OVERCRIMINALIZATION: THE PAST, PRESENT, AND FUTURE EXPANSION OF THE CRIMINAL LAW SYMPOSIUM

Friday, April 9, 2010
PACE LAW SCHOOL, WHITE PLAINS, NEW YORK

LUIS E. CHIESA
LUIS CHIESA IS A DISTINGUISHED FACULTY MEMBER OF PACE SCHOOL OF LAW. AS AN ASSOCIATE PROFESSOR OF LAW, PROFESSOR CHIESA WRITES ON CRIMINAL LAW AND PROCEDURE AND COMPARATIVE LAW. HE WAS THE REMBE DISTINGUISHED VISITING PROFESSOR AT THE UNIVERSITY OF WASHINGTON. PROFESSOR CHIESA HAS ALSO BEEN A VISITING PROFESSOR OF CRIMINAL LAW AT THE TORCUATO DI TELLA UNIVERSITY IN BUENOS AIRES, ARGENTINA, AND A MEMBER OF THE VISITING FACULTY AT THE SERGIO ARBOLEDA UNIVERSITY IN BOGOTA, COLOMBIA.

FEATURING SPEAKERS

PAUL H. ROBINSON
Paul Robinson is one of the world's leading scholars on criminal law and is the Colin S. Diver Professor of Law, University of Pennsylvania School of Law. Paul Robinson served as a federal prosecutor, counsel for the U.S. Senate Subcommittee on Criminal Law and Procedures, and as one of the original commissioners of the U.S. Sentencing Commission.

DOUGLAS N. HUSAK
Douglas Husak is professor at Rutgers New Brunswick and a noted criminal law theorist and legal philosopher. His work explores the connections between moral philosophy and the substantive criminal law---especially decisions about criminalization and the moral limits of the criminal sanction. This latter interest has led him to critically examine the rationale for drug prohibitions.

As a result of the so-called “war on crime” paradigm advanced for the first time during the 1960’s, federal and state governments have increasingly made use of criminal sanctions as a way to regulate our private life, families, schools, workplaces, and residential communities. This has led to what many scholars have called the problem of “overcriminalization.” Examples of this extraordinary expansion of the criminal law abound. Federal law makes it a crime to tear a tag off a mattress. Possessing drugs is an offense regardless of whether the actor intends to distribute the narcotics. Similarly, possession of burglar’s tools is a crime even if the perpetrator never attempts to break into the structure. More recently, many countries have responded to the 9/11 terrorist attacks by enacting statutes that criminalize mere membership in a criminal or terrorist organization.

Such widespread use of the criminal law raises many concerns. The prevalent criminalization of possession is troublesome because possession offenses amount to victimless crimes that prohibit conduct way before the actor attempts to engage in harmful behavior. Making it an offense to be a member of a criminal organization is problematic because it comes very close to establishing guilt by association. The purpose of this Symposium is to examine these and other issues raised by the phenomenon of overcriminalization in an attempt to learn how to make a better and more efficient use of the criminal law and how to develop doctrines that limit the use and abuse of the criminal sanction.

For information or registration please email: bzamboni@law.pace.edu

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Friday, April 9, 2010 – 8:30 AM – 6:30 PM
The Judicial Institute
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Leo Zaibert
Associate Professor and Chair of the Department of Philosophy, Union College

PROGRAM

8:00 – 8:30 am
Registration & Continental Breakfast

8:30 – 8:45 am
Welcome Introduction
Louis E. Chiera

8:45 – 10:00 am
The Expansion of the Criminal Law: Preliminary Considerations
SPEAKERS:
Iñigo Ortiz de Urbina Gimeno
Luis Zambrano
Ekow Yankah

10:15 – 10:30 am
Coffee Break

10:30 – 12:00 pm
What, When and How Much to Punish
SPEAKERS:
Fernando Molina Fernández
Paul Robinson
Stuart Green

12:00 – 1:00 pm
Lunch

1:00 – 2:15 pm
Expanding Complicity
SPEAKERS:
Carlos Gómez-Jara Díez
Marcos Ferrante

2:15 – 3:45 pm
Eroding Mens Rea and Affirmative Defenses
SPEAKERS:
Douglas Husak
Iñigo Ortiz de Urbina Gimeno
Stephen Morse

3:45 – 4:00 pm
Coffee Break

4:00 – 5:30 pm
Fighting Crime vs. Respecting Rights
SPEAKERS:
James Forman
Manuel Cincó Mellà

5:30 – 6:30 pm
Reception

DIRECTIONS

DIRECTIONS TO PACE LAW SCHOOL:
Train: From Grand Central Terminal in New York City, take the Harlem Division train to White Plains. Get off at the White Plains stop. The station is about 3/4 of a mile from the Law School. For schedule information call (800) 638-7646. There is cab service to the campus. For those wishing to walk, go east up Main Street, past the Galleria, to Broadway, across Broadway; turn left and walk several blocks (those traffic lights) to the Law School, which will be on your right.

Auto: From I-95 (Cross Westchester Expressway): If traveling east, take Exit 8 and turn right at the light on North Broadway (Route 22). Proceed to the fifth light and turn left onto campus. If traveling west, take Exit 6 and turn left at first light. Turn left at next light onto North Broadway and proceed to sixth light. Turn left onto campus.

From New York City: Major Deegan Expressway onto I-87 (New York Thruway), take Exit 8 at Elmsford onto I-87, eastbound.

From Connecticut: I-95 (New England Thruway) or Merritt Parkway or I-684 onto I-87, westbound.

For information or registration please email: bzamboni@law.pace.edu

RSVP – REGISTRATION FORM
Deadline for registration is April 2, 2010

Name
Company
Address
Phone
Fax
Email

Mail registration form to: Pace Law School
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Please note, this symposium is free of charge.

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