment of sex offenders and other important issues of distribution of criminal punishment today.