

**Indiana University**

**Request for a New Credit Certificate Program**

To be awarded by Indiana University Robert H. McKinney School of Law

Campus: IUPUI

Proposed Title of Certificate Program: Graduate Certificate in Criminal Law

Projected Date of Implementation: May 2013

TYPE OF CERTIFICATE: (check one)

☐ UNDERGRADUATE CERTIFICATES – These programs generally require 12-29 credits of undergraduate-level academic work.

☒ GRADUATE CERTIFICATES – These programs generally require 12-29 credits of graduate-level academic work or undergraduate academic work carrying graduate credit.

☐ POST-BACCALAUREATE CERTIFICATES – These programs generally require 12-29 credits of undergraduate-level academic work, although students enrolling in these programs must have completed their baccalaureate degrees.

**I. Why is this certificate needed? (Rationale)**

The Criminal Law Certificate will serve as a gateway for students wishing to work in the criminal law field and will insure that students from our Law School who practice in the criminal law field as professionals have the essential baseline education necessary to compete and lead effectively. It will also provide grounding to students pursuing upper level courses that are tied to their interests.

In addition, the Criminal Law Certificate will signal to prospective employers that a student has a serious interest in the field and has engaged in a rigorous course of studies providing a critical foundation for practice. In an increasingly competitive marketplace, this Certificate will assure that students who devote themselves to specialized learning in criminal law are recognized for their achievement.

Beyond the direct professional benefits this Certificate will offer to students, the exposure to the underlying theories that inform our criminal law and the evolution of those theories in response to changes in society and belief systems – as well as to changes in technology – will help students become better informed citizens and advocates regardless of their future work.

## II. List the major topics and curriculum of the certificate.

A Certificate in Criminal Law will be awarded to JD candidates who complete at least 20 credit hours in Criminal Law and closely-related subjects while maintaining a minimum grade point average as specified below.

To qualify for a Certificate in Criminal Law, a JD candidate must satisfy all general requirements for the JD degree. They must also successfully complete their first-year, required course in Criminal Law [LAW-533] (3 cr.). In addition, to qualify for the Certificate, students must:

1. Complete three required core courses (Criminal Procedure: Adjudication; Criminal Procedure: Investigation; and Evidence)
2. Complete at least two upper level courses from the approved list (see below)
3. Complete at least one research or experiential capstone course from the approved list (see below), and
4. Maintain a cumulative 3.2 GPA in all of the required core and upper level courses applied toward the Certificate.<sup>1</sup>

**Note** that the cumulative credit hours for requirements (1), (2) and (3) above must be at least 20.

**Criminal Law Certificate Major Topics and Curriculum (all of the listed courses are already approved to be taught at IU Robert H. McKinney School of Law)<sup>2</sup>**

Required Core Courses – Must take <b>all</b> of the following
Criminal Procedure: Adjudication [LAW-704] (3 cr.)
Criminal Procedure: Investigation [LAW-702] (3 cr.)
Evidence [LAW-632] (4 cr.)
Upper Level Courses – Must take at least <b>two</b> of the following:
Criminal Sentencing [LAW-741] (2 cr.)
Representing the Government [LAW-781] (2 cr.)
Neuroscience and the Law [LAW-686] (2 cr.)
Juvenile Justice [LAW-842] (2 cr.)
Law and Forensic Science [LAW-774] (2 cr.)
Law of the Death Penalty [LAW-733] (3 cr.)
State Constitutional Law [LAW-757] (2 cr.)
White Collar Crime [LAW-699] (2/3 cr.)
Psychiatry and the Law [LAW-874] (2 cr.).
Seminar in Cybercrime [LAW-789] (2 cr.)

<sup>1</sup> This cumulate Certificate-relevant course GPA requirement means that a student who has a low score in a core or upper level course that would otherwise apply toward the Certificate may take additional upper level courses and elect to use them to meet Certificate requirements (thus counting the grades from upper level courses in which they performed better to meet the 3.2 cumulative GPA requirement for Certificate-relevant courses). The student must have a minimum of 20 Certificate-relevant courses (identified in Part II, above) with a 3.2 cumulative GPA.

<sup>2</sup> Upper level courses that have been approved by the faculty may be added to or removed from this list from time to time by the Vice Dean and the Academic Affairs Committee.

Appellate Practice [LAW-810] (2 cr.)
International Criminal Law [LAW-713] (2/3 cr.)
Research or Experiential Capstone – Must take at least <b>one</b> of the following
Externship [LAW-802] (2 cr.) [Prosecution or Criminal Defense]
Supervised Research [LAW-661] (variable cr.) [criminal law/criminal procedure/criminal evidence topic] [with topic approval of Criminal Law faculty]
National Moot Court Competition [LAW-750] [criminal law/criminal procedure/criminal evidence topic] (1 cr.)
Law Review Note [LAW-800] (1 cr.) [criminal law/criminal procedure/criminal evidence topic] [with topic approval of Criminal Law faculty]
Law and State Government Placement [LAW-802] (2 cr.) [w/ criminal law agency] [with topic approval of Criminal Law faculty]
State Appellate or State Trial Court Externship [with substantial criminal/criminal procedure/criminal evidence content]
Criminal Defense Clinic [LAW-808] (3/4 cr.)
Criminal Procedure Advocacy Skills [LAW-777] (1 cr.)
Wrongful Conviction Clinic [LAW-808] (2/3 cr.)
Advanced Course-related Experience [LAW-803] (1-2 cr.) [criminal law-related]
Appellate Clinic [LAW-808] (2 cr.)

### III. What are the admission requirements?

Any JD candidate enrolled at Indiana University Robert H. McKinney School of Law is eligible to seek the Certificate by filing a “Notice of Intent to seek Certificate in Criminal Law” in a form approved by the Law School Recorder’s Office. This form should be completed and filed during or before a student’s penultimate semester prior to graduation. In order to complete the Criminal Law Certificate, students must meet minimum GPA requirements, and thus students who file a notice of intent will be counseled to give attention to their GPA in order to assure that they have a reasonable prospect of completing the Certificate while meeting minimum GPA.

### IV. List the major student outcomes (or set of performance based standards) for the proposed certificate.

#### *Learning objectives*

The Certificate’s overall objective is to offer students an opportunity to engage in the in-depth study of the subject of criminal law and to prepare students to work in a criminal law oriented legal practice. That practice may include, but is not limited to, opportunities to work as a public prosecutor, public defender, private criminal defense, government agencies, as well as nonprofit institutions.

The field of criminal law and procedure encompasses some of the basic theoretical principles underlying the definition of crime such as the requirements of actus reus and mens rea and

general doctrines such as ignorance of fact and ignorance of law, causation, attempt, complicity and conspiracy. Students who pursue a graduate certificate will explore the foundational principles of criminal liability and punishment and understand the limits of criminal punishment. Emphasis will be placed, not only on the basic theory of the criminal law, but also on the relationship between doctrines and the various justifications for imposition of punishment.

In addition to gaining a rich theoretical understanding of the purpose of the criminal law, in the three required course sequence students will also be introduced to the Constitutional considerations that limit and constrain the state as it attempts to investigate and punish criminal activity. Subjects will include the exclusionary rule; probable cause; arrest; search and seizure; electronic surveillance, compelled self-incrimination, confessions, identifications, and the right to counsel. In the criminal adjudication course, students will acquire an understanding of the following procedures: grand jury hearings, pre-trial release decisions, guilty pleas, jury trials, sentencing hearings, and appeals. In addition, students will examine the topics of prosecutorial discretion, the system's dependence on plea bargaining, and the nation's high rates of incarceration.

Upper division courses and the research/experiential capstone requirement will allow students to pursue in-depth study of specific topics and thus gain deeper knowledge of criminal law and procedure as well as the institutions in which they have a particular interest.

### *Learning Outcomes*

Upon successful completion of this course of study, a student should be able to:

- Identify and describe key criminal justice challenges in the United States.
- Explain the underlying theoretical justification for criminal punishment and the role that the basic building blocks of definitions of crime play in proscribing behavior that violates community norms.
- Critique how these frameworks and principles advance (or fail to advance) efforts to address key challenges.
- Describe the constitutional basis for federal and state constitutional protections for defendants in the United States' criminal justice system.
- Describe and apply core U.S. criminal law provisions and understand the challenges facing criminal justice systems in the United States at the federal and state levels.
- Describe theories and purposes of punishment.
- Critically analyze the public discourse relating to key current issues in criminal justice administration and criminal procedure, such as decriminalization, prison overcrowding, the decline of constitutional protections in the age of technology,

mass incarceration, overcriminalization and describe alternative approaches to addressing the resource challenges facing the criminal justice system.

The market need for graduates with these skills and abilities is demonstrated by the fact that a significant percentage of our graduates obtain positions as prosecutors and public defenders each year. While employment in large law firms has declined, governmental hiring in the criminal justice system has not experienced a similar decline. Indiana University Robert H. McKinney School of Law graduates are regularly employed in this field and are called upon to have mastered these skills and abilities. Practitioners and officials alike confirm the value of having graduates with these skill sets prepared to enter the workforce and take an active role from day one. Demonstrated employment opportunities exist in private legal practice, the corporate sector, government (with a range of offices and agencies at the state, local, national, and international level), and within the non-profit sector. The Law School is in contact with an extensive network of alumni already successfully practicing in the field of criminal law. Strengthening the course of studies in this area through a Graduate Certificate will only increase the opportunities for future graduates of the Law School.

**V. Explain how student learning outcomes will be assessed (student portfolios, graduate follow up, employer survey, standardized test, etc.) and describe the structure/process for reviewing assessment findings for the purpose of ensuring continuous improvement of the certificate.**

Student learning outcomes will be assessed in the first instance by reviewing overall course performance by students who are pursuing the Criminal Law Certificate. A required minimum GPA of 3.2 in Criminal Law Certificate-required courses will serve as both a baseline and a motivator for student attention to the rigors of each class.

Each student will also have a member of the Criminal Law faculty assigned as a Certificate Advisor and these faculty members will rely upon individual counseling to guide student curriculum choices, promote deeper understanding of course themes, and counsel decisions about the student's "capstone" experience.

The "capstone" experience will call upon each enrolled student to complete a written or experiential project in the field of criminal law or procedure tailored to that student's interests and capabilities. Assessing student performance in this capstone experience will be an important indicator of the Certificate's impact.

The effectiveness of the Criminal Law Certificate curriculum and the performance of students within that curriculum will be reviewed on an annual basis through a careful review of courses (including syllabi), student performance (on a confidential basis), placement experience, and the response of employers to the work of Certificate holders, and the cohesiveness and relevance of the curriculum itself to current market needs and trends by our extensive network of tenure-track, clinical, and adjunct faculty. The faculty will critique the program with a view to strengthening its existing elements and helping to shape future course offerings and requirements. Both full-time and adjunct faculty members will also be asked to help identify experiential opportunities to

offer practical experiences for students seeking to advance their knowledge outside the classroom.

**VI. Describe student population to be served.**

Students who are preparing for a future as a state or federal prosecutor, public defender, private criminal defense attorney, or corporate/regulatory attorney will be the most directly benefitted. The course of study will also benefit students whose future work concerns poverty law, labor and employment, corporate law, environmental law and appellate work as well as those students interested more generally in public policy, public interest advocacy, or government at the state, local, or national level.

**VII. How does this certificate complement the campus or departmental mission?**

The Criminal Law Certificate will complement the Law School mission by advancing students' understanding of the law in this highly complex and evolving field and by assuring that students have a meaningful foundation upon which to build their expertise. Because the curriculum is tied to issues that resonate at a local, state and national level, students who complete the curriculum will become engaged with hands-on law faculty interested in providing a firm and comprehensive basis of legal knowledge for students. The Criminal Law Certificate also seeks to provide students with external resources hand-picked from a wide-ranging community of lawyers, judges, corporate offices, law firms, government officials and other legal professionals eager to mentor students in the practice of criminal law. Those who complete the Criminal Law Certificate will be better prepared to engage in influential scholarship and service as they pursue their careers. In addition, because criminal law is at the core of criminal justice administration, the Criminal Law Certificate will complement efforts to position Indiana University Robert H. McKinney School of Law as a leader in criminal justice practice and policy. Understanding criminal law requires a mastery of complex issues in substantive criminal law, criminal procedure, social science, and ethics – and the Criminal Law Certificate will thus promote interdisciplinary and cross-disciplinary learning. Finally, because criminal law and criminal justice policy are integrally involved in debating and informing critical policy choices, much of the scholarship advanced by the proposed Criminal Law Certificate is expected to be translational.

**VIII. Describe any relationship to existing programs on the campus or within the university.**

The Criminal Law Certificate is designed to directly complement the Doctor of Jurisprudence (JD) degree. In addition, it may be of particular interest to students pursuing joint degrees JD/MPA (Master of Public Affairs) and JD/MSW (Master of Social Work). Beyond these immediate connections, additional informal connections are possible with various state-wide prosecutor and public defender offices, state juvenile and correctional branches, law firms with a corporate crime specialization, the Indianapolis-Marion County Forensic Services Agency as well as a number of federal law enforcement agencies including the United States Attorneys' Office, Federal Bureau of Investigation, the Drug Enforcement Agency, and Bureau of Alcohol, Tobacco and Firearms.

All of the courses proposed for the Criminal Law Certificate are presently taught or approved to be taught at the Law School, and the Certificate does not require the creation of any new courses. While new courses will be proposed from time to time in the future in response to educational priorities, regulatory developments, and changes in the job market, the Certificate is designed principally as a means to tie existing courses together in an integrated and focused way rather than to expand course offerings.

**IX. List and indicate the resources required to implement the proposed program. Indicate sources (e.g., reallocations or any new resources such as personnel, library holdings, equipment, etc.).**

The Criminal Law Certificate is specifically designed to create no new teaching demand on Faculty or University resources. It can be offered and sustained with existing Law Faculty teaching existing courses. Every course offered within this Certificate is already offered by regular faculty, and adjuncts supplement existing Certificate courses.

There is flexibility to change and adapt the Certificate in the future, subject to approval but, as proposed, the Certificate capitalizes on existing strengths and resources. It will support student learning and professional aspirations by offering a market-signaling Certificate that can be applied in a range of practices, but with only marginal new administrative burdens.

**X. Describe any innovative features of the program (e.g., involvement with local or regional agencies, or offices, cooperative efforts with other institutions, etc.).**

The “capstone” course requirement will ensure that students complete at least one innovative and original project that is research-based or experiential. This can include placements with local, state, national government or international agencies as well as work with public interest organizations working on criminal justice issues. Supervised research opportunities and Advanced Course Related Experience (ACE) projects are limitless, and recent projects have included student assessments of ex-offender re-entry and programming, rape and domestic violence policy, effects of incarceration on family law developments, and an empirical project surveying the meaning of “probable cause” in action. Current externship placement opportunities include government offices such as the Marion County Prosecutors’ Office – City of Indianapolis, Marion County Public Defenders’ Office – City of Indianapolis, Indiana Public Defender Council, United States Attorney’s Office Southern District of Indiana, United States Attorney’s Office Northern District of Indiana, Neighborhood Christian Legal Clinic as well as placements with various criminal courts across the State of Indiana.