



WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

LAW OF VICE 580A

Professor Elizabeth N. Jones

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Spring 2019

T 6:40 p.m. – 9:50 p.m.

REQUIRED TEXT

Students must enroll in the Lexis Classroom page titled “Law of Vice 580A Spr19”

PassCode = 9FXCD6

COURSE OVERVIEW

This advanced criminal law class queries whether, and to what extent, criminalization of traditional “vice” behaviors (sexual practices, prostitution, drug 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 enhancement” narcotics), and end of life issues. The course examines the historical context of alcohol prohibition, the effectiveness (or lack thereof) of the “war on drugs” and the gradual acceptance of consensual sexual behaviors. 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 two (2) 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 a draft (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): 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 presentation to the class, and overall professionalism. You may not record the class without my prior approval.

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

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: 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.

Spr19 Office Hours TBA

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SYLLABUS

WEEK 1: Tuesday January 15

Course Overview: Enforcing Morals & Conceptualizing “Victimless” Crime
ULWR #1: Selecting a Topic

WEEK 2: Tuesday January 22

Alcohol as a Historical Model for Vice Decriminalization
Regulating Sex & Marriage
ULWR #2: Writing a Thesis Statement

WEEK 3: Tuesday January 29

Marijuana: OK to Inhale or “High” Potential for Abuse

WEEK 4: Tuesday February 5

Exchanging Sex for Money: Prostitution & Sex Trafficking
ULWR #3: Formatting the Paper & Drafting the Draft

WEEK 5: Tuesday February 12

Street Drugs & Controlled Substances

ULWR #4: Roadmaps & Parenthetical Citations (yes, you learned this in LWR)

WEEK 6: NO CLASS (Tues = “Legislative Day” (Mon classes meet instead of Tues))

WEEK 7: Tuesday February 26

Social Media & Advancing Technology: Contributors to Vice Behavior by Kids

Time-Stamped Draft Due (no later than) Friday March 1 at 12 noon PST

WEEK 8: SPRING BREAK <><><><><><><><><><><><><><>

WEEK 9: Tuesday March 12

The Obesity Epidemic: Government Obligation v Personal Accountability

ULWR #5: Draft De-Brief & Return

WEEK 10: Tuesday March 19

End of Life Issues: Reconciling Physician-Assisted Suicide with the Hippocratic Oath

WEEK 11: Tuesday March 26

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

WEEK 12: Tuesday April 2

Gambling: Lotteries, Casinos, Tribal Operations, Sports Betting, Professional & Student Athletes

WEEK 13: Tuesday April 9

Guns: The Great Debate

WEEK 14: Tuesday April 16

Parenting: Rights & Responsibilities (aka “you need a license to buy a dog and drive a car... but they’ll let any \$*%#!# be a father” ...)

WEEK 15: Tuesday April 23

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 Friday May 10 at 1 P.M. PST. This means that your paper must be uploaded to Turnitin, 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."

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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

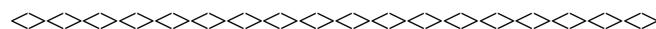
Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate 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.



Argosy University Institutional Learning Outcomes:

1. Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems.

2. Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation.

3. Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action.

4. Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals.

5. Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

6. Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession.