

MITCHELL HAMLIN SCHOOL OF LAW

SUMMER 2022

**International Comparative Criminal Law -
Business Fraud:
From the Classroom to the Conspiracy,
to the Crime, to the Courtroom**

Syllabus

This course, a unique remote learning program, will be taught with faculty in person in London, England; in Istanbul, Turkey; and in Minnesota at Mitchell Hamline School of Law, with additional international faculty.

**John Sonsteng and Rick Petry
with
US, British, Turkish, and International Faculty**

**Monday, June 27 – Thursday, June 30
and
Tuesday, July 5 – Friday, July 8, 2022**

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Mitchell Hamline School of Law
Criminal Law and Practice:
International Comparative Business Fraud
Connecting a Global Community of Lawyers

Two academic credits

The purpose of this Summer program to provide a “taste of International Comparative Law” for those who are not able to travel.

The course is based on the universal principles of Access, Equity and Opportunity for all. The program will have faculty on site at Mitchell Hamline School of Law and in London as well international collaborators: University of Greenwich: School of Law and Criminology, London, and Bahçeşehir University, Istanbul, and additional international faculty.

Those who are attending and not expecting academic credit, may include lawyers and students from the U.S. and other countries. There will be no charge for these people to attend. The course may also be offered as a Minnesota Continuing Legal Education program for up to 24 hours at a minimal fee.

The Criminal Law and Practice: International Comparative Business Fraud course is an international law and business comparative course. The teaching and learning delivery systems are similar to the educational delivery systems used for more than a decade in the very successful and ABA recognized in-person Mitchell Hamline School of Law London summer school program. The purpose of this program is to introduce attendees to a global community of lawyers and legal systems. The course also provides all students an opportunity to experience international comparative law.

The Criminal Law and Practice: International Comparative Business Fraud course is a collaboration among the Mitchell Hamline School of Law Center for Law and Business; the University of Greenwich: School of Law and Criminology, London; and Bahcesehir University Law School, Institute for the Global Understanding of the Rule of Law (IGUL), Istanbul, Turkey.

The Classes

- Monday, June 27 – Thursday, June 30 (9:00 – 12:00 CST)
- Tuesday, July 5 – Friday, July 8 (9:00 – 12:00 CST)
- International teachers with U.S. faculty leading the sessions

Evaluations and Rubrics

- All students will submit two papers. There will be substantial detail and clear demonstrable transparent and measurable rubrics.

The course will be based on a Practicum exercise as are all Mitchell Hamline School of Law London summer school courses. Each session will contain: briefings by faculty, discussions, and analysis.

Designated issues will provide a consistent approach to the international comparison.

OVERVIEW

This class explores an international comparison of criminal law and practice. The course is taught by experienced US, British, Turkish, and international faculty who will compare US, UK, Turkish, and international criminal law and practice.

LEARNING OUTCOMES

Participants will demonstrate an understanding of the briefing topics and small group discussions by:

- Actively participating in briefing sessions
- Actively participating in class discussions
- Writing two papers summarizing the results of briefings, class discussions, research, and discussion with colleagues

COURSE MATERIALS – *all course materials are provided free of charge for all attendees*

- Practicum Exercise: *The Remarkable Case of Agnes Olafson, Luther Becklund, and the Bag of Crumbled Kookies* – available on Canvas
- University of Greenwich Materials – available electronically
- Bahcesehir University Materials – available electronically
- Articles and Electronic links
- Selected Criminal Law statutes

- Some provisions of the U.S. Constitution

COURSE READINGS

- Reading assignments are listed in this syllabus with additional readings posted on Canvas.
- Class will occur each day for three hours.

FACULTY

MITCHELL HAMLINE SCHOOL OF LAW FACULTY

Professor John Sonsteng

Professor Sonsteng holds the Martin R. Lueck and Mallory K. Mullins Professorship in Advocacy at Mitchell Hamline School of Law and he is the director of the Mitchell Hamline in London program. Prior to teaching, he was an elected prosecuting attorney and served as president of the Minnesota County Attorney's Association and was on the board of the National District Attorney's Association. He has written numerous books and articles on effective advocacy, criminal law and procedure and legal education reform. Professor Sonsteng was a Fulbright scholar and he has lectured and taught throughout the U.S. and the world. He received his J.D. from the University of Minnesota.

Rick Petry

Rick Petry is the Director of Diversity, Equity, and Inclusion at Mitchell Hamline School of Law. Prior to assuming these roles, he served as Assistant Director of career and professional development. Rick develops and leads diversity and inclusion training for faculty, staff, and students. He also serves as an adjunct professor teaching torts, advanced litigation skills, the Expert Witness Academy, and the Business Practicum. He is also an author, coach, and consultant focuses on brain health, human potential, leadership development, and helping organizations develop inclusive and high-performing cultures.

Rick joined Mitchell Hamline after representing individuals and companies for nearly 20 years as a trial attorney in criminal defense, personal injury, commercial litigation, and real estate matters.

UNIVERSITY OF GREENWICH LAW SCHOOL FACULTY

Professor Dr. Özgür Çınar

Dr Özgür H. Çınar is an associate professor at the University of Greenwich, School of Law and Criminology. He completed his PhD at the School of Law, University of Essex on the subject of conscientious objection to military service and the case of Turkey. Previously, he was a post-doc fellow at the University of Oxford between 2012-2016. Moreover, he is a lawyer and works as a legal expert for the Council of Europe. He has engaged with the criminal law cases as a lawyer. His main research interests are criminal law, business, human rights and the environment, immigration, the right to conscientious objection, freedom of thought, conscience and religion and freedom of expression. His books are as follows: *Introduction to the English Legal System* (Transnational Press London, 2021); *Introduction to Public Law and Human Rights* (Transnational Press London, 2021); *Introduction to EU Law* (Transnational Press London, 2021); *Freedom of Religion and Belief in Turkey-Religion, Society and Politics* (Palgrave 2021); *The Right to Conscientious Objection to Military Service and Turkey's Obligations Under International Human Rights Law* (Palgrave Macmillan, Pivot, 2014); *Conscientious Objection to Military Service in International Human Rights Law and Turkey* (Istanbul Bilgi University Publishing, 2014 in Turkish); *Conscientious Objection to Military Service in International Human Rights Law* (Palgrave Macmillan, 2013) and *The Effects of the European Court of Human Rights Decisions' on the Turkish Legal System* (Human Rights Association, 2005 in Turkish). He is also one of the editors of the following books: *Freedom of Religion and Belief in Turkey* (Eds., Cambridge Scholars, 2014); *Conscientious Objection: Resisting Militarized Society* (Eds., Zed Books, 2009) and *Sand in the Wheels: Conscientious Objection – Philosophical Sources and Experiences* (İletişim Publishing House, 2008 in Turkish).

Ms Ayesha Riaz is a senior lecturer at the University of Greenwich, School of Law and Criminology. She studied law and graduated with a first-class degree. She then completed the Bar Vocational course and was granted the Hardwicke Scholarship from Lincoln's Inn. She subsequently completed an LLM. She has previously worked with asylum seekers for seven and a half years whereby she assisted detained asylum seekers.

Mr Jérôme Chan is a senior lecturer at the University of Greenwich, School of Law and Criminology. He is a Programme Leader for the LLB Commercial Law programme, the LLB Law Extended programme and the LLB Law Extended (UGIC) programme. Jérôme is the module leader for Company & Partnership Law (UG) as well as Corporate Law (PG), is also a tutor for Commercial Law and is a Link Tutor for the second cohort at HKMA. His main area of interest is to harness the use of blended learning to teach law students for the past ten years. He is also very keen in Corporate law, Business law, Company law,

Employment Law and Information Technology. He is currently doing a project which looks at the benefit of using blended learning to maximize the learning capabilities of law students in the UK and Malaysia.

Dr Jing Bian, is a Lecturer in Financial Law in the School of Law & Criminology, University of Greenwich. She has published widely on the comparative financial regulation aspect, as well as China related issues. Her edited 4 volume book titled “Financial Regulation in China”, which covers the entire Chinese financial system since 1949 will be published by Routledge (London). Her book “China’s Securities Market- Towards Efficient Regulation” was published in January 2014 by Routledge (London). She has won Highly Commended Paper in the 2016 Emerald Literati Network Awards for Excellence. Dr. Jing Bian has a track record with research and practical projects for international institutions as well as international transactions. She frequently speaks at academic conferences and industry summits. Dr. Jing Bian has solid practical and commercial experiences. She is a Trust and Estate Practitioner in England and Wales, and a full member of Chartered Institute for Securities & Investment. In 2019, she has been appointed as a special consultant for Guangdong, Hong Kong, Macau Great Bay AI and Law Institute. She is an expert to the Shenzhen Mediation Expert Base, which is aimed at promoting cross border dispute settlements. Previously, she held a number of roles in financial institutions; for instance, COO of an innovative finance firm for Additive Manufacturing System. And, she was the Head of the Chinese Market for a leading Fintech company located in the City of London; also, she was a civil servant in the justice department, China.

BAHCESEHIR UNIVERSITY LAW SCHOOL OF LAW

Prof. Dr. Feridun Yenisey

Professor Yenisey is Founding Chairman of Institute for Global Understanding of the Rule of Law at Bahçeşehir University. He studied Law at the University of Istanbul. He conducted research in Austria, in Germany, and has taught courses on comparative criminal law in the USA (Syracuse University, College of Law; South Texas College of Law; William Mitchell College of Law; Kansas University School of Law; Atlanta’s John Marshall Law School; Georgia State University School of Law). He is the author of several books and articles on criminal law.

Atty. Dr. Salih Oktar

Dr. Salih Oktar obtained his Bachelor’s (1984) and Master’s degrees (Master’s thesis: Bribery Offences, 1987) from the Istanbul University Faculty of Law, where he also held the position of Teaching Assistant in the Department of Criminal Law during his master’s and Ph. D. studies. After his initial academic and teaching career of over 10 years, he co-founded the Oktar&Oktar law firm with Av. Ayla Bilgiç Oktar. There he represented

numerous prominent clients, both private and corporate, in a variety of law fields. During this time, he also provided training to intern lawyers at the Intern Training Centers of the Istanbul Bar Association and the Turkish Union of Bar Associations. After gathering considerable experience in the field, he completed his Ph. D. at the Kültür University in 2014 with a dissertation entitled “Abortion and Miscarriage in Turkish Criminal Law”. Since then, he taught courses on Criminal Law, Criminal Procedure Law and Advocacy Law in Kültür und Yakındoğu Universities. His fields of interest span a wide variety of subjects, including but not limited to Criminal Law, Criminal Procedure Law, Customs Law, Commercial and Corporate Law, as well as Trademark Law. He is a prolific translator of contemporary German criminal law literature and the author of several monographies, articles and legislation collections in the mentioned fields.

Atty. Tuğçe Duygu Köksal

Ms. Tuğçe Duygu Köksal is a human rights lawyer based in Istanbul. She obtained her law degree from the Galatasaray University and her LLM in human rights from University of Strasbourg. She wrote her thesis on “Right to medical care in detention in the light of the ECHR’s caselaw”. She is a PhD student in Human Rights at the University of Galatasaray. Between the years of 2012 and 2016, she worked at the Registry of the European Court of Human Rights as a processing lawyer. She has wide experience as a lecturer and trainer on legal issues related to the right to freedom and security, freedom of expression and migration cases. She is also acting as an expert and a trainer to the Council of Europe, IOM and UNDP in its several projects related to promotion of human rights in Turkey. In 2018, she was included on the List of Counsel before the International Criminal Court. Actually, she is Head of the Human Rights Center of Istanbul Bar Association.

COURSE CREDIT

Two credit class occurs 3:00 – 6:00 pm, London time 9:00 – 12:00 CST

GRADES

Grades will be based on two papers.

- Paper #1 (6 pages): 40% of your grade. Upload to Canvas on Tuesday, July 5 by 9:00 a.m. CST.
- Paper #2 (8 pages): 60% of your grade. Upload to Canvas on Monday, July 25 by 9:00 CST.

CLASS PARTICIPATION

You will have the opportunity to participate in both the briefings and class discussions. During the briefings, students should be engaged by both actively participating and actively listening.

- All students registered for academic credit will be responsible for writing both papers.
- All students registered for academic credit must be actively engaged in class discussions.
- Collaboration and teamwork are very important to the successful practice of law.

ASSIGNMENTS: PAPERS – Upload to Canvas

- Each student will submit two papers to Canvas with no more than two additional pages for footnotes. Each paper should be based on the daily briefings, research, readings and group discussions. **Short Papers:** The **short papers** may not exceed the designated page limit. **You MUST include your name, Short Paper #1 or #2 and the date** on your paper. The short papers must be double-spaced, using 12-point font and one-inch margins. You may also use up to 2 pages of footnotes; the footnotes do NOT count towards the total page length. Footnotes be in the same font and size. You may use all the materials provided in the course, including the discussions and briefings. You may also conduct outside research. You may consult with your colleagues.
- The papers will be graded on an A-F scale, and will be worth 40% (6 pages) or 60% (8 pages) of the final grade and should be based on briefings, research, readings and discussions. The paper should compare US, British, Turkish and international criminal law and practice.
- Contact Professor Sonsteng or Petry with any questions concerning the papers.

Please see the briefing and small group discussion outlines in the syllabus. Your papers should compare and contrast US., British Turkish and International criminal law and practice systems and should address:

- Similarities
- Differences
- Strengths
- Weaknesses

CONSULTING WITH PROFESSOR SONSTENG AND RICK PETRY

You may submit drafts to Professor Sonsteng and Rick Petry for feedback as you prepare your papers. You may ask for feedback by text or email no later than noon CST on Sunday before the paper is due.

Contact Professor Sonsteng or Rick Petry with any questions concerning your paper.

- John.Sonsteng@mitchellhamline.edu, Cell: 612-702-1024
- Rick.Petry@mitchellhamline.edu

Daily Schedules

Monday, June 27 | Day 1

Class occurs 3:00 – 6:00 p.m., London time 9:00-12:00 CST

BRIEFING:

Lawyers and Judges

- How are they trained?
- Role of lawyers: How does one become a lawyer, prosecutor, defense lawyer, judge?
- How do they get and keep their jobs?
- What is the pay?
- What do they do?
- How do they interact with others in the system?
- How much do the players get paid?
- When do the players get involved?

Tuesday, June 28 | Day 2

Class occurs 3:00 – 6:00 p.m., London time 9:00-12:00 CST

BRIEFING:

- Who decides what behavior is a crime?
- Choosing from the statutes

- Interpreting the language
- Matching the behavior to the statutes
- Elements of a crime
- The basis of criminal law
- National or regional
- Definition of crime
- Is it a crime if it is not written down in the law?
- How are words of the statute interpreted?
- Who are the victims? The investors and/or anyone who bought the Kookies expecting a 10 year Kookie life and getting only three?
- Intent to commit a crime
- The crimes:
 - Theft by fraud
 - Aggregating amounts stolen
 - Victims
 - Penalties (sentences)
 - Attempt
 - Conspiracy
 - Liability for crimes of another
- Arrests, confessions, searches
- Use of force by police

Wednesday, June 29 | Day 3

Class occurs 3:00 – 6:00 p.m., London time 9:00-12:00 CST

BRIEFING:

- The charging document
 - What is it?
 - Who prepares it?
 - Who decides?
 - What is relationship between police and prosecutor?
- The trial: judge or jury
- How does the system work?
- Who has jurisdiction?
- What does it look like?

Reminder: Short Paper #1 Assignment

THE SHORT PAPER #1 is DUE on Canvas at 9:00 a.m. on Tuesday, July 5 CST.

Upload to Canvas. **You MUST include your name, Short Paper 1 and the date** on your paper.

EVERY U.S. student who is registered for credit prepares a short paper of no more than six pages.

Thursday, June 30 | Day 4

Class occurs 3:00 – 6:00 p.m., London time 9:00-12:00 CST

Detailed review of week and preparation of short paper #1

Tuesday, July 5 | Day 5

Class occurs 3:00 – 6:00 p.m., London time 9:00-12:00 CST

Short Paper #1 is DUE on Canvas at 9:00 a.m., Tuesday, July 5 CST. Upload to Canvas. **You MUST include your name, Short Paper #1 and the date** on your paper.

EVERY U.S. student who is registered for academic credit prepares a short paper of no more than six pages.

Upload to Canvas. EVERY U.S. student who is registered for academic credit prepares paper #1 of no more than 6 pages comparing education and training, guilty pleas, jury trials and the role of judges in the US England and Turkey.

BRIEFING:

- Probable cause
- Beyond a reasonable doubt
- Arrest
- Search and seizure
- Confessions
- Use of force by police

Wednesday, July 6 | Day 6

Class occurs 3:00 – 6:00 p.m., London time 9:00-12:00 CST

BRIEFING:

- Order of trial
- Role of the judge
- Opening statement
- Direct and cross-examination
- Final argument
- Instructing the jurors

Thursday, July 7 | Day 7

Class occurs 3:00 – 6:00 p.m., London time 9:00-12:00 CST

Round table discussion with international faculty

Topics include all subjects from previous classes.

Friday, July 8 | Day 8

Class occurs 3:00 – 6:00 p.m. London time (9:00 – 12:00 CST)

Review of course and preparation of short paper #2 (8 page Limit)

REMINDER: Paper #2 due on Monday, July 25 at 9:00 a.m. CST to Canvas.

Topics include all subjects from previous classes.

Criminal Law and Practice: International Comparative Business Fraud Assessment and Feedback Form

Professor John Sonsteng and Rick Petry, Summer 2022

Papers #1 or #2 (circle)

Date & Time submitted to Canvas _____

Name _____

Effectively compares and contrasts US, British,
and Turkish criminal law and procedure 1 2 3 4 5 6 7

Effectively analyzes the role of the lawyer and judge
in a criminal matter in different jurisdiction 1 2 3 4 5 6 7

Effectively identifies and compares criminal law
and procedure in different jurisdictions 1 2 3 4 5 6 7

Effectively demonstrates an understanding of
appropriate legal and historical background 1 2 3 4 5 6 7

Effective policy discussion 1 2 3 4 5 6 7

Depth of analysis 1 2 3 4 5 6 7

Overall 1 2 3 4 5 6 7

Letter Grade: _____

Feedback:

Evaluator: _____