CRIMINAL LAW (CRGL)

CRGL 0103. Criminal Law. (3 to 4 Credits)
Criminal law is constantly evolving, with topics such as mass incarceration, police violence, and crime rates dominating headlines. But what exactly is a crime? Who is a criminal? And how do we punish lawbreakers? This course aims to look beyond the headlines to understand what criminality is, spotlighting a criminal wrong's distinguishing characteristics from its civil counterparts. We'll begin the course by discussing the philosophies of punishment that drive how courts and criminal justice actors make decisions. We will then break down the elements of a crime with a particular emphasis on a defendant's mental state (mens rea), a critical component of culpability. Next, we'll turn to specific types of offenses, starting with parsing the different degrees of homicide. The semester will end with an analysis of inchoate crimes, most notably attempts and accomplice liability. Our course will address sensitive topics with great care, intending to provide as much insight as possible. Each week, classes will integrate critically relevant influences on the criminal justice system, such as race, ethnicity, gender, and societal perspectives, and how they impact current issues.
Attributes: JD, LMCO.

CRGL 0203. International Criminal Law. (3 Credits)
The Course will give an introduction into international criminal law (ICL) focusing on the law and practice of the permanent International Criminal Court (ICC). It will refer to current investigations and trials of the ICC. In the first session students will be made familiar with relevant readings, i.e., literature and case law. After some remarks about ICL as a term and a concept and the setting out of the historical development (A.) of ICL (here, we will be talking about the Nuremberg Trials but also about the Rome Conference that led to the establishment of the ICC, where the US delegation played an important role) the ICC and other tribunals will be examined (B). The substantive ICL will be analysed by looking at its general principles (C., e.g.: intent, defenses, attempt etc.) and the crimes and sentencing (D.). The law and practice of international criminal procedure (E.) and the cooperation/enforcement regimes follow (F., keep in mind that the ICC has no police force). A special consideration deserve the role and rights of victims (G.). Last but not least, the implementation of the ICC Statute at the domestic level will be explored (H.).
Attribute: LLM.

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.
Attributes: INLJ, LLM.

CRGL 0205. Cyber Crimes. (4 Credits)

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. Today, every high-profile criminal matter – whether The Boeing Company, the Rust movie production, Varsity Blues academic cases, or FTX and Bankman-Fried – 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 practice-oriented seminar addresses these issues, taking into account perspectives of the court, government prosecutors and regulators, and lawyers representing companies and individuals facing parallel civil and criminal litigation. <p> To facilitate lively discussion and debate, we don't allow laptops in class. We will take a short break during class for emails.
Attributes: INLJ, LLM.

CRGL 0213. Federal Criminal Investigations and the Department of Justice. (1 Credit)
This one-credit seminar focuses on issues specific to federal criminal investigations. We will start from the inception of an investigation and study the various tools investigators use to conduct complex investigations as well as the boundaries of law, policies of the Department of Justice, and rules of professional conduct and ethics. We will cover a wide range of topics, including the grand jury, the use of informants and cooperating witnesses, electronic surveillance, plea bargaining, fraud statutes, RICO and post arrest considerations.

CRGL 0223. Decarceration Seminar. (2 Credits)
The number of people locked-up in New York State prisons has fallen considerably, but over 30,000 men and women remain incarcerated (this does not include thousands of others in pre-trial detention in county jails across the state). This seminar will address mass incarceration from a problem-solving perspective by first engaging in problem identification, and then studying and critiquing a range of current, proposed and aspirational efforts to end mass incarceration in New York. We will study current statutory efforts at reform, individual and impact litigation, the parole system, clemency, political organizing, the role of social movements such as Black Lives Matter, and the influence of Abolition theory, and we will do so in the context of focusing on people convicted of "violent crimes" that causes significant harm. We will examine the role of lawyers in each of these endeavors as well. Students will take on multiple short writing assignments and a class presentation during the semester.

CRGL 0230. Capital Punishment. (2 Credits)
This course is about the death penalty. We will consider the impact of racism, poverty and ineffective representation on the law and practice of capital punishment. Primarily 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 the law applies to distinguish death-eligible cases from those where the sanction of death would be unlawful. We will also consider moral and philosophical questions about the death penalty ,and explore some emerging issues implicated by recent death penalty jurisprudence. And we will discuss the importance and representational role of the death penalty as a symbol for the American criminal justice system.
Attributes: INLJ, JD, LLM, PIE.

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, what shape moral ideas assume and should assume when they are fashioned as the core of a state institution, and how the issue of over criminalization relates to the question of criminal wrongs. Course requirements: 3 Reaction papers (500 words each, 30% of the grade), 1 Final research paper (3000 words, 60% of the grade), Class participation (10% of the grade). The first draft of the Final Paper will be due in mid-April and the final draft will be due in mid-May.
Attributes: INLJ, JD, LLM, PIF.

CRGL 0290. Sentencing Law and 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 0302. Criminal Procedure: Advanced Topics. (2 Credits)
This seminar will explore contemporary criminal procedure issues that are not ordinarily examined in depth in the basic criminal procedure courses on investigation and adjudication. In Fall 2019, the focus will be on the criminal process from victims' perspective. Readings and discussions will explore, from the lperspective of crime victims and victims' counsel: criminal investigations, prosecutorial charging decisions, communications with victims, victim-witness preparation and examination, pretrial and trial procedures, plea bargaining and sentencing, as well as parallel civil proceedings. The course will examine how the contemporary criminal process balances victims' interests and rights against other public interests and the rights of the accused, and it will explore proposals and opportunities for reform. Students will prepare research and analytic papers and present their work.
Attribute: PIE.

CRGL 0321. Prosecuting Private and Public Corruption. (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.
Attributes: INLJ, JD, LDF, LIDR, LLM, LMCO, PIE.

CRGL 0325. Criminal Procedure: Adjudication. (3 Credits)
This course examines the adjudicative process of criminal litigation, beginning with arrest or the filing of criminal charges and continuing through trial and sentencing. Topics will include: the right to counsel, effective assistance of counsel, pre-trial detention and the right to reasonable bail, prosecutorial charging discretion, grand jury procedure, joinder of charges, criminal discovery, double jeopardy, plea bargaining, jury trial, and sentencing.
Attributes: INLJ, JD, LDF, LIDR, LLM, LMCO, PIE.

CRGL 0343. Transnational Criminal Law. (2 Credits)
In this course, we will study transnational crimes (such as organized crime, trafficking, corruption, money laundering, and terrorism); the principles of jurisdiction that may be used to prescribe, adjudicate and enforce these crimes; enforcement mechanisms of these crimes (including transnational prosecutions); and the logistical and procedural challenges involved in the prosecution of these crimes.
Attribute: ICE.

CRGL 0360. International Criminal Law. (2 or 3 Credits)
This course is taught at the University College of Dublin through the Ireland Summer Program. This is an 8-day course that will run from June 18 to June 25 in Dublin as part of the Ireland Summer Program.
Attributes: ICE, INLJ, LLM.

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 0402. Criminal Law Speaker Series. (1 or 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, science, criminalization, and criminal liability. The seminar's primary format consists of a speaker series comprising leading experts 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 comments. Each week's reading material will be provided on the seminar's TWEN site. There is no casebook or material to purchase. There are three course requirements for this seminar: (1) an anonymous final written open-book exam on Friday, May 13, from 9:30 am – 12:30 pm (80% of your grade); (2) class participation (10% of your grade); and (3) your weekly question(s) on the reading to be submitted on google doc by 10:00 pm on the Sunday preceding each Monday class (10% of your grade).

CRGL 0407. Comparative Criminal Law and Dispute Resolution. (2 Credits)
How should we think about the future of the criminal justice system in the United States? This class approaches this question by examining the role of criminal law as means of resolving disputes in Korea, but with references to other countries' legal systems, including that of Germany, Japan, and France. The class will focus in particular on the role of various actors in the criminal justice system: complainants, defendants, prosecutors, defense lawyers, and judges and jurors. The final exam will be a take-home essay question.

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 0416. Internal Investigations, White Collar Crime & Regulatory Matters. (2 Credits)
This course examines how lawyers advise, structure, and conduct corporate internal investigations in matters involving criminal, regulatory, and reputational risk. It focuses on how investigations are initiated, structured, and controlled; how privilege and work product are created and preserved; how witness interviews are planned and conducted; and how investigative findings are communicated to boards, regulators, and enforcement authorities. The course also covers whistleblower issues, voluntary self disclosure, parallel proceedings, and constitutional and ethical constraints that arise when companies and individuals face government scrutiny.

CRGL 0417. Criminal Justice and the Modern Prosecutor. (2 Credits)
"The [prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done." Berger v. U.S., 295 U.S. 78, 88 (1935). Prosecutors wield enormous power and have unique duties and responsibilities as ministers of justice within the system. This course will examine the role of the modern prosecutor in trying to ensure that "justice" is achieved in the criminal system and different ways to define "justice." We will examine and critique the process by which justice is done, in the state and federal systems. Throughout this seminar, we will examine principles, study actual cases, and hear from distinguished speakers who have grappled with these issues in real life. We will start with a basic overview of the rules that guide prosecutors and the traditional role of prosecutors in charging and trying cases. In an ideal world, prosecutors would do the right thing, in the right way, for the right reasons, irrespective of other concerns. We will discuss challenges prosecutors face in living up to this ideal, including the unique ethical challenges prosecutors face drawing especially on current and recent events in the headlines, the appropriate role (if any) of politics in influencing prosecutors, and the complex relationships between prosecutors, elected officials and other actors in the criminal justice system such as police, informants and cooperators. We will spend a significant number of classes examining the role prosecutors can have in "doing justice" beyond "merely" prosecuting cases – as advocates for victims, as guardians of integrity of the system through, for example, conviction review units, and as public safety advocates with respect to guns, narcotics, online safety and inhibited driving. Throughout the class we will examine modern models and tools intended to reduce recidivism, and reduce reliance on traditional prosecution responses like incarceration, conviction, fines and fees and the appropriate balance with public safety concerns.

CRGL 0510. Psychology and Juvenile Justice Law. (2 to 3 Credits)
This two 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.

CRGL 0627. Prosecutors and Defenders: Pursuing Justice Within and Beyond the Criminal Legal System. (2 Credits)
Derick Dailey (FLS '17) is a former federal prosecutor and current Senior Counsel to the New Jersey Attorney General. Brandon Ruben (FLS 16') is a former federal law clerk and current public defender in Prince George's County, MD. The seminar intends to explore what it means for prosecutors and defenders to pursue justice, both within and beyond the confines of the traditional criminal legal system. <p> The seminar will first discuss readings on the prosecution and defense functions, from classical and critical perspectives. Then, the seminar will treat readings that consider alternative approaches to criminal conflict resolution, ranging on a spectrum from prosecutorial policy responses, to restorative justice, and - finally - abolitionist perspectives. The seminar intends to feature guest speakers working in the vanguard of justice reform as activists, intellectuals, and practitioners. <p> Students will be evaluated on the basis of class participation (15%), 1 page weekly response papers (35%), and a final paper on a topic of their choosing (50%).
Attribute: LLM.

CRGL 0702. Criminal Practice. (2 Credits)

CRGL 0829. International White Collar Crime. (3 Credits)

CRGL 417. Criminal Justice and the Modern Prosecutor. (2 Credits)