LAW OF VICE 580A
Professor Elizabeth N. Jones
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Spring 2018
M / W 10:45 a.m. – 12:15 p.m.

REQURED TEXT

Zimring & Harcourt, Criminal Law and the Regulation of Vice (2d ed., West Publishing)

Students MUST enroll in the Lexis Blackboard page titled “Law of Vice 580A Spring 2018”

COURSE OVERVIEW

This advanced criminal law class queries whether, and to what extent, criminalization of
traditional “vice” behaviors (individual sexual practices, prostitution, drug use, pornography,
gambling) is warranted. It also explores the merits of recent government regulation in areas such
as nutrition and the food industry, prescription pharmaceuticals (like opioids and “cognitive
enhancement” narcotics), and end of life issues. The course examines the historical context of the
prohibition of alcohol in the 1920’s, the effectiveness (or lack thereof) of the “war on drugs” in
the 1980’s, and the gradual acceptance of consensual sexual behaviors in the 1990’s. Students
will critically analyze laws and policies with an eye toward our country’s future legal landscape.
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 law, statutes, and policy to persuade others.
♦ Recognize ethical issues inherent in the way certain public policies interact with criminal laws, and attempt to resolve such issues.
♦ Acknowledge the existence of diverse ideological viewpoints when considering the social implications of criminalizing certain activities.

ATTENDANCE, GRADES, & UPPER LEVEL WRITING REQUIREMENT

Class attendance is important, and it is mandatory. Per the WSCL Attendance Policy (reprinted in the Student Handbook) students who miss more than four (4) classes may be dismissed from the class and thus receive a “0” for the course.

This class satisfies the Western State College of Law upper level writing requirement (ULWR), and follows guidelines established by the American Bar Association. Each student will earn a numeric grade for the course. The final course grade consists of an outline (10%), P&P (participation & professionalism) (20%), and a 17-20 page research paper (70%).

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

PARTICIPATION, PROFESSIONALISM, PRESENTATIONS, & PREPARATION

Participation & Professionalism (P&P): Please be prepared to participate in class. This class is most productive (and fun) if you have thought about the material and are willing to discuss it. All viewpoints are welcome. 20% of your final course grade will be based on the quality and quantity of your contributions to class discussions, attendance and punctuality, conduct during class time, a group presentation, and overall professionalism. You may not record the class without my prior approval.

Group Presentation: Every student must participate in a group presentation of a vice topic to the class. A sign-up sheet will be distributed during the second week of class. Students will generally present on Mondays, and I will present on Wednesdays. Note that some weeks do not have
corresponding textbook reading. I will also periodically present material regarding the final paper and the ULWR.

Outside Preparation: You should anticipate that, on average, preparing your weekly reading, research, and writing assignments will take you a minimum of two hours for every one hour of class time. To restate with specificity and at risk of redundancy, Vice is a three-unit class, so you should estimate your preparation for class to require six or more hours outside of class to complete.

OFFICE HOURS

Students are encouraged to take advantage of office hours. To reserve an appointment, please sign up in the Faculty Appointments Book located in the second-floor faculty suites.

S2018 Office Hours TBA

SYLLABUS

WEEK 1: Wednesday January 17
Course Overview: Enforcing Morals & Conceptualizing “Victimless” Crime
pp iii-iv; v-vi

WEEK 2: Monday January 22 & Wednesday January 24
Alcohol as a Historical Model for Vice Decriminalization
Regulating Sex & Marriage
ULWR #1: Selecting a Topic
pp 235-245

WEEK 3: Monday January 29 & Wednesday January 31
Marijuana: OK to Inhale or High Potential for Abuse with No Medical Value
pp 873-879; 932-945; 432-436; 470-472; 528-530
WEEK 4: Monday February 5 & Wednesday February 7

Prostitution: Commercial Sex in the U.S. and International & Domestic Sex Trafficking
ULWR #2: Writing a Thesis Statement

pp 789-797; 805-815; 846-858

WEEK 5: Monday February 12 & Wednesday February 14 ♥

Drugs: Debating Legalization; Monitoring Prescription Narcotics

pp 412-431; 489-492

WEEK 6: Tuesday February 20 (“Legislative Day”) & Wednesday February 21

The Interconnectivity between Social Media, Kids, & Vice Behavior
ULWR #3: Formatting the Outline

WEEK 7: Monday February 26 & Wednesday February 28

End of Life Issues: Reconciling Physician-Assisted Suicide with the Hippocratic Oath
ULWR #4: Revisiting Roadmaps & Parenthetical Citations (yes, you learned this in LWR)

WEEK 8: Monday March 5 & Wednesday March 7

Office Conferences (in lieu of class)
Time-Stamped Outline Due (no later than) Friday March 9 at 1 P.M. PST

WEEK 9: SPRING BREAK <><><><><><><><><><><><><><>>

WEEK 10: Monday March 19 & Wednesday March 21

The Obesity Epidemic: Government Obligation v Personal Accountability
ULWR #5: Outline De-Brief & Return

WEEK 11: Monday March 26 & Wednesday March 28

Pornography: Adult Porn v Child Porn; Correlations between Consumption & Participation

pp 637-638; 697-701; 714-716; 743-787
WEEK 12: Monday April 2 & Wednesday April 4
Gambling: Lotteries, Casino Games, & Tribal Operations
Gambling: Sports Betting; Professional v Student Athletes
pp 559-565; 592-606; 617-624

WEEK 13: Monday April 9 & Wednesday April 11
Parenting: Rights & Responsibilities (aka ”you need a license to buy a dog or drive a car… but
they’ll let any $*%^@!# be a father.”)

WEEK 14: Monday April 16 & Wednesday April 18
Office Conferences (in lieu of class)

WEEK 15: Monday April 23 & Wednesday April 25
Course De-Brief & Wrap-Up: Should We Enforce Morals & Does “Victimless” Crime Exist?

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The ULWR paper is due no later than Monday May 7 at 1 P.M. PST. This means that your paper
must be uploaded to Safe Assign (note: Safe Assign uses EST, so don’t freak out if the digital
time-stamp is three hours later than you expected), and a hardcopy must be time-stamped and
given to the appropriate faculty secretary, by this date and time. Both copies must be timely. 😊

DISABILITY SERVICES STATEMENT:
Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities
Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations
and in supporting equal access to services, programs, and activities at Western State College of Law.
To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student
Services Director and Disabilities Services Coordinator, whose office is in the Student Services Suite 11. Dean
Espinoza’s phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking
accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his
specific requested accommodations. Students who seek accommodations will be asked to supply medical
documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective
only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are
encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather
necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza, or please
notify Dean Allen Easley at (714) 459-1168; aeasley@wsulaw.edu. Complaints will be handled in accordance with
the College of Law’s “Policy against Discrimination and Harassment.”
Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

1. **Doctrinal Knowledge**
   Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Associations, Evidence, Civil Procedure, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

2. **Practice Skills**
   Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

3. **Legal Analysis**
   Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

4. **Legal Research**
   Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

5. **Communication**
   Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker’s ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author’s ideas).

6. **Advocacy of Legal Argument**
   Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

7. **Client Sensitivity and Cultural Competency**
   Students will demonstrate an awareness of clients’ needs and goals, including a sensitivity to clients’ background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or
religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) **Legal Ethics**
Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.