



LAW OF VICE 580§A
Professor Elizabeth N. Jones
enjones@wsulaw.edu

Fall 2020
Th 10:45 am – 1:45 pm

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REQUIRED TEXT

Students must enroll in the Lexis Classroom page titled “Law of Vice 580A F20 JONES” with PassCode: 3WABAB

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ONLINE EXPECTATIONS & REQUIREMENTS

This semester WSCL courses will be held entirely online. The COVID-19 pandemic is a health threat such that “on ground” classes cannot be accomplished safely. Thus, you will learn “Vice” law and how to write to satisfy the upper level writing requirement (ULWR) through both synchronous (Zoom sessions) and asynchronous (PowerPoint slides, policy reflection paragraphs, multimedia) techniques.

Zoom should be treated like an “in-person” class. Please come prepared, pay attention, take notes, and engage in the material. With that said, it merits acknowledgment that an online learning format necessitates some different rules and requirements than traditional classes:

- ◆ Sign into Zoom with your name used to register for class. If you prefer to be called by a different name you may rename yourself in Zoom using the following format: “PreferredName (FirstName) LastName”
- ◆ Arrive to class early. Be prepared and dressed as you would for an in-person class.
- ◆ Your camera must be turned on and must remain on for the duration of the class. Your microphone must be muted and remain muted unless otherwise directed.
- ◆ Do not post screenshots or recordings from any Zoom classes on social media. Our screen time together will be awkward enough without memorializing it forever in

time. And even more importantly, such actions would constitute a violation of the Student Honor Code.

- ◆ If you have to miss a Zoom session, or arrive late or leave early, please email me in advance as you would for an in-person class. Keep in mind that it may be hard for me to see if students are in the Zoom “waiting room” while I am teaching, so your timely arrival is much appreciated.
- ◆ If you have connectivity issues, whether long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video) let me know so we can explore other accommodations if necessary.

COURSE DESCRIPTION

This advanced criminal law class queries whether, and to what extent, criminalization of traditional “vice” behaviors (sexual practices, prostitution, drug and alcohol use, pornography, gambling) is warranted. It also explores the merits of government regulation in areas such as nutrition and the food industry, prescription pharmaceuticals (like opioids and “cognitive enhancements”), and end of life issues. Students will critically analyze laws and policies with an eye toward our country’s future legal landscape.

ATTENDANCE, GRADES, & UPPER LEVEL WRITING REQUIREMENT

Class attendance is important, and it is mandatory. Students who miss more than two (2) class sessions are subject to administrative dismissal from the course per the WSCL Attendance Policy (reprinted in the Student Handbook).

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 a draft (20%), P&P (participation & professionalism) (20%), and a 15-18 page research paper (60%).

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, & PREPARATION

Participation & Professionalism (P&P): Success in law school often involves an active learning environment. While learning exclusively online may not allow for the most effective engagement, Zoom classes should not be considered the same as passively watching YouTube or Netflix. For volunteer participation, quality is valued over quantity, and all views are welcome. 20% of your final course grade will be based on the quality and quantity of your contributions to

class discussions, attendance, punctuality, conduct during class time, a presentation of the vice topic you have chosen for your paper, and overall professionalism.

You may not record this class without my prior approval. Students in violation of these policies may be referred to the Associate Dean for Academic Affairs.

Outside Preparation: You should anticipate that, on average, preparing for class (including writing your paper) will take you a minimum of two hours for every one hour of class time. To restate with specificity and at risk of redundancy: because Vice is a three-unit class, you should estimate your preparation for class to require six (6) or more hours outside of class to complete.

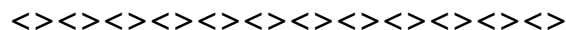
LEARNING GOALS

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.

OFFICE HOURS

Fall 2020 Office Hours TBA



SYLLABUS

WEEK 1: Thursday August 20

Course Overview: Enforcing Morals & Conceptualizing “Victimless” Crime
ULWR: Selecting a Topic

WEEK 2: Thursday August 27

Alcohol as Historical Model for Vice Decriminalization
ULWR: Writing a Thesis Statement

WEEK 3: Thursday September 3

Drugs: From the Streets to the Suburbs, All the Drugs All the Time
ULWR: Formatting the Draft

WEEK 4: Thursday September 10

Prostitution: The Commercialization of Sex v Human Trafficking
ULWR: Roadmaps & Parenthetical Citations

WEEK 5: Thursday September 17

Social Media Platforms & Other Advancing Technologies as Possible Vice Contributors
ULWR: Work on Draft of Paper

WEEK 6: Thursday September 24

End of Life Issues: Reconciling Physician-Assisted Suicide with the Hippocratic Oath
ULWR: The Importance of Proofreading

WEEK 7: Thursday October 1

Student Presentations of Vice Topics (format TBD)

WEEK 8: Thursday October 8

Draft Due no later than 1 PM PST via email to enjones@wsulaw.edu

WEEK 9: Thursday October 15

The Obesity Epidemic: Government Obligation v Personal Accountability
ULWR: Draft De-Brief & Return

WEEK 10: Thursday October 22

Conferences (format TBD)

WEEK 11: Thursday October 29

Gambling: Lotteries, Casino Games, Tribal Operations, Sports Betting, Student Athletes ...
ULWR: Work on Paper

WEEK 12: Thursday November 5

Parenting: Rights & Responsibilities
ULWR: Work on Paper

WEEK 13: Thursday November 12

Conferences (format TBD)

WEEK 14: Thursday November 19

Course De-Brief & Wrap-Up: Should We Enforce Morals & Does “Victimless Crime” Exist?

ULWR paper due no later than Th 12/10/20 at 1 PM PST via email to enjones@wsulaw.edu

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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 #111. 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; aesley@wsulaw.edu. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."

Western State College of Law Programmatic Learning Outcomes: 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.

Requirements for Students in Zoom Sessions:

- Find a dedicated quiet space to attend Zoom sessions, to minimize the chances that you will be disrupted during the session.
- Arrive to class early and dressed as you would to attend an in-person class.
- Your camera must be turned on for the duration of the class. If desired, you can use the background settings in Zoom to create an artificial background that blocks the view of your space while still allowing you to be seen on camera.
- Come prepared, as you would for an in-person class. Participation in Zoom classes is as important as it is during an in-person class session.
- Do not multitask – stay focused on the class discussion – do not wander in and out of the Zoom session.
- If you have to miss a Zoom session, or arrive late or leave early, notify the professor in advance, as you would for an in-person class.
- If you have connectivity issues, whether it be long-term or short-term, that impact your ability to participate (e.g., if you are limited to dial-in without video), notify your professor so other accommodations can be explored.
- Do not post screenshots or recordings of any Zoom classes on social media. Such actions would constitute a violation of the Student Honor Code. If you need access to a recording of the Zoom session, please contact your professor.