CRIMINAL LAW (CRGL)

CRGL 0103. CRIMINAL LAW. (3 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 0206. ADV CRIM LAW & CRIM 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, terrorism, juvenile justice, confessions, and drug use, reveal underlying doctrinal and practical problems in the criminal justice system. The seminar’s primary format consists of a speakers series comprising leading experts—j udges, prosecutors, defense attorneys, and academics—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 (described at the end of this syllabus). There is no casebook or material to purchase.

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

CRGL 0210. CROSSROADS OF CRIMINAL AND CIVIL LAW. (2 Credits)

Criminal and civil law are traditionally separate disciplines. They remedy different types of wrongs: civil law refers to private wrongs and criminal law to public ones. But increasingly, the line between these 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. Today, every high profile criminal matter whether Rajaratnam, Madoff or Strauss-Kahn 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. 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? This class addresses these sorts of issues each week, taking into account perspectives of government prosecutors and regulators, private civil and criminal counsel, and the court.

Attributes: INLJ, LLM.

CRGL 0230. CAPITAL PUNISHMENT. (2 Credits)

CRGL 0232. CRIMINAL LAW THEORY. (2 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, LIDR, LLM, PIE.

CRGL 0290. SENTENCING LAW & POLICY. (2-3 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. (3,4 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)
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.
Attributes: INLJ, JD, LDF, LIDR, LLM, LMCO, PIE.

CRGL 0360. INTERNATIONAL CRIMINAL LAW. (2,3 Credits)
Detailed study of the various steps in handling a criminal case in the New York courts, with emphasis on the CPL, including criminal court structure, motion techniques, bail, grand jury proceedings, and pretrial discovery. Real life illustrations of methods and tactics in applying the statute and case law.
Attributes: INLJ, JD, LDF, LLM.

CRGL 0372. NY CRIMINAL PROCEDURE. (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 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 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.

CRGL 0780. CRIMINAL TRIAL ADVOCACY. (3 Credits)
This course deals with techniques and strategies in criminal litigation. Students face typical problems from all phases of criminal trial practice with an emphasis on methods of developing facts, including direct examination, cross examination, exhibit introduction, impeachment, opening and closing statements. Students are expected to participate in simulated trial teams and conduct a trial. If a student misses the first class without calling or emailing the Professor in advance for permission, they will be dropped from the course.
Attribute: JD.
Prerequisites: EDGL 0202 and CRGL 0323.

CRGL 0929. PROSECUTION OF PRIVATE AND PUBLIC CORRUPTION. (3 Credits)
This course will explore U.S. and international anti-corruption laws, with a focus on the practical aspects of investigating and prosecuting corruption. Students will learn the primary anti-corruption statutes used by American prosecutors in the United States and abroad, and then go deep in a series of fact-based explorations of particular cases. We’ll have visitors who are involved in the both the prosecution and defense of corruption cases. We’ll read indictments as well as cases, and split the course between two texts, one which focuses on the law, and the other which focuses on the investigation of corruption. Grading for the class will be based on (1) class participation (2) an short paper analyzing a contemporary indictment (e.g., the forthcoming Menendez indictment, or the Silver indictment) and (3) the writing and presentation of a brief in support or opposition of a case to be selected by the students.
Textbooks: Prosecution and Defense of Public Corruption, 2014 Edition Prosecution and Defense of Public Corruption by Peter J. Henning & Lee Radek Bribery and Corruption Casebook: The View from Under the Table Joseph T. Wells (Editor), Laura Hymes (Editor)