

Syllabus, Spring 2012
Criminal Law Seminar
Contemporary Debates in Criminal Law

Professor Slobogin

Scope of Course

This seminar is intended to expose students to some of the most fundamental and provocative doctrinal, analytical, empirical and philosophical debates that have engaged criminal-law scholars over the past two decades. The text will be *Criminal Law Conversations* (Paul H. Robinson, Stephen P. Garvey and Kimberly Kessler Ferzan eds., 2009). The book consists of essays summarizing important articles, followed by several responses to those articles. The editors generated the book's contents as follows: Via the Internet, scholars from all over the world were invited to summarize their work in "core texts." The editors then posted the 112 core texts they received on a website and invited criminal law scholars to respond and critique them. The 31 core texts in the book are the essays that received the most responses. Each chapter in the book (averaging 20 pages) consists of a core text, the responses, and a reply by the author of the core text. The end result is a collection of writings addressing from multiple angles the most important criminal law issues of the day, authored by some of the most influential academics working in the criminal justice field.

Assignments (Underlined)

During the course of the semester, each student will be expected to present the materials in two of the chapters. The presentation, which should outline the core text author's central arguments and then critique them, should last no longer than 10 minutes, after which the class will discuss the chapter for about 40 minutes. Each class will consist of two such discussions. I will model the presentation format the first week of class by presenting the materials in Chapter Two, focused on the core text written by Paul Robinson on *Empirical Desert*. Please read page 29-66 to prepare for that discussion.

The first week of class will also be devoted to assigning presenters. Before the first class, students should review the chapter titles in the table of contents and pick four or five topics that they would particularly like to present. I will randomly determine an order for selecting essays. Some students may end up presenting their fourth or fifth choice, but all of the essays are provocative and should be fun to present. The day after the first class I will post on OAK a syllabus for the course, which will be based on selections made during the first class.

When he or she is not a presenter, each student should read the assigned material carefully and be ready to ask at least two good questions. I will call on students from whom I haven't heard in a while. Additionally, by noon the day of class each student who is not a presenter must write and send to me via email a response paper for each of the two chapters to be discussed that day. The response papers should be one to three double-spaced pages (no longer). Think of the response papers as short op-eds.

By the end of the semester, each student must write one research paper, consisting of at least twenty-five pages of text (not including notes), that addresses some theme covered during the course. According to Vanderbilt's guidelines, the paper "must, at a bare minimum, present a fair, accurate description of the factual setting that gives rise to the issue being addressed, explain adequately existing law and doctrine, and develop a normative thesis that not only analyzes current doctrine but presents a reasoned view of how policy should respond to the presented issue. The paper should be well-researched with all sources cited properly (in Blue Book form or similar convention) and make appropriate use of relevant literature—primary sources and secondary literature."

By February 13 each student must email me a prospectus (2-3 pages double-spaced) that describes the topic of the research paper and a briefly annotated bibliography of 5-10 sources to be consulted (one of which can be a chapter in *Criminal Law Conversations*). Each student should make an appointment with me the week of February 13 to discuss the proposed topic. The first full draft of the paper must be turned in during class on April 6. Each student should make an appointment with me during the week of April 13 to discuss the draft. Each student will also serve as a peer critic of another student's paper, a task that will be assigned randomly. The peer critique should consist of two to three pages and be emailed to the relevant student as well as to me between April 6 and April 13. The final draft of the research paper must be turned in to my assistant (Selah Woody, on the second floor) by 4:30 p.m. on Friday, May 4, the last day of the exam period.

Grading and Attendance

Grading for the seminar will be determined as follows:

Research Paper and peer critique: 70%

Presentations: 15%

Response papers and questions and comments during class: 15%

You are expected to attend class unless there is an extraordinary circumstance (e.g., death in family, illness, employment interviewed that cannot be re-scheduled). I will reduce by one-third of a letter the final grade for each absence lacking an extraordinary circumstance. There will no class on Monday, March 19. A makeup class will be scheduled the following week.