

Seminar Descriptions for Fall 2019

Emerging Issues in Employment Discrimination, Professor Oswalt (3 credits). The best way of understanding how the law regulates discrimination in the workplace is to explore where the regime falls short. The traditional Civil Right Act framework is best suited to catch overt or explicit favoritism, but if in the majority of modern cases discrimination does not actually operate that way, what good is the statute? This is the core challenge of discrimination law today. It is also the organizing principle for the seminar, where we will consider the question from a variety of angles, including the realities of implicit bias, privilege, covering, and code-switching.

Criminal Justice Citizenship, Professor McConkie (3 credits). In our democracy, what should be the role of ordinary citizens in criminal justice? This seminar will seek to answer that fundamental question. We will consider the nature of citizenship generally and then evaluate (1) how citizens affect, direct, and regulate the work of the police, (2) how they participate in the adjudication of crimes, and (3) how they participate in the political process relating to criminal justice. (*Note: "Citizenship" here has to do with how ordinary people can influence the American criminal justice system and is a distinct concept from national citizenship.*) The section on the police will consider community policing, citizens' advisory boards, and protests, especially the Black Lives Matter movement. The section on adjudication will consider the history and theory and effectiveness of the jury, the demise of juries and the rise of plea bargaining. We will also consider citizen-centered jury reform proposals, like plea juries and sentencing juries. The section on politics will consider the origin and nature of America's law and order politics, mass incarceration and the war on drugs. We will also discuss how citizens participate in criminal justice through voting, public deliberations, referenda and non-profit organizations. This rigorous seminar will satisfy the upper-level writing requirement. Students will learn how to get involved in criminal justice reform on the local level and we may be taking a field trip or two.

Illinois Evidence: A Comparative Approach, Professor McAdams (3 credits). Illinois codified its law of evidence for the first time in 2012. The Illinois Rules of Evidence followed the basic structure of the Federal Rules of Evidence, but incorporated existing Illinois common law where it was divergent from the federal rules. Several of the Illinois differences are quite significant, especially in criminal cases. The seminar will explore the Illinois evidence variations. Students will research and write a paper discussing both the differences in approach and how those differences impact trial strategy and practice. The successful completion of the basic course in Evidence is a prerequisite.