

CONTEMPORARY DEBATES IN CRIMINAL LAW
Spring 2011

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OVERVIEW

This seminar is intended to expose students to a collection of the most fundamental and provocative doctrinal, analytical, empirical, and philosophical debates that criminal-law scholars have faced over the past quarter century. To facilitate such an expansive undertaking, we will work from a recently published text, entitled Criminal Law Conversations (Paul H. Robinson, Stephen P. Garvey & Kimberly Kessler Ferzan eds., 2009). The book consists of a number of scholarly essays and responses submitted by dozens of the most influential academics working in the fields of criminal law, procedure, and justice.

CLASS MEETINGS

We will meet from 10 a.m. to 12 p.m. on Fridays in WB 127.

ASSIGNMENTS & GRADING

This course is student-centered. You will each present one of the book's essays sometime between the second and the ninth week of the course.¹ The sixteen selected essays will comprise the reading assignments for the semester. Additionally, I will assign one student to moderate each essay presentation. It is this student's job to lead the discussion by asking questions of the presenter and the students (at least when student questions are not otherwise forthcoming). And, of course, I will also help moderate.

When it is your turn to present, you should be prepared to orally present your allotted essay for 15-20 minutes and then to answer student (and my) questions for 25-30 minutes. You should outline the author's central ideas and arguments, but you need not endorse them. You may critique the author's positions based on your own insights and the scholarly responses that follow each essay.

¹ On the first day of class, I will randomly determine an order for selecting essays, and you will pick your essay in the randomly assigned order. I recommend you look through the table of contents before the first class, so you can determine five or so essays that you wouldn't mind presenting (in case your first, second, third, and fourth picks are already taken by the time you select).

When it is your turn to moderate, you should compose a list of provocative questions to help keep the discussion moving along full-steam.

When it is your turn to neither present nor moderate, you should still read the essay carefully and be ready to ask at least one good question. (I reserve the right to call on you to ask a question, if I haven't heard your voice in a while.)

Additionally, you must write two response papers, due by 4 p.m. on the afternoon before each class. Each response paper (i) must address some aspect(s) of at least one of the essays for the upcoming class, and (ii) must be two-three (double-spaced) pages in length. The response papers should not be limited to a description of the essays; instead, I recommend thinking about the response papers as short op-eds, in which you provide your normative insights about the essays. Beyond this, you are free to construct your response papers as you see fit.

Finally, you must write one eight-ten page (double-spaced) term paper based on some theme covered over the first nine weeks of the class. During the last four class sessions, each of you will present your essay (fifteen minutes presenting, ten minutes taking questions). You must circulate your essay at least 48 hours before your presentation date.²

I will use the following scale to determine your final grade:

Response Papers	20%
Term Paper	40%
Participation (presenting, moderating, and questioning)	40%

READING MATERIAL

As indicated, all of the essays may be found in our text, Criminal Law Conversations. However, please note that your term paper may rely on outside research.

OFFICE HOURS

I follow an open-door policy. Accordingly, I have no formal office hours. Instead, you should feel free to drop by my office at any time. If you do not catch me and would like to schedule a visit, please email or call.

SYLLABUS

² Please note that you will select presentation dates in reverse order from the essay selection.

The content and order of the syllabus depend of course on which essays you choose to present and on which dates. Therefore, I cannot provide you with a complete syllabus until after the first class. However, you are required to read Chapters 1 & 2 for the first day of class, which will give you a sense of the essays (and which will give us something to discuss on day one).³

³ If you wish, you may write a response paper for the first day of class, but, of course, no one will be assigned to present or moderate on that date.