

CRIMINAL LAW (CRGL)

CRGL 0103. CRIMINAL LAW. (3 to 4 Credits)

Begins with an examination of theories of punishment and constitutional principles of criminal justice. The course then examines the substantive law of crimes, including the sources of law, inchoate crimes, accessorial conduct, elements of major crimes, defenses to criminal responsibility, and issues of prosecutorial discretion.

Attributes: JD, LMCO.

CRGL 0204. FEDERAL SENTENCING PRACTICE AND PROCEDURE. (2 Credits)

This seminar, taught by a United States District Judge for the Southern District of New York, will explore the federal sentencing system, with a particular emphasis on practice and procedure. We will examine the history of federal sentencing law, from an era of nearly unfettered judicial discretion through the creation of the United States Sentencing Guidelines, and how the Guidelines evolved from a mandatory sentencing system into the advisory system in use today. We will study the ways in which sentencing authority is allocated among the legislative, executive, and judicial branches, and the conflicts that arise as a result. We will explore the history and evolution of mandatory minimum penalties. We will also examine the impact of the Guidelines and mandatory minimums on prosecutors' charging decisions and on plea bargaining. And we will discuss how judges decide what sentences to impose. The format of the class will primarily be class discussion, with guest appearances from judges, prosecutors, defense attorneys, and others to enable students to gain practical insights into the federal sentencing process.

Attribute: LLM.

CRGL 0206. ADVANCED CRIMINAL LAW AND CRIMINAL PROCEDURE. (3 Credits)

This seminar examines a variety of cutting edge, at times controversial, topics in criminal law and criminal procedure that typically cannot be covered in detail, if at all, in a first year criminal law course. The topics range from decisions that judges must make during sentencing to the lengths and limits of prosecutorial discretion and defense practices, as well as academic arguments on truth, guilt, criminalization, and criminal liability. Students will learn how discoveries in more specialized areas, such as racial justice, domestic violence, confessions, and drugs use, all reveal underlying doctrinal and practical problems in the criminal justice system. The seminar's primary format consists of a speakers series comprising some of the leading experts in the country—judges, prosecutors, defense attorneys, academics, researchers— who will come and discuss cases, ideas, or their written work so that the class can interact with them directly by way of questions or commentary. Each week's reading material will be provided on the seminar's TWEN site. There is no casebook or material to purchase.

Attributes: JD, PIE.

CRGL 0210. WHITE COLLAR CRIMINAL INVESTIGATIONS AND PARALLEL CIVIL PROCEEDINGS. (2 Credits)

Handling the minefields of white collar criminal investigations and related civil proceedings is the focus of this seminar, which is taught by a federal judge and a defense counsel who are former prosecutors. <p> Today, every high profile criminal matter – whether Harvey Weinstein, Rajaratnam or Madoff – involves parallel civil litigation, such as an SEC enforcement action, a state attorney general lawsuit, a private class action or a tort claim. For many defendants caught up in a criminal investigation, the consequences of companion civil litigation or regulatory proceedings may be as serious as the criminal investigation; companies may be barred from lines of business, or put out of business entirely, and individuals may face loss of a law, accounting or securities license. <p> Although criminal and civil law are traditionally separate disciplines, increasingly, the line between those disciplines has blurred. Criminal penalties may be monetary and involve restitution to victims, who are often private parties. Strict liability criminal statutes require no mens rea. These are more than definitional or theoretical issues, and this seminar explores the practical problems that arise at the crossroads of criminal and civil law. <p> No lawyer can competently represent a client confronting cases at these crossroads without analyzing the ramifications of an action taken in one context for the other. What are the consequences, for a related civil case, of asserting Fifth Amendment rights in the context of a criminal prosecution? What are the consequences, for related civil litigation, of entering a guilty plea in a criminal proceeding? Can a party provide the government with an internal investigation report, but withhold that report from adversaries in civil discovery? <p> This class addresses these issues, taking into account perspectives of the court, government prosecutors and regulators, and private civil and criminal counsel.

Attributes: INLJ, LLM.

CRGL 0232. CRIMINAL LAW THEORY. (2 to 3 Credits)

This seminar examines the common assumption that criminal wrongs and moral wrongs are closely related and that criminal law should track morality in some meaningful way. The seminar asks whether morality should have a place in our understanding of criminal law, and what shape moral ideas assume and should assume when they are fashioned as the core of a state institution. These questions will be examined through a philosophical study of various criminal law doctrines, such as justification of punishment, the harm principle, malum prohibitum, self defense, and provocation. Short weekly response papers are required. Laptops are not allowed.

Attributes: INLJ, JD, LLM, PIF.

CRGL 0290. SENTENCING LAW & POLICY. (2 to 3 Credits)

This seminar examines sentencing law in the United States. We will consider both the structure and development of sentencing law as well as its policy implications. Among the legal topics we will discuss are the rise and fall of indeterminate sentencing; the evolution (and possible collapse) of structured sentencing systems such as guidelines, mandatory minimums, and truth-in-sentencing laws; and the use of alternative sanctions like boot camps. The policy concerns we will address include the role of race and class in the criminal justice system; the causes and effects of prison population growth over the past thirty years; the relationship between criminal sentencing and crime; and reintegrating released inmates into broader society.

Attributes: INLJ, JD, LIDR, LLM, PIE.

CRGL 0321. PROSECUT PRIV & PUBLIC CORRUPT. (3 Credits)**CRGL 0323. CRIMINAL PROCEDURE: INVESTIGATIVE. (3 or 4 Credits)**

Criminal procedure has been a remarkably provocative topic in the past several years, with issues such as government surveillance and stop and frisk practices garnering frequent headlines. In this course, students will acquire an in-depth understanding of these and other investigative aspects of criminal procedure law. We will begin with a focus on the role of the police in the community, and then move on to a comprehensive analysis of the many issues surrounding searches and seizures, including arrests. We will also address recent developments regarding the impact of technology on search and seizure doctrine, and explore the question of what areas of privacy remain beyond government reach. We will conclude with a discussion of interrogation practices, including the waiver of Miranda protections. The course will spotlight developments in New York City and the role of its criminal justice actors (judges, police officers, etc.) as a means to a broad understanding of how the rules and practice of criminal procedure affect cities throughout the country. The format of the class will be primarily class discussion, as well as guest speakers who will provide real-world perspective on the topics addressed during the semester.

Attributes: INLJ, JD, LDF, LIDR, LLM, LMCO, PIE.

CRGL 0325. CRIMINAL PROCEDURE: ADJUDICATION. (3 Credits)

PROFESSOR YOUNGJAE LEE
The subject of this course is the criminal process between bail and jail. The course will focus on several questions: What is the criminal justice system for? What does it mean to deal with criminal wrongdoing through the rule of law? Why do we have juries? What is impartiality? What rights do criminal defendants have in the process and why and how are they limited? What powers does the State have in the process and why and how are they limited? The course will address these questions by studying, among other things, prosecutorial charging discretion, bail and pretrial release, plea bargaining, trial by jury, double jeopardy, sentencing, right to counsel, and the civil-criminal distinction. This class traditionally attracts those interested in practicing criminal law at some point in their careers, but the issues raised and discussed are of general interest to those who want to think about rule of law, due process, individual rights, adversarialism, state power, and racial justice.

PROFESSOR ETHAN GREENBERG:
This course examines the process of criminal litigation, beginning with the arrest or with the filing of charges and continuing through trial and sentencing. Topics will include right to counsel and effective assistance of counsel; pre-trial detention and the right to bail; charging discretion; grand jury; joinder of charges and defendants; discovery; double jeopardy; plea bargaining; and jury trial and sentencing.

Attributes: INLJ, JD, LDF, LIDR, LLM, LMCO, PIE.

CRGL 0360. INTERNATIONAL CRIMINAL LAW. (2 or 3 Credits)**CRGL 0380. ORGANIZED CRIME. (2 Credits)**

This course will focus on selected legal and practical issues that arise from investigation, prosecution and defense of organized crime groups. Topics will include defining organized crime, choosing an investigative target, the concept of entrapment, electronic surveillance, the use of informants and undercover agents, RICO, OCCA, money laundering, forfeiture, the federal witness protection program, anonymous juries and the right to counsel of choice. Federal law will be compared to New York State law with a view towards examining their differences and how those differences have an impact on choosing whether to investigate and prosecute federally or in the New York State system. The course will include panel discussions with agents, prosecutors and defense counsel.

Attribute: INLJ.

CRGL 0413. JUVENILE JUSTICE SURVEY. (2 Credits)

This course will offer a broad survey of juvenile justice issues, including a historical overview of juvenile justice in the United States from the early 20th Century. The seminar will review the philosophical and legal underpinnings of various juvenile justice reform movements and select Supreme Court rulings and Congressional forays into the juvenile justice arena during this century. In particular, the course will focus on the federal/state law dichotomy with respect to the prosecution of juveniles, as well as an analysis of Article 3 of the New York State Family Court Act; the competing interests of the clinical, rehabilitative and retributive juvenile justice models; search and seizure; interrogation and confession; pre-trial detention; speedy trial; infancy and mental capacity; double jeopardy; press access and confidentiality; counsel's role in representing juveniles; prosecution of juveniles as adults; and capital punishment.

Notes/Miscellaneous: Paper Required.

Attributes: INLJ, JD, LLM, PIE.

CRGL 0510. PSYCHOLOGY & JUVENILE JUSTICE LAW. (2 Credits)

This three credit course is designed to provide students with an overview of the interaction between psychology and the juvenile justice system. The course primarily will focus on four major domains: (1) developmental theories and trajectories of antisocial behavior, (2) assessment and identification of risk and protective factors among justice-involved youth, (3) clinical evaluations related to legal questions unique to juvenile courts (i.e., dangerousness, waiver, competence), and (4) empirically supported treatments/program evaluation. Throughout the course, relevant judicial opinions and empirical literature will be used to demonstrate the evolution of the juvenile justice system and application of psychological science to research and practice with justice-involved youth.

Attributes: INLJ, LLM.