

George Mason University School of Law
Law & Economics Center

INSTITUTE ON CRIMINAL LAW
FOR JUDGES

November 3-9, 2006

SATURDAY, November 4

8:30 a.m. – 12:00 noon **CLASS 1: Professor George Fletcher**
School of Law
Columbia University

Topic: The Idea of the Criminal Law

Assignment: Kant, “On the Right to Punish and to Grant Clemency” in *The Metaphysics of Morals*, 140-145 (Mary Gregor, trans., Cambridge University Press, 1991);
Morris, “Persons and Punishment”, 52 *The Monist* 475 (1968);
Fletcher, “Chapter 5: People Matter”, from *A Crime of Self-Defense: Bernhard Goetz and the Law on Trial* (University of Chicago Press, 1988), pp. 84-99;
Davis v. United States, 160 US 469 (1895);
Dixon v. United States, 126 S. Ct. 2437 (2006).

SUNDAY, November 5

8:30 a.m. - 12:00 noon **CLASS 2: Professor Eric B. Rasmusen**
Kelley School of Business
Indiana University

Topic: Optimal Penalties and Stigma

Assignment: Stephen, “The Doctrine of Liberty in its Application to Morals” in *Liberty, Equality, Fraternity* (Smith, Elder & Co., 1873);
Stuntz, “The Political Constitution of Criminal Justice”, 119 *Harv. L. Rev.* 780 (2006);
Rasmusen, “Stigma and Self-Fulfilling Expectations of Criminality”, 39 *Journal of Law and Economics* 519, 519-544 (Oct. 1996);
United States v. Estate of Parsons, 367 F.3d 409 (5th Cir. 2004) (dissent not included);
Posner, *Economic Analysis of Law*, 4th ed. (Little, Brown, 1992), Sections 7.2-7.4, pp. 223-239;
Levitt, “Understanding Why Crime Fell in the 1990’s: Four Factors that Explain the Decline and Six that Do Not”, 18 *Journal of Economic Perspectives* 163, 163-190 (Winter 2004).

MONDAY, AM & PM, November 6

8:30 a.m. - 12:00 noon **CLASS 3: Professor James Q. Wilson**
School of Public Policy
Pepperdine University

Topic: Social Causes of Crime: The Empirical Evidence

Assignment: Wilson, *Crime: Public Policies for Crime Control* (Institute for Contemporary Studies, 2004):

Chapter 3: Biological Basis of Crime (Raine);
Chapter 8: Labor Markets and Crime (Bushway and Reuter);
Chapter 15: Deterrence (Levitt).

1:00 p.m. – 4:30 p.m. **CLASS 4: Professor Alexander Tabarrok**
Department of Economics
George Mason University

Topic: Crime and Federalism

Assignment: McKinnon and Nechyba, “Competition in Federal Systems” from *The New Federalism: Can the States be Trusted?* (Ferejohn and Weingast, eds., Hoover Institution Press, 1998);
“Remarks on the Federalization of Criminal Law” from *Federal Sentencing Reporter*, Vol. 11, No. 3, Nov/Dec 1998;
Report of the ABA Task Force on the Federalization of Criminal Law, December 1998, pp. 5-19.

TUESDAY, November 7

8:30 a.m. - 12:00 noon **CLASS 5: Professor Jonathan Macey**
Law School
Yale University

Topic: Corporate Criminal Liability I

Assignment: Lott, *Corporate Criminal Liability*, pp. 492-501;
Fischel and Sykes, "Corporate Crime", 25 *Journal of Legal Studies* 319 (June 1996);
Khanna, *A Political Theory of Corporate Crime Legislation*, (Columbia Law School, The Center for Law and Economic Studies, working paper #220);
Bierschbach and Stein, "Overenforcement", *Georgetown Law Journal* 1743 (August 2005);
Karpoff and Lott, "The Reputational Penalty Firms Bear From Committing Criminal Fraud", 36 *Journal of Law and Economics* 757 (October 1993).

WEDNESDAY, November 8

8:30 a.m. - 12:00 noon **CLASS 6: Professor Jonathan Macey**
Law School
Yale University

Topic: Corporate Criminal Liability II

Assignment: Continuation of Materials for Previous Session

9:30 a.m. & 10:45 a.m. Breaks
Location: Spinnaker Room

5:00 p.m. – 6:30 p.m. **CLASS 7: Professor Renee Lettow Lerner**
Law School
George Washington University

Professor Craig S. Lerner
School of Law
George Mason University

Topic: Criminal Law and Procedure I

Assignment: Hayek, *Law, Legislation and Liberty*, Vol. 1: Rules and Orders (1973);
Robinson and Kurzban, "Concordance and Conflict in Institutions of Justice" (work in progress);
Summary of Statistics on Public Support for the Death Penalty;
Damaska, excerpts from *The Faces of Justice and State Authority* (1986);
Lettow Lerner, "The Intersection of Two Systems: An American on Trial for an American Murder in the French *Cour D'Assises*", 2001

Illinois Law Review 791;
Lerner, "Reasonable Suspicion and Mere Hunches", 59 Vanderbilt
Law Review 407 (2006).

THURSDAY, November 9

8:00 a.m. – 9:30 a.m. **CLASS 8: Professor Renee Lettow Lerner**
Law School
George Washington University

Professor Craig S. Lerner
School of Law
George Mason University

Topic: Criminal Law and Procedure II

Assignment: Continuation of Materials for Previous Session