



WESTERN STATE COLLEGE OF LAW

AT ARGOSY UNIVERSITY

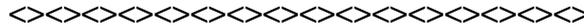
LAW OF VICE 580 § A

Professor Elizabeth N. Jones

enjones@wsulaw.edu

Spring 2015

T/Th 1 p.m. – 2:30 p.m.



REQUIRED TEXT

Zimring & Harcourt, *Criminal Regulation and the Regulation of Vice* 2d ed. West (2012)

Students MUST enroll in the Lexis Blackboard page titled “Law of Vice 580A JONES Spring 2015” by the end of the first week of classes

RECOMMENDED TEXT

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



COURSE OVERVIEW

This advanced criminal law class studies traditional “vice” behaviors, focusing specifically on individual sexual practices, prostitution, alcohol, drugs, pornography, and gambling. It also explores areas that the government has more recently sought to regulate, such as assisted suicide and obesity. This course examines whether, and to what extent, governmental intervention and criminalization of these offenses are warranted. It discusses 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 statutes 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 law 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 17-20 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 actually thought about the material 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 two people (three-person groups are permissible if all course topics are adequately covered). I will pass out a sign-up sheet during the first week of class. Please look through the text and the syllabus, 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. As noted on the syllabus, I will also periodically present material regarding the ULWR. The schedule may be interrupted by guest speakers.



SYLLABUS

WEEK 1: Tuesday January 13 & Thursday January 15

Course Overview: Enforcing Morals & the Modern Concept of “Victimless” Crime

pp iii-iv; v-vi; 52-66; 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 20 & Thursday January 22

Regulating Consensual Sexual Behavior & the Acceptance of Sexual Autonomy

pp 136-141; 235-245

WEEK 3: Tuesday January 27 & Thursday January 29

Prostitution: Commercial Sex in the U.S.

pp 789-858 (reading material for weeks 3&4)

WEEK 4: Tuesday February 3 & Thursday February 5

Prostitution: International Sex Trafficking; ULWR #1: Topic Selection & Thesis Statement

pp 789-858 (reading material for weeks 3&4)

WEEK 14: Tuesday April 14 & Thursday April 16

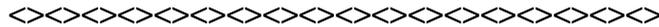
Child Pornography: Is There a Difference between Consumption and Participation?

pp 714-716; 722-733; 743-787

WEEK 15: Tuesday April 21 & Thursday April 23

Gambling

pp 559-565; 578-583; 592-606; 617-624



The ULWR paper is due on Friday, May 8, 2015 by 1 p.m. PST. It must be uploaded to Safe Assign by this date and time (note: Safe Assign uses EST, so don't freak out if the digital time-stamp is three hours later than you expected). A hardcopy must be placed in my inbox on the third floor by this date and time as well. Both the hardcopy and the softcopy must be timely. You may always turn your final paper in early! ☺

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 Second Floor Students Services Suite. 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 Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."