



WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

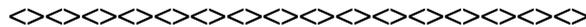
THE LAW OF VICE §580 A

Professor Elizabeth N. Jones

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Spring Semester 2014

T/Th 1 p.m. – 2:30 p.m.



REQUIRED TEXT

Zimring & Harcourt, *Criminal Regulation and the Regulation of Vice* (Thomson / West 2007)

Students MUST enroll in the Lexis Blackboard page titled “The Law of Vice 580A JONES Spring 2014” by the end of the first week of classes

RECOMMENDED TEXT

Fajans & Falk, *Scholarly Writing for Law Students* (4th ed. 2011)



COURSE OVERVIEW

This advanced criminal law class studies traditional “vice” behaviors, focusing specifically on individual sexual practices, prostitution, alcohol, drugs, pornography, and gambling. This course examines whether, and to what extent, governmental intervention and criminalization of these offenses are warranted. It explores the historical legal context and current political and social viewpoints of the national prohibition of alcohol in the 1920’s, the gradual decriminalization and regulation of gambling and pornography in the 1970’s, the “war on drugs” in the 1980’s, and the acceptance of an individual’s private sexual activities in the 1990’s. Students will critically analyze case law and policy decisions constructing these vice crimes, with an eye toward the future legal landscape of the United States.

LEARNING GOALS

After completion of this course, students should be able to:

- ◆ Make policy-based arguments, including the ability to identify the public policies of a law and their implications.
- ◆ Evaluate legal arguments, including the ability to evaluate the strengths and weaknesses of particular rules and policies.
- ◆ Advocate, in both oral and written formats, the legal, economic, and social strengths and weaknesses of a rule or policy and use case and statutory authority as well as public policy to persuade others.
- ◆ Recognize ethical issues inherent in the way certain public policies interact with criminal laws, and make appropriate decisions to attempt to resolve such issues.

GRADES

This class is designed to satisfy the Western State College of Law (WSCL) upper level writing requirement (ULWR), which is based on guidelines established by the American Bar Association. Your final grade will be based on an outline (10%), class participation & professionalism (20%), and a 15-20 page research paper (70%).

You will work on the research paper throughout the semester. In a WSCL ULRW course, you must earn a 2.0 or higher on the research paper to obtain ULRW credit.

CLASS ATTENDANCE AND PARTICIPATION

Attendance and participation are required for all classes. Students can be absent no more than four (4) class periods. Students who miss more than four (4) classes will be dismissed from the class and will receive a “0” for the course. See the WSCL Attendance Policy, reprinted in the Student Handbook

You must be prepared to meaningfully participate in each class. This class is most productive (and fun) if you have read the required material and thought about it prior to class, and are willing to discuss it together. All viewpoints are welcome. The class participation & professionalism component of your final grade will be based on your preparation for class, class attendance, punctuality, class participation, a group in-class presentation, and overall professionalism.

GROUP PRESENTATIONS

Every student must sign-up for, and participate in, a group presentation of a vice topic to the class. Groups must be comprised of at least two and no more than four people. On the first day of class, I will pass out a sign-up sheet. The topics and dates correspond with the syllabus, so please look through the text and start thinking about what topic you would be most interested in presenting. Generally speaking, students will present on Tuesdays, and I will present on Thursdays. The schedule is sometimes interrupted by guest speakers.

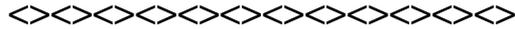
FORMAT REQUIREMENTS AND POLICY FOR LATE ASSIGNMENTS

Written assignments must conform to the following requirements:

- (1) Typewritten, double-spaced, Times New Roman or Tahoma 12-point font, with footnotes in 10-point font.
- (2) One-inch margins for the top, bottom, left and right margins. Note that if you are using Microsoft Word, you must set the margins to one-inch each, as the default setting for the left and right margins is 1.25 inches.
- (3) Each page must contain your name and page number in either the header or footer.
- (4) The final version of your paper must contain citations that conform to the ALWD 4th edition or to the Bluebook 19th edition format. Footnotes are required. No endnotes.

Unless otherwise instructed, all assignments are to be submitted at the start of class. Your final paper will be uploaded to Safe Assign via the course Lexis Blackboard, as well as submitted as a date/time-stamped hardcopy to my inbox on the third floor. As a professional, you are responsible for submitting all assignments on time. A late assignment is one handed in any time after it is due, even if it is late by one minute. Penalties for lateness are as follows: (1) submitted within 24 hours after deadline: 10% grade reduction; (2) after the first 24 hours, an additional 20% grade reduction for each additional 24 hour time period in which the assignment is past due. For example, if the assignment is due on Tuesday by 1:00 p.m., then your grade on the assignment would be reduced by 30% if submitted at any time between Wednesday at 1:01 p.m. and Thursday at 1:00 p.m. The same assignment would be reduced by 50% if submitted at any time between Thursday at 1:01 p.m. and Friday at 1:00 p.m.

SYLLABUS



WEEK 1: Tuesday January 14 & Thursday January 16

Course Overview; The Enforcement of Morals & Modern Advocacy

pp iii-iv; 41-56; Fell, Michael L. and Jones, Elizabeth N., Understanding and Utilizing Marsy's Law (2013). Orange County Lawyer Magazine, Vol. 55, No. 11, November 2013. Available at SSRN: <http://ssrn.com/abstract=2347828>

WEEK 2: Tuesday January 21 & Thursday January 23

Sexual Behavior & Sexual Autonomy

pp 135-138; 159-216

WEEK 3: Tuesday January 28 & Thursday January 30

Prostitution / Guest Lecture (Th 1/30): Deputy District Attorney Brad Schoenleben

pp 634-659

WEEK 4: Tuesday February 4 & Thursday February 6

Prostitution, continued; Discussion of Topic Selection & Thesis Statement

pp 659-698

WEEK 5: Tuesday February 11 & Thursday February 13

Alcohol / Drugs (drug control policies)

pp 712-718; 249-302

WEEK 6: Thursday February 20

Drugs, continued / Guest Lecture: Senior Deputy District Attorney Jeff Ferguson

WEEK 7: Tuesday February 25 & Thursday February 27

Drugs, continued (the legalization debate); Discussion of Outline

pp 302-326; 342-364

WEEK 8: schedule TBA...

