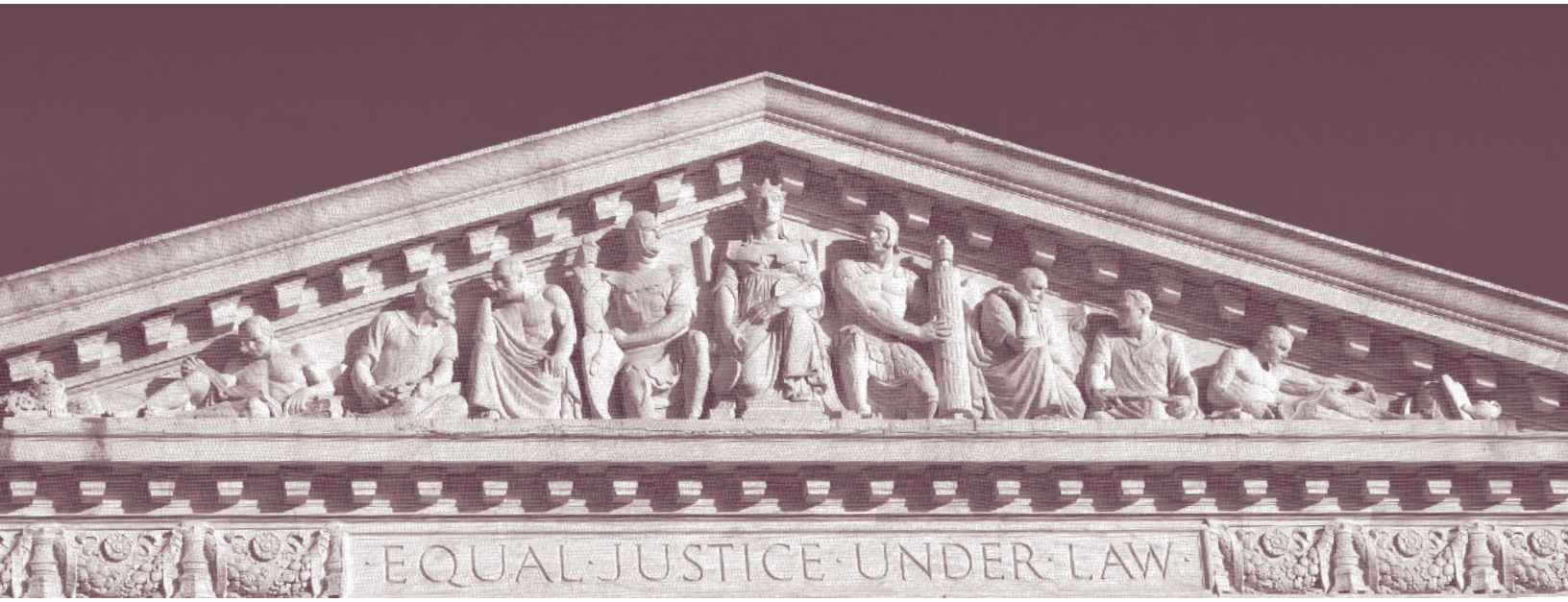
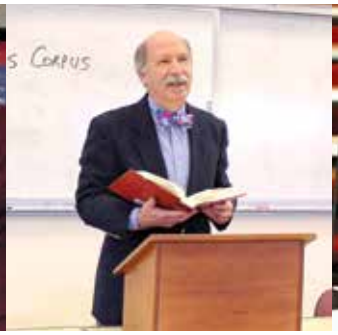
CRIMINAL JUSTICE
PRACTICE AND POLICY INSTITUTE





AMERICAN UNIVERSITY
WASHINGTON COLLEGE OF LAW

CHAMPION
WHAT MATTERS.

A MESSAGE FROM THE INSTITUTE DIRECTOR

THE MISSION OF THE CRIMINAL JUSTICE INSTITUTE

The Criminal Justice Practice and Policy Institute at AUWCL seeks to study and improve the practice of criminal law and justice. Much of the work of the Institute is aimed at law reform, whether changing the law on the books or altering the policies and behaviors that impact the criminal justice system.

Practice broadly includes the on-the-ground efforts of all criminal justice system participants – police, prosecutors, defense attorneys, judges, legislators, lobbyists, non-governmental institutions, and grassroots change agents who work domestically or internationally, locally or federally. Their work may involve street crime, white collar crime, terrorism, international criminal justice institutions, or public corruption. Understanding how they operate and how they can do better is necessarily an interdisciplinary project. Therefore, the Institute promotes research involving social scientists, neuroscientists, and humanists, as well as law professors.

Public support is also needed to accomplish certain changes in the justice system, yet the public is too often misguided about the nature of the criminal justice system. The Institute will reach out to media outlets, high schools, colleges, and citizens' groups in an effort to better inform the public.

> **"THE WORK OF THE INSTITUTE IS AIMED AT LAW REFORM, WHETHER CHANGING THE LAW ON THE BOOKS OR ALTERING THE POLICIES AND BEHAVIORS THAT IMPACT THE CRIMINAL JUSTICE SYSTEM."**

THREE VALUES IN PARTICULAR GUIDE THE INSTITUTE'S WORK:

1. **Encouraging effective voice by everyone with a stake in the system;**
2. **Fostering individual and inter-group equality; and**
3. **Promoting systemic accuracy and procedural rights.**

First, the absence of all participants having a voice in setting and implementing criminal justice policy promotes ill social consequences. Defendant rehabilitation is undermined when defendants lack skilled, highly resourced counsel to tell their side of the story. Victims feel alienated from the process when their plight is ignored at sentencing and they never have the opportunity to confront their assailants. Neighborhoods grow angry when local streets are harshly policed after law enforcement "cracks down" without consulting residents.

Second, poorly-conceived criminal justice policies undermine equal respect for all persons. Crime and efforts to combat it both reflect and affect the distribution of economic, political, and social power. Implicit racial or class bias can, for example, lead to under or over-policing of certain neighborhoods and unfair prosecutorial practices.

Third, lawyering, law enforcement, judicial, and legislative practices all affect the system's accuracy (i.e. the "rightness" of decisions). Protecting the factually innocent against wrongful conviction promotes accuracy; but so does ensuring that a guilty defendant is convicted of the crime he committed; that the sentence and other consequences of the conviction are accurate and proportionate; and that bail is not higher than needed.

— Andrew Taslitz, Professor of Law and Criminal Justice Institute Director

PROGRAMS, SYMPOSIA, AND SPECIAL EVENTS

The Institute will continue to offer outstanding programs and presentations like the ones AUWCL has consistently offered over the years. Programs and seminars will bring together diverse groups to discuss issues and craft solutions to common problems that plague the criminal justice system.

▲ **ABOVE:** *Trayvon Martin Teach-In: Professor Angela Davis addressed a packed audience on the legal, racial and political issues that arose in the wake of the death of Florida teenager Trayvon Martin. Other program participants included Ben Jealous (NAACP); Laura Murphy (ACLU), Barbara Arnwine (National Lawyer's Committee For Civil Rights), and Glenn Ivey (former P.G. County State's Attorney).*

"THROUGH CONTINUING LEGAL EDUCATION COURSES, SYMPOSIA, AND LECTURES, THE INSTITUTE SEEKS TO EDUCATE CRIMINAL LAW PRACTITIONERS TO IMPROVE THE QUALITY OF SERVICE THEY PROVIDE."

▼ **BELOW:** *Professors Andrew Taslitz, Angela Davis, and Jenny Roberts convened a roundtable of the top officials in the D.C. criminal justice system to discuss possible areas for reform. Participants included representatives from the Metropolitan Police Department, the Court Services and Offender Supervision Agency, the D.C. Pretrial Services Agency, the Mayor's Office, and the District of Columbia Criminal Justice Coordinating Council.*
BELOW RIGHT: *Professor Cynthia Jones, in her capacity as the director of the ABA Racial Justice Improvement Project, held a conference at AUWCL with prosecutors, public defenders, police officers, and community advocates from Delaware, New York, Minnesota, and Louisiana to discuss ways to eliminate racial disparities in their respective jurisdictions.*

BUILDING UPON A STRONG FOUNDATION OF CRIMINAL LAW PROGRAMS

Criminal Justice Clinic

As part of the law school's nationally recognized Clinical Program, the Criminal Justice Clinic is designed with the twin goals of teaching student attorneys about the theory and practice of advocacy in the criminal and juvenile justice systems and teaching them how these skills translate to other practice settings. Some students practice as defense attorneys representing indigent clients under the supervision of clinic faculty while others work under the supervision of prosecutors in local prosecutors' offices. The clinic is co-directed by Professors Jenny Roberts and Binny Miller.

Stephen S. Weinstein Trial Advocacy Program

The law school's Trial Advocacy Program continues to expand its extensive course offerings – nearly 400 students enroll each year in one or more of 35 small sections of 12 trial advocacy courses. The law school also recently added an LL.M. in Advocacy that aids graduates in preparation for all aspects of litigation. The Trial Advocacy Program is directed by Professor David Aaronson.

Project on Preventing Prison Rape

Directed by Professor Brenda Smith, the Project on Preventing Prison Rape is a leader in addressing the implications and implementation of the Prison Rape Elimination Act of 2003 and its national standards. Since 2000, the Project has provided training, technical assistance, and legal guidance for correctional agencies, advocates, and survivors who want to effectively prevent, respond, and eliminate sexual abuse in custodial settings.

Mid-Atlantic Innocence Project

The Mid-Atlantic Innocence Project (MAIP) is a non-profit organization dedicated to correcting and preventing the conviction of innocent people in the District of Columbia, Maryland, and Virginia. MAIP staff work with a dedicated Board of Directors and scores of pro bono lawyers and law students to screen and investigate cases and provide pro bono investigative and legal help in the most compelling cases, working to ensure that innocent prisoners obtain their freedom.

Externship Program

Each year, AUWCL students complete high profile externship field placements in a wide variety of criminal law agencies and organizations. In addition to federal, state, and local prosecutor and public defender offices in D.C., Maryland, and Virginia, students take full advantage of the many government agencies and non-profit organizations to get a wealth of criminal law experience. Recent placement examples include:

- Association of Prosecuting Attorneys
- Council for Children's Rights
- Families Against Mandatory Minimums
- The Innocence Project
- National Association of Police Organizations
- National Center for Victims of Crime
- National District Attorneys Association
- National Association of Criminal Defense Lawyers
- Northern Virginia Capital Defender Office
- U.S. Department of Defense
- Judge Advocate General's (JAG) Corps
- U.S. Department of Justice Criminal Division

INTERNATIONAL CRIMINAL LAW COLLABORATION

The Institute will provide a perfect forum for collaboration with AUWCL colleagues and programs in international criminal law.

SELECT COURSES

- **Human Rights and Comparative Criminal Procedure**
- **International Criminal Law**
- **National Security Law**
- **War Crimes**

FACULTY

Diane Orentlicher
International Criminal Law

Stephen I. Vladeck
National Security Law

Richard Wilson
International Criminal Law

Juan Mendez
International Human Rights

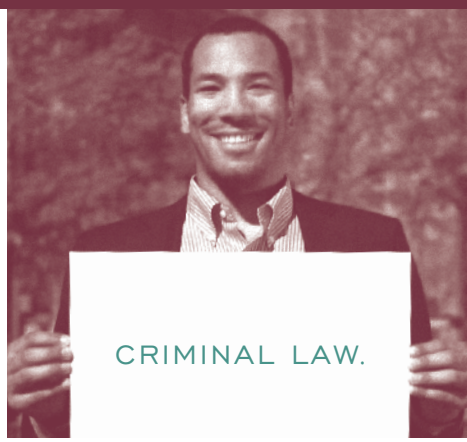
Nicholas Kittrie
International Criminal Law

Susana SaCouto
International Criminal Law and War Crimes

WAR CRIMES RESEARCH OFFICE

The War Crimes Research Office (WCRO), founded in 1995, promotes the development and enforcement of international criminal and humanitarian law, primarily through the provision of specialized legal research assistance to international and internationalized criminal courts and tribunals. In doing so, the WCRO provides JD and LL.M. students the opportunity to undertake legal research and writing on cutting-edge issues in these areas of the law. The WCRO also coordinates the Summer Law Program in the Hague where students can take classes and explore a wide range of issues in international criminal law and justice. The WCRO is directed by Susana SaCouto.

EDUCATING THE NEXT GENERATION OF CRIMINAL JUSTICE PRACTITIONERS



The breadth of criminal law courses in our curriculum is wide. In addition to the basics in criminal law, criminal procedure, and evidence, students have the opportunity to take a wide range of practical skills courses as well as seminars that allow them to write research papers and engage in an in-depth exploration of specific topics in criminal law. Some of our advanced criminal law classes include:

- Advanced Issues in Criminal Law
- Appellate Courts and Advocacy
- Computer Crime
- Criminal Defense Theory and Practice
- Criminal Justice Clinic
- Criminal Trial Advocacy
- Death Penalty
- Domestic Violence Clinic
- Domestic Violence Law
- Expert and Scientific Evidence
- Immigration: Criminal Consequences and Enforcement
- Juvenile Law: Children's Rights
- Military Justice
- Plea Bargaining
- Political Crime and Terrorism
- Post-Conviction Remedies
- Race, Crime, and Politics
- Sentencing, Sanctions, and Corrections
- The Role of the Federal Prosecutor
- White Collar Crime
- Wrongful Convictions

"THE INSTITUTE IS GROUNDED IN AN EDUCATIONAL MISSION THAT INCLUDES IMPROVING THE EDUCATION OF FUTURE CRIMINAL LAWYERS — DEVELOPING EXCELLENT PRACTITIONERS IS KEY!"

STUDENT ACTIVITIES: FROM THE CLASSROOM TO THE COURTROOM

The Criminal Law Society

The Criminal Law Society (CLS) is a non-partisan, impartial student organization that seeks to explore the totality of the criminal justice system through events dealing with evocative and timely issues. The CLS is dedicated to creating opportunities for students interested in criminal law to interact with faculty, practitioners, judges, and community organizations that work in the field by holding panel discussions, networking events, field trips, career services programs, and volunteer community service.

The Criminal Law Brief

The *Criminal Law Brief*, created in 2005, is a student-run publication dedicated to the constantly evolving world of the criminal justice system. With an audience that includes judges and practicing attorneys, students with a strong interest in criminal law, and professors of varied criminal law disciplines, the *Brief* facilitates an open and balanced dialogue on all aspects of criminal law.

Moot Court and Mock Trial Competitions

AUWCL students participate in numerous local and national mock trial and moot court competitions, including several that focus specifically on criminal law:

- John L. Costello National Criminal Law Trial Advocacy Competition
- Georgetown White Collar Crime Trial Tournament
- John J Gibbons National Criminal Procedure Moot Court Competition

RECENT AUWCL GRADUATES IN CRIMINAL LAW

Recent graduates who have taken advantage of our law school's diverse criminal law offerings are now working at the New Hampshire Public Defender's Office, the Bronx State's Attorney's Office, New York City Legal Aid, and in law firm departments specializing in white collar crime.

GOVERNING MEMBERS AND FOUNDERS OF THE INSTITUTE

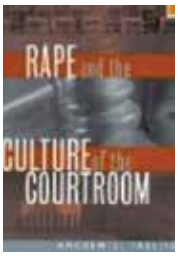
FROM THE PEN TO PRACTICE: USING LEGAL SCHOLARSHIP TO INFLUENCE CRIMINAL JUSTICE REFORM

Andrew E. Taslitz,

Institute Director

JD,University of Pennsylvania; B.A., Queens College, City University of New York

Andrew E. Taslitz teaches Criminal Law, Criminal Procedure, Evidence, and White Collar Crime, as well as advanced courses in those areas. He is a former prosecutor and a member of the American Bar Association's Governing Council as well as serving as its first vice-chair and as the editor-in-chief of its publication, *Criminal Justice*. He has served as the reporter for the Uniform Law Commission's Committee on Drafting a Uniform Statute on Electronic Recordation of Custodial Investigations and its Study Committee on Drafting a Model Statute on Eyewitness Identification Procedures and as Co-Reporter for the Constitution Project's Death Penalty Initiative. He has published over 100 pieces, including articles in such journals as the *Georgetown Law Review*, the *Michigan Law Review*, and Northwestern's *Journal of Criminal Law and Criminology*. Among his eight books are these representative titles:



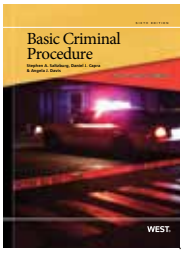
- Reconstructing the Fourth Amendment: A History of Search and Seizure, 1789-1868 (N.Y.U. Press 2006) (paperback 2009).
- Rape and the Culture of the Courtroom (N.Y.U. Press, 1999).
- Constitutional Criminal Procedure (4th ed. Foundation Press 2010, 5th ed. forthcoming 2014) (co-authored).

Angela J. Davis

JD, Harvard Law School; B.A., Howard University

Angela J. Davis teaches Criminal Law, Criminal Procedure, and Criminal Defense: Theory and Practice. Davis previously served as director of the D.C. Public Defender Service and as executive director of the National Rainbow Coalition and is a former law clerk of the Honorable Theodore R. Newman, the former chief judge of the D.C. Court of Appeals. Davis is a member of the Advisory Board for the Vera Institute of Justice Prosecution and Racial Justice Project, and a member of the Board of Trustees of the Peter M. Cicchino Social Justice Foundation, the Frederick Douglas Jordan Scholarship Board, and the Southern Center for Human Rights. She was a reporter for the ABA Justice Kennedy Commission and a member of the ABA Commission for Effective Criminal Sanctions. Davis is a 2003 Soros Senior Justice Fellow and the 2010 recipient of the Association of American Law Schools Clyde Ferguson Award. Selected publications include:

- Angela J. Davis, Stephen Saltzburg & Daniel Capra, Basic Criminal Procedure (6th ed., Thomson West 2012).



- Arbitrary Justice: The Power of the American Prosecutor (Oxford U. Press 2009).
- Angela J. Davis & Michael E. Tigar, Trial Stories (Foundation Press 2007).

Cynthia E. Jones

JD, American University Washington College of Law; B.A., University of Delaware

Cynthia Jones teaches Evidence, Criminal Law, Criminal Procedure, and a seminar on Race, Crime and Politics. She received the American University Faculty Award for Outstanding Teaching in 2011 and the Teaching with Technology award presented by the Center for Teaching Excellence in 2009. Jones is the former director of the Public Defender Service for the District of Columbia (PDS) and the former deputy director of the D.C. Pretrial Services Agency. From 2010-2012, she served as director of the ABA Racial Justice Improvement Project, and currently serves on the board of PDS, the Sentencing Project, and the Pretrial Justice Institute. Jones also conducts evidence seminars across the country for federal and state judges. Jones clerked on the D.C. Court of Appeals and worked as an associate at the law firm of Dickstein, Shapiro and Morin before working as a public defender in the trial and appellate divisions at PDS. Representative publications include:

- Confronting Race in the Criminal Justice System: the ABA Racial Justice Improvement Project, Criminal Justice (2012)
- Mastering Criminal Procedure I and II (Carolina Press 2010, 2011).

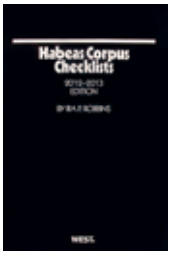
- A Reason to Doubt: The Suppression of Evidence and the Inference of Innocence, 100 J. Crim. Law & Criminology 415 (2010).
- The Right Remedy for the Wrongly Convicted: Judicial Sanctions for Destruction of DNA Evidence, 77 Fordham L. Rev. 2893 (2009).

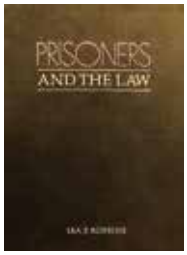
Ira P. Robbins

A.B., University of Pennsylvania; JD, Harvard Law School

Ira P. Robbins, Barnard T. Welsh Scholar and Professor of Law and Justice, teaches Criminal Law, Advanced Criminal Law, Post-Conviction Remedies, and Conflict of Laws. Robbins has served as acting director of the Federal Judicial Center's Division of Education and Training and as the reporter for the ABA's Task Force on Death Penalty Habeas Corpus and its Task Force on Privatization of Corrections. He also served as a Supreme Court Fellow, as a special consultant to the Advisory Committee on Criminal Rules of the Judicial Conference of the United States, and as a member of the Board of Directors of the D.C. Prisoners' Legal Services Project. Robbins is a former law clerk at the U.S. Court of Appeals for the Second Circuit. His honors and awards include the Chief Judge John R. Brown Award for Judicial Scholarship and Education. He is a Life Member of the American Law Institute. Selected publications include:

- Habeas Corpus Checklists (Thomson/Reuters/West, 2013).





- Prisoners and the Law (Thomson/Reuters/West, six vols., 2012).
- "Bad Juror" Lists And The Prosecutor's Duty To Disclose, 22 Cornell J.L. & Pub. Pol'y 1 (2012).

Jenny M. Roberts

JD, New York University School of Law; B.A., Yale University

Jenny Roberts is a professor of law and co-director of the law school's Criminal Justice Clinic. Her articles have been cited by the U.S. Supreme Court, a number of state high and lower federal courts, and in numerous briefs to the Supreme Court and other courts. She is co-author of *Collateral Consequences of Criminal Convictions: Law, Policy and Practice* (NACDL/West 2013). She is co-vice president of the Clinical Legal Education Association, the nation's largest association of law teachers, and sits on the board of the Mid-Atlantic Innocence Project. Roberts is the reporter for the National Association of Criminal Defense Lawyers' Task Force on Restoration of Rights and Status After Conviction. She previously taught at Syracuse University and in NYU's Lawyering program. Prior to teaching, Roberts was a public defender at the Legal Aid Society in New York City and a law clerk in the Southern District of New York. Selected recent and forthcoming publications include:

- Effective Plea Bargaining Counsel, Yale L. J. (forthcoming 2013).
- Crashing the Misdemeanor System, Wash. & Lee L. Rev. (forthcoming 2013).

- Why Misdemeanors Matter: Defining Effective Advocacy in the Lower Criminal Courts, 45 U.C. Davis L. Rev. 277 (2011).

ADDITIONAL AUWCL CRIMINAL LAW FACULTY

David Aaronson
Director, Trial Advocacy Program

Elizabeth Boals
Associate Director, Trial Advocacy Program

Jon Gould
Social Science Consultant, Criminal Justice Practice and Policy Institute

Billie Jo Kaufman
Women, Crime, and the Law

Binny Miller
Co-Director, Criminal Justice Clinic

Brenda Smith
Project Director, Preventing Prison Rape

Amy Tenney
White Collar Crime

Michael Tigar
Trial Practice and the Death Penalty

Robert Tsai
Criminal Procedure

Rangely Wallace
Appellate Criminal Advocacy

HIGH-PROFILE ADJUNCT FACULTY

Our adjunct faculty boasts a wide range of experienced criminal law practitioners, including:

Carlos F. Acosta
Inspector General, Prince George's County Police Department

Honorable Douglas F. Gansler
Attorney General, Maryland

Judge Charles B. Day
U.S. District Court for Maryland

Randall Elliason
Assistant U.S. Attorney, U.S. Attorney's Office for the District of Columbia

Judge Emmet Sullivan
U.S. District Court for the District of Columbia

Jeffrey T. Wennar
Assistant State's Attorney, Montgomery County State's Attorney's Office

Jennifer Daskal

Beginning in fall 2013, Jennifer Daskal will join the AUWCL faculty. She specializes in criminal law, criminal procedure, and national security law.

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EO/AA University and Employer

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CHAMPION WHAT MATTERS.

wcl.american.edu/criminaljustice

"THE SUBSTANTIVE CLASSES AT AUWCL GAVE ME THE KNOWLEDGE I NEEDED TO PURSUE A CAREER IN

CRIMINAL JUSTICE, AND THE AMAZING PROFESSORS WHO GAVE ME THAT KNOWLEDGE ALSO PROVIDED SUPPORT AND THE HELP I NEEDED TO LAND MY DREAM JOB. THE TRAINING I RECEIVED THROUGH THE TRIAL ADVOCACY AND CLINICAL PROGRAMS GAVE ME THE EXPERIENCE AND CONFIDENCE I NEEDED TO DO MY JOB WELL."

— Maya Dominguez '12
New Hampshire Public Defender

"IT WAS MY DREAM FOR A LONG TIME TO PRACTICE CRIMINAL LAW AND TO BECOME A PROSECUTOR. I KNOW I COULD NOT HAVE BEEN SUCCESSFUL IN FULFILLING MY DREAM WITHOUT THE OPPORTUNITIES I HAD AT AUWCL. FROM THE OUTSTANDING TRIAL ADVOCACY AND CLINICAL PROGRAMS, TO THE MANY CRIMINAL LAW COURSES I TOOK, AS WELL AS THE MENTORSHIP I RECEIVED FROM MY PROFESSORS, AUWCL PROVIDED ME THE CHANCE NOT ONLY TO LEARN, BUT TO PRACTICE MANY OF THE SKILLS I USE EVERY DAY AS AN ASSISTANT DISTRICT ATTORNEY."

— Ryan Norman '12
Assistant District Attorney, New York County District Attorney's Office

"I KNEW I ALWAYS WANTED TO WORK IN CRIMINAL LAW, BUT THE WONDERFUL CRIMINAL LAW PROFESSORS, MY EXPERIENCE WITH THE CRIMINAL JUSTICE CLINIC, AND THE INTERNSHIPS I HAVE SECURED AT AUWCL TAUGHT ME

THE IMPORTANCE OF ETHICAL PROSECUTION AND GAVE ME THE OPPORTUNITY TO ATTAIN THE CAREER OF MY DREAMS. AUWCL HAS GIVEN ME THE NECESSARY SKILLS TO THRIVE IN THE UNIQUE REALM OF CRIMINAL JUSTICE."

— Yasmine Rosario '13
Assistant District Attorney, Office of the District Attorney for the City of Philadelphia