

**Human Trafficking**  
**Monday 3:00 PM- 4:50 PM**  
**R107**

**Law 7930[14]**  
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**Spring 2011**  
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**Introduction**

This 3 credit course is a survey of law and policy issues raised by human trafficking in the 21<sup>st</sup> century. It will include the study of relevant international law (particularly the Palermo Protocol), and domestic law (particularly the Trafficking Victims Protection Act of 2000, with subsequent reauthorization acts). The course will consider both the law in theory and as practiced, and will likewise examine a host of U.S. policy issues regarding human trafficking. The basic text for the class is *Disposable People* by Kevin Bales (2004 paperback edition).

As a human rights course, the focus of the seminar will be a victim-based perspective of human trafficking. The course will draw heavily upon anti-trafficking work conducted by the FSU Center for the Advancement of Human Rights, including direct victim advocacy, federal law enforcement training and support, legislative drafting, and policy findings and recommendations contained in the *Florida Strategic Plan on Human Trafficking*, recently completed by the Center and submitted to the Florida Legislature and Governor's Office.

The writing component of the course is designed to satisfy the Upper Level Writing Requirement of the Law School. For those wishing to fulfill the Writing Requirement, a Rough Draft of the Final Paper is due on Monday March 21<sup>st</sup>.

There is a Skills Component of the class designed to satisfy Section 302(4) of the ABA Law School Accreditation Standards (regarding "substantial instruction in professional skills regarded as necessary for effective and reasonable participation in the legal profession"). The Skills Component of the course will comprise a simulation of the 2007 *Melchor* case that was prosecuted in federal court by the U.S. Attorney Office for the Northern District of Florida, following the discovery of an international sex trafficking ring operating in Tallahassee. As part of this skills exercise, students will assume the roles of prosecutor or defense attorney teams, and will litigate the case from beginning to end. Practice skills that will be covered in this segment of the course include trial preparation, victim witness management, and the preparation and delivery of oral and written court arguments. Students will complete skill-based work involving:

- Initial interviews of trafficking victims

- Grand Jury preparation
- Opening Statements
- Direct Examination of witnesses
- Cross-Examination of witnesses
- Closing Statements

### **Grading**

Students in this course will be graded for class participation, weekly Blackboard assignments, litigation skills performance, and a final research paper. A student's final grade for the course will be weighted as follows:

Class Participation:	10%
Blackboard Assignments:	20%
Skills Performance:	20%
Research Paper:	50%

### **Course Structure**

Because of the MLK holiday, the substantive part of the course does not really begin until January 24<sup>th</sup>. From that day until spring break, there are very intensive weekly course readings and corresponding Blackboard assignments. The readings examine contentious legal and policy issues that have evolved regarding the crime of human trafficking, and will offer ample topics for the final paper to be submitted at the conclusion of the course. After the return from spring break, the focus of the course shifts to advocacy & litigation skills, and the weekly class meeting will simulate different phases of a federal human trafficking trial. The weekly assignments after spring break involve the submission of the writing components that make up the ABA practice skills requirement.

### **Class Participation & Blackboard Assignments**

Because the class meets only once a week, attendance is mandatory and class participation is calculated as part of each student's final grade. One class absence is allowed over the course of the semester, but each additional absence will result in the student's final grade being lowered by two complete letter grades (i.e., an A will become a B, a B+ will become a C+, a C+ becomes a D+, etc.).

The course is seminar-based, and as such presumes active weekly participation on the part of all students. The majority of the weekly readings will be available electronically on the class blackboard. Several questions will be posed for students with regard to each week's readings. **Students will electronically submit their reflections via Blackboard by 12:00 noon on the day of each Monday class. Even if a student is absent from class, they are still expected to complete the questions by noon on the day they are due. Late submissions or non-submissions will result in a zero score for that day.**

**Grading for the weekly Blackboard assignments are as follows:**

- 5** Very good responses, that reflect a close reading of the assigned materials and critical reflection upon the ideas presented.
- 3** Adequate responses, that indicate you have read the materials and answered the assigned questions.
- 1** It appears that you skimmed the readings like a bad second semester 3L student, answering the questions only minimally.
- 0** Assignment is submitted late or not at all

### **Research Papers**

Papers must be printed on 8.5” x 11” white paper. A title page is required, containing the title of your paper, your name, and the date. Text is to be double spaced, using **Times New Roman formatting with 12 point font**. Pages must be numbered, though page one is never numbered. Grammar, punctuation, and spelling are graded, as is bluebook form.

**The Upper Level Writing Requirement** is defined in the Student handbook as “a research paper of substantial length, which involves at least one critique of a rough draft.” For purposes of this course, the final research paper must be a minimum of 30 pages, with substantial footnotes. The rough draft of the paper is due in class on **Monday March 21st for students seeking to fulfill the Upper Level Writing Requirement**. The final draft for all students is due **April 25th at 5:00 PM**.

### **Course Outline**

January 10: Introduction to Human Trafficking (no readings)

January 17: No Class (Martin Luther King Day)

January 24: **The Global Context of Human Trafficking and the U.S. Response**

*Disposable People*, by Kevin Bales (in its entirety)

*2010 Trafficking in Persons Report—Introduction* (pay particular attention to definitions of trafficking, U.S. policy priorities, and the tier placement rankings system employed by the U.S. State Department)

*2010 Trafficking in Persons Report—Country Rankings T-Z* (focus on the tier rating explanations for the United States (Tier 1), Ukraine (Tier 2), Thailand (Tier 2 Watch List), and Zimbabwe (Tier 3).

“The United States as Global Sheriff: Using Unilateral Sanctions to Combat Human Trafficking,” Janie Chuang, 27 *Michigan Journal of International Law* 437 (2006)

Classroom discussion will address international trends in trafficking, anti-trafficking as a U.S. foreign policy objective, and the relative effectiveness of the U.S. tier ranking approach to combating trafficking globally

January 31: **U.S Domestic Responses to Human Trafficking**

“The Trafficking Victims Protection Act: A Work in Progress,” Terry Coonan, 1 *Intercultural Human Rights Law Review* 99 (2006) (skim simply to understand the legal changes introduced by the Trafficking Victim Protection Act of 2000)

“Good Intentions Are Not Enough: Four Recommendations for Implementing the Trafficking Victims Protection Act,” Dina Haynes, 6 *University of St. Thomas Law Journal* 77 (2008)

“Combating Sex Trafficking: A Perpetrator Focused Approach,” Donna Hughes, 6 *University of St. Thomas Law Journal* 28 (2008)

“Where Are the Victims? The Credibility Gap in Human Trafficking Research,” Johnny McGaha & Amanda Evans, 4 *Intercultural Human Rights Law Review* 239 (2009)

Classroom discussion will focus on the victim-centered approach employed by U.S. law in combating trafficking, varied legal assessments of the TVPA, and questions raised about the actual number of trafficking victims in the United States

February 7: **Human Trafficking in Florida**

*Florida Responds to Human Trafficking*, 2004 Research Report by the FSU Center for the Advancement of Human Rights (chapters 1 & 2)

*Florida Strategic Plan on Human Trafficking*, 2010, FSU Center for the Advancement of Human Rights (sections on Current Trends, Florida Cases, and Florida Anti-trafficking Law)

“Ending Modern Day Slavery in Florida: Strengthening Florida’s Legislation in Combating Human Trafficking,” Adam Butkus, 37 *Stetson Law Review* 297 (2007)

Classroom discussion will examine Florida cases and anti-trafficking efforts, considering generally the role that state law plays in combating trafficking

February 14: **Immigration Enforcement and Anti-trafficking Policy**

“Misery and Myopia: Understanding The Failures of U.S. Efforts to Stop Human Trafficking,” Jennifer Chacon, *74 Fordham Law Review* 2977 (2006)

“Tensions and Trade-offs: Protecting Trafficking Victims in the Era of Immigration Enforcement,” Jennifer Chacon, *158 University of Pennsylvania Law Review* 1609 (2010)

Classroom discussion will examine the effects of heightened immigration enforcement upon human trafficking

February 21: **Domestic Minor Sex Trafficking & Child Victims**

“Child Prostitute or Victim of Trafficking?” Wendi Adelson, *6 University of St. Thomas Law Journal* 96 (2008)

“Harboring Concerns: The Problematic Conceptual Reorientation of Juvenile Prostitution Adjudication in New York,” Shelby Schwartz, *18 Columbia Journal of Gender and Law* 235 (2008)

Classroom discussion will address issues raised by the recognition of prostituted minors as trafficking victims, and policy implications of this trend

February 28: **Prostitution vs. Sex Trafficking**

“Prostitution: A Violation of Women’s Human Rights,” Dorchen Leidholdt, *1 Cardozo Women’s Law Journal* 133 (1993)

“The Social Construction of Sex Trafficking: Ideology and Institutionalization of a Moral Crusade,” Ronald Weitzer, *35 Politics & Society* 447 (2007)

*DOJ Position on the William Wilberforce 2007 Reauthorization Act*

Classroom discussion will address the question of whether all prostitution is in fact sex trafficking, and policy implications of such a position.

Students will also be assigned to Defense Team or Prosecutor Team roles for the Trial Simulation that will begin after Spring Break.

March 7: No Class (Spring Break)

**Trial Simulation of the *Melchor* Sex Trafficking Case**

March 14: **Classroom Interviews of Sex Trafficking Victims**

**Assignment:** Questions for a Sex Trafficking Victim Interview

**Background Material:** *World Health Organization Ethical and Safety Recommendations for Interviewing Trafficked Women*

**Materials to be Distributed in Class:**

Evidence List for Trial  
Potential Applicable Law  
Witness Profiles

March 21: **Statements to the Grand Jury & Opening Statements**

**Assignment:** Grand Jury Submission (list of charges with list of evidence that will be used at trial to support each charge)

Or

**Assignment:** Opening Statement for Prosecution Team or Defense Team

**Background Materials:** Evidence List for Trial  
Potential Applicable Law  
Witness Profiles

Transcripts from the *Melchor* criminal trial

**Rough Drafts of Papers Due for Students Fulfilling Upper Level Writing Requirement**

March 28: **Direct & Cross-Examination of Defendant & Victim Witnesses**

**Assignment:** List of Strategic Objectives and Concerns of a prosecutor or defense attorney in conducting direct or cross examination of a human trafficking victim

**Background Materials:**

“Anatomy of a Sex Trafficking Case,” Terry Coonan, *5 Intercultural Human Rights Law Review* 313 (2010)

*Melchor* trial transcripts

April 4: **Direct and Cross Examination of Other Witnesses**

**No Assignment**

**Background Materials:** *Melchor* trial transcripts

April 11: **Direct and Cross Examination of Other Witnesses**

**No Assignment**

**Background Materials:** *Melchor* trial transcripts

April 18: **Closing Statements**

**Assignment:** Closing Statement for Prosecutor or Defense Team

**Background Materials:** *Melchor* trial transcripts

**Last class day**

April 25: All final papers due by 5:00 PM. Please deliver a hardcopy of your research paper to the FSU Center for the Advancement of Human Rights (426 W. Jefferson Street)