



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

Spring 2024
T & Th 1pm – 2:30pm

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REQUIRED TEXT

Materials to be provided by Professor Jones. Students must enroll in the Lexis Classroom page titled “LawofVice-Spr24-Jones” with Passcode: **W6RE4A**

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COURSE DESCRIPTION

This advanced criminal law class queries whether, and to what extent, the criminalization of traditional “vice” behaviors (sexual practices, prostitution, drug and alcohol use, pornography, gambling) is warranted. It also explores the merits and pitfalls of government regulation in areas such as the food industry, guns, social media, and prescription pharmaceuticals (e.g., opioids; “cognitive enhancements”), to name just a few. Students will critically analyze laws and policies with an eye toward the state and federal legal landscape of the future.

ATTENDANCE, GRADES, & UPPER LEVEL WRITING REQUIREMENT

Class attendance is important, and it is mandatory. Students who miss more than four class sessions are subject to administrative dismissal from the course per the WSCL Attendance Policy (reprinted in the Student Handbook). Please note: just because you can miss four classes without being dropped from this course does not mean that you should miss four classes.

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%).

Late drafts and/or late research papers will receive point deductions. Do not plagiarize. Do not buy a research paper online. Do not use generative AI to write your paper. You are better than that. And even if you aren't, do not do it because if you are caught you will receive an "XF" failing grade for the course, and you will have to report your shady cheating ass to the state bar when you apply for admission. Don't do it.

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): Success in law school involves an active learning environment. This class is most productive (and fun) if you have thought about the material and are willing to discuss it. 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 to the class, 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.

Class Presentation: Every student must present a vice topic to the class; details will be provided on the first day of class, and a sign-up sheet will be circulated during the second week of class. Instructional material regarding the ULWR and the final paper will be periodically presented.

Outside Preparation: You should anticipate that, on average, preparing for class (including researching for and writing your paper) will take you a minimum of two hours for every one hour of class time. 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

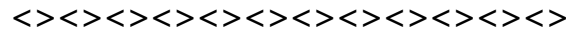
After completion of this course, students should be able to:

- ◆ Make legal and policy-based arguments.
- ◆ Evaluate legal arguments, including the ability to assess 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.
- ◆ Acknowledge the existence of diverse ideological viewpoints when considering the social implications of criminalizing certain activities.

OFFICE HOURS

Spring 2024 Office Hours TBD ...



SYLLABUS

WEEK 1: Tuesday January 16 & Thursday January 18

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

WEEK 2: Tuesday January 23 & Thursday January 25

Alcohol & Marijuana as Models for Vice Decriminalization
ULWR: Writing a Thesis Statement: How to Do It & Why it’s Important

WEEK 3: Tuesday January 30 & Thursday February 1

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

WEEK 4: Tuesday February 6 & Thursday February 8

Gambling: It’s Everywhere – Lotteries, Casino Games, Tribal Operations, Sports Betting, ...
ULWR: Roadmaps & Parenthetical Citations

WEEK 5: Tuesday February 13 & Thursday February 15

Prostitution: Why Can’t We Pay For Sex? Is it bc Human Trafficking?
ULWR: Work on Draft

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 Marisa Cianciarulo at (714) 459-1168; mcianciarulo@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.