

Course Selection Guidance for Students Interested in Criminal Law

The public image of what lawyers do frequently revolves around courtroom battles in criminal cases. There is an undeniable drama in what unfolds when two lawyers oppose each other with the stakes being an individual's life or liberty. Criminal law presents more than the source for a lot of great works of "lawyer fiction." It provides fertile ground for many different types of rewarding careers. Prosecutors and defense attorneys, legal policy makers, those who advise business clients and international rights advocates all find their law school training in criminal law and procedure vital to what they do.

Foundational Courses

The first year course in **Criminal Law (JD 946)** provides the basic concepts of substantive criminal law. But equally essential is at least one course in criminal procedure, which addresses how the legal system regulates the police who must enforce the law and the courts that adjudicate claims. The various criminal procedure courses focus, for the most part, on those aspects of the process that the Constitution regulates. **Criminal Procedure: Constitutional (JD 821)** examines the constitutional law in cases arising out of the conflict between police practices and the Bill of Rights, principally the Fourth, Fifth and Sixth Amendments. **Criminal Procedure: Adjudicatory Process (JD 820)**, the bail to jail course, examines the criminal court process, including such topics as right to counsel, pre-trial hearings, grand jury, pre-trial discovery, plea bargaining, jury selection and composition, and various trial issues. A more compact survey of criminal procedure can be had in **Criminal Procedure: Comprehensive (JD 819)**, which addresses many of the issues in the other two courses in a single semester. However, one may not take both **Criminal Procedure: Comprehensive** and one of the other two criminal procedure courses.

Since lawyers whose practice involves criminal law in some way or another either keep their clients out of courtrooms or try to win cases in them, they also need a background in the nonconstitutional law that governs the trial process. **Evidence (JD 831)** is one of the two cornerstone courses that fills this need. The other is one of the several trial advocacy courses. There is a basic course, **Trial Advocacy (JD 894)**, which provides students with opportunities to learn about and engage in witness examination and courtroom argument. The school also offers more specialized courses of this kind: **Trial Advocacy: Advanced (JD 945)**, which focuses on the strategy, technique and trial of complex multiparty cases and the analysis of sophisticated evidentiary problems; **Advanced Trial Practice (JD 967)**, which involves in-court observations, specific critique of actual trial presentations and seminar discussion of all aspects of procedure, trial preparation, evidence and trial practice; and **Criminal Trial Advocacy (JD 981)**, which is available only to students in the criminal clinic and concentrates on trial skills in the context of a criminal case. **Criminal Motion Practice and Advocacy (JD 768)** looks comprehensively at the pre-trial motions that comprise the bulk of criminal litigation. Students will have the opportunity to research, write, and argue their own pretrial motions against opposing counsel.

Clinical Experience

Students who want an opportunity to see the criminal justice system in action have an opportunity to apply the lessons of the classroom in actual practice by participating in the criminal clinic. The **Criminal Clinical Program** is a two semester program that gives its participants full responsibility for prosecuting or defending real cases under faculty supervision. Some clinic members act as defense counsel for juveniles in the Boston Juvenile Court and for adults in the Boston Municipal Court. Others prosecute adult cases on behalf of the Norfolk County District Attorney's Office in the Quincy District Court. All the clinic students conduct investigations, make bail arguments, formulate trial strategy, file appropriate pre-trial motions, participate in plea bargaining, try cases before juries and make sentencing arguments. In some cases, they may also argue appeals. The criminal clinic is open to both second year students, who begin in the Spring semester, and third year students, who begin in the Fall. The criminal clinic also offers its students courses related to criminal trial practice: **Criminal Trial Advocacy (JD 981)** and **Professional Responsibility (JD 923)**.

Students interested in criminal law may also participate in the **Wrongful Convictions Clinic (JD 902)**, in which students screen applications from prisoners claiming an unjust result after a trial or plea, and then represent a client in a petition for relief. In addition to substantive and case-file reading, work in the clinic includes meeting with incarcerated clients and possibly with witnesses, legal research and analysis of the requirements for obtaining a new trial, review of attorney files, and searching for forensic evidence in the case. Issues covered in a given case may include jury contamination, Fourth Amendment violations, and issues of mental health and constitutional limitations on sentencing.

There are also opportunities for students to work in the United States Attorney's Office as a placement in the **Legal Externship Program (JD 924)**. This program gives students the opportunity to observe the federal criminal process first hand while providing research support for federal prosecutors.

Specialized Topics in Criminal Law

The law school also offers a range of specialized courses and seminars that explore particular aspects of criminal in more detail.

Criminal Law and Juveniles. The criminal justice system confronts special problems when children commit crimes. The seminar in **Juvenile Delinquency (JD 824)** explores these issues. The juvenile defender component of the criminal clinic offers students the opportunity to act as defense counsel in juvenile court.

White Collar Crime. The criminal law component of large corporate law firm practice is largely concerned with keeping corporate clients out of trouble with the prosecutor's office and defending them and their officers when they find themselves on the receiving end of an indictment. The basic courses for those whose practice may include this area

are **Corporations (JD 816)** and **Introduction to Federal Income Taxation (JD 889)**. The seminar in **White Collar Crime (JD 854)** explores the criminal side of these topics in depth.

Criminal Justice Policy. The seminars that explore **The Criminal System: Theory & Practice (JD 987)**, **Wrongful Convictions (JD 837)**, and **Supreme Court 2019 Term: Criminal Law, Criminal Procedure and Habeas Corpus (JD 903)** all provide useful knowledge as well as public policy perspectives on the criminal justice system.

International Criminal Law. Globalization is increasingly a feature of the practice of criminal law and international courts are often concerned with protecting human rights. The basic course, **Introduction to International Law (JD 927)**, and the seminars on **International Criminal Law (JD 996)**, and **International Human Rights (JD 991)** provide this perspective.

Other areas. The following courses also explore specific and interesting aspects of criminal law: **Homicide Investigations and Trials: Theory and Practice (JD 950)**, **Sex Crimes (JD 947)**, and **Prosecutorial Ethics (JD 906)** (which satisfies the professional responsibility requirement for graduation).