

Registration  
Form

**OVERCRIMINALIZATION:  
THE POLITICS OF CRIME**

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Alumni:  Yes  No Year \_\_\_\_\_

Need CLE Credit :  Yes  No

**Registration is free.**

**You May Also Register On Line At  
<http://www.wcl.american.edu/secle>**

Special Needs

Any person with disabilities attending the conference should contact us in advance at (202) 274-4075 or via email at [secle@wcl.american.edu](mailto:secle@wcl.american.edu)



American University  
Washington College of Law

American University  
Law Review

National Association of  
Criminal Defense Lawyers

&

The Heritage Foundation

*present*

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**OVERCRIMINALIZATION:  
THE POLITICS OF CRIME**

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Friday, October 29, 2004  
8:15 a.m. – 3:00 p.m.

Washington College of Law  
Suite 603  
4801 Massachusetts Avenue, NW  
Washington, DC  
[www.wcl.american.edu/secle](http://www.wcl.american.edu/secle)

Recent securities and accounting scandals, as well as prosecutions of environmental and health care offenses, have led to significant legislative and enforcement changes and have revived the debate over the role of the criminal sanction in enforcing economic regulations. While proponents of broader criminal enforcement proclaim that the criminal sanction is necessary to deter misconduct and restore confidence in our markets and society, opponents of “overcriminalization” fear that the application of criminal punishments for regulated activities creates disincentives and/or overstates blame for morally neutral conduct.

This view of overcriminalization is reflected in many contemporary developments:

- Though, traditionally, for a crime to have been committed there must be some act done in furtherance of the criminal purpose, contemporary criminal law has begun to impose criminal liability for the acts of another based upon failures of supervision that are far different from the common law’s historical understanding.
- Historically the law required that before an individual is deemed a criminal he must have acted with an intent to do wrong. In contrast, contemporary criminal law has moved further away from necessitating a *mens rea*.
- The line between *malum prohibitum* conduct and civil sanctions has become increasingly blurred, with criminal sanctions being imposed on conduct that previously would have been remedied civilly.
- While the federal government traditionally focused on prosecuting crimes committed within the United States’ borders, recently

there has been an increased legislative and prosecutorial focus on extraterritorial crimes. The symposium will comprehensively examine these developments.

## SCHEDULE OF EVENTS

### Tentative Agenda

- 8:15 a.m. Coffee and Registration
- 9:00 a.m. Welcome and Introductions
- 9:15 a.m. Panel – “Policies and Perspectives on Criminalization”
- Sara Sun Beale  
*Duke University School of Law*
  - John S. Baker, Jr.  
*Paul M. Hebert Law Center, Louisiana State University*
  - Erik Luna  
*S.J. Quinney College of Law, University of Utah*
- 10:45 a.m. Break
- 11:00 a.m. Panel – “Ramifications of the Expansion of Criminal Law”
- John Hasnas  
*George Mason University School of Law*
  - Peter Henning  
*Wayne State University Law School*
  - Geraldine Szott Moohr  
*University of Houston Law Center*
- 12:15 p.m. Lunch
- 1:00 p.m. Panel – “A Practitioner’s Guide to Overcriminalization”
- William B. Moffitt  
*Cozen O’Connor*
  - Paul Kamenar  
*Washington Legal Foundation*

- Sheldon Krantz  
*Piper Rudnick LLP*
- Margaret Love  
*Law Office of Margaret Love*

### MODERATORS:

Ellen Podgor  
*Georgia State University College of Law*

Paul Rosenzweig  
*The Heritage Foundation*

## GENERAL INFORMATION

### CONTACT INFORMATION

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### AMERICAN UNIVERSITY LAW REVIEW

The *American University Law Review* is the oldest journal at the American University Washington College of Law, recently celebrating its 50th Anniversary. The Law Review publishes articles on a broad range of topics, and is the only journal in the nation to publish a book devoted to Federal Circuit Court. Panelists will produce papers to be published in Volume 53 of the *American University Law Review*.

**Seating is limited-Register Soon!**

**CLE Credit is available.**

