

# Cybercrime Phase Two: Curriculum Design and Faculty Development

BERKELEY JUDICIAL INSTITUTE

BERKELEY, CALIFORNIA

NOVEMBER 29 – 30, 2022

## Project Summary

This collaboration between the judiciaries of India and the United States is focused on designing a judicial education workshop on cybercrime. Phase One, a 10-session virtual program, offered an overview of cyber-enabled crime, including discussions of cyber-technologies, the investigation process, and related legal and procedural issues. During this workshop, we will discuss challenges judges face when presiding over criminal cases involving cybercrime and introduce participants (the “Working Group”) to curriculum development and teaching strategies. Over the next six months, working group members will develop workshop content, refine their teaching skills, and prepare to deliver two programs for district court judges at the National Judicial Academy in Bhopal.

## Tuesday, November 29, 2022

### 9:30AM Opening Remarks

Berkeley Judicial Institute Director, Hon. Jeremy Fogel, will welcome participants and deliver opening remarks.

*Hon. Judge Jeremy Fogel (Ret.)  
Director, Berkeley Judicial Institute  
University of California, Berkeley*

### 9:45AM Introductions

Participants and faculty will introduce themselves and describe their legal and judicial careers, including their experience (if any) with cybercrime cases.

*Cristobal Diaz  
Director of Outreach and Development  
CEELI Institute*

### 10:15AM Program Overview

This two-day program has four components: (i) a review of law and procedure; (ii) an introduction to adult education and interactive teaching methods; (iii) time to draft an agenda for the Bhopal workshops; and (iv) the assignment curriculum development responsibilities to working group members.

*Mira Gur-Arie  
Director, International Office  
Federal Judicial Center*

**10:30AM**      **What is Cybercrime? (Group Quiz)**

Cybercrime is any illegal activity using a computer as a weapon or target. This encompasses a broad range of conduct, including crimes directed at individuals (phishing and doxing, for example) and those attacking businesses and institutions (including ransomware and denial of service attacks). The vocabulary of cybercrime is rich: phishing, crypto-jacking, hacking, worms, virus, trojan horse, ransomware, doxing, identity theft. Criminal actors include individuals, organized crime, human traffickers, and nation states.

During this session, we will do a 'group quiz' exploring different types of cybercrime and the legal issues they raise during litigation.

*Judge Fogel*

**11:00 AM**      **Cybercrime: Review of Law and Procedure**

This session provides an opportunity to review some of the topics covered during the Phase One workshop. Using the hypothetical fact pattern, we will discuss:

- The path of a cyber-investigation
- Evidentiary issues that arise in cyber-prosecutions
- Electronic evidence
- International cooperation in transnational cybercrime cases
- Relevant international instruments

*Judge Fogel*

**12:15 PM**      **Lunch Break**

**1:30PM**      **Think-Pair-Share Activity: Adjudicating Cyber-enabled Criminal Cases**

Working in pairs of two, participants will discuss the legal, evidentiary, procedural, and technical areas that Indian judges must be familiar with when presiding over criminal trials involving cybercrime.

Each pair will identify 3-4 potential workshop topics and record their list on the distributed paper.

*Mira Gur-Arie*

**2:00 PM**      **Report Back**

1. Each pair will report back their list of topics.
2. The group will collectively nominate the top 10 - 12 topics to prepare for tomorrow morning's session.

*Cristobal Diaz*

**2:45**      **Tea Break**

**3:15PM**      **Overview: What is Adult Education?**

Judges are task oriented, self-driven, and very busy. Judicial education should provide judges the opportunity to gain mastery of essential knowledge, skills, and values. During this session, we will review the principles of adult education, discuss the meaning of judicial

“competencies,” and offer examples of general competencies for first instance judges.

*Judge Fogel*

**4:00PM Scenario Activity: Case Management and Pretrial Conferences**

Using a hypothetical scenario, the group will work through the judge’s role in active case management.

*Judge Haywood Gilliam, U.S. District Court for the Northern District of California*

**Wednesday, November 30, 2022**

**NOTE: PLEASE CHECK OUT OF THE HOTEL IN THE MORNING**

**9:00AM Cryptocurrency: What Judges Need to Know**

Cryptocurrency has become increasingly relevant to the world economy and also the world of cybercrime. Judge Faruqi is a former prosecutor with expertise in cryptocurrency and financial crimes. He will discuss the different ways cryptocurrency may arise in cybercrime cases.

*Magistrate Judge Zia M. Faruqi, U.S. District Court, District of Columbia*

**10:00AM Order the Concepts: Small Group Activity**

Participants will review the 8 - 10 topics identified during yesterday’s Pair and Share activity.

Divide into 2 groups of four judges:

- Discuss the topics. Should any other topics be added to the list? Should any be eliminated?
- Each group will prioritize its topics (written on large cards) and tape the cards to the wall, in order of importance
- After 25 minutes, we will look at results of two groups and discuss.
- Can a consensus be reached for the “Top 8” topics?

*Mira Gur-Arie*

**11:00AM Tea Break**

**11:15AM Competencies for Adjudicating Cybercrime Cases: Brainstorm**

What knowledge, skills, and attributes do judges need when presiding over cybercrimes cases?

*Judge Fogel*

**11:45AM Lunch**

**12:45PM**

### **Learning Objectives: Return to Groups**

Strong curriculum design has an internal structure based on learning objectives. These objectives reflect the demonstrable skills, knowledge, and values participants will acquire during a workshop. Learning objectives also facilitate the selection and organization of course content and instructional strategies.

- Group One will draft learning objectives for one of its 4 topics.
- Group Two will draft learning objectives for one of its 4 topics.

After 25 minutes, each group will report back.

*Mira Gur-Arie*

**1:45PM**

### **The “What” and “Why” of Learning Activities: Jigsaw Activity**

Learning activities, like those incorporated into this workshop, facilitate active participation to enhance learning and provide an opportunity to apply knowledge and practice skills. In this session, we will explore examples of learning activities, offer suggestions for design and sequencing, and practice drafting exercises.

Groups One and Two have 30 minutes to:

- Select one workshop topic
- Identify the learning objectives
- Choose a learning activity to reinforce one objective
- Prepare to present to the large group:
  - The activity and learning objectives
  - Instructions, including time needed
  - Materials (flip charts, laptop, small tables, online tools)
  - Delivery of a segment of the activity

Each group will have 15 minutes to present its activity and participants will offer feedback

*Cris Diaz*

**2:45PM**

### **Tea Break**

**3:00PM**

### **Curriculum Design and Planning**

The process of curriculum development includes many stages: assessing the learning needs of the target audience, developing educational objectives, designing activities to teach and reinforce the information being delivered, and planning program implementation. In this session we will review the design process, select and assign workshop topics, and begin to formulate an outline of the program.

*Mira Gur-Arie*

**3:30PM**

### **The Action Plan**

In this final session, we will develop an “Action Plan” for future discussion and implementation.

*Cristobal Diaz*

# INDIA – UNITED STATES JUDICIAL EXCHANGE

United States District Court  
Central District of California  
December 1–2, 2022  
Santa Ana, California



## Thursday, December 1, 2022

- 9:00 AM Welcome by Judge David Carter
- Ronald Reagan Federal Building and U.S. Courthouse  
411 West 4th Street, Courtroom 9D  
Santa Ana, CA 92701  
(714) 338-4545
- 9:15 AM Cybersecurity Presentation
- Presented by: Khaldoun Shobaki (AUSA, Cyber & IP Crimes Section, Deputy Chief) and FBI Cyber Agent
- 12:00 PM Lunch
- 1:00 PM Travel to Western Digital
- 3355 Michelson Dr.  
Suite 100  
Irvine, CA 92612
- 1:30 PM Panels with Western Digital
- Panel 1: Dark Web and Cyber Fraud with Katherine Corrigan
  - Panel 2: Data Privacy with Cynthia Tregillis
- 5:30 PM Dinner at Rutabegorz
- 158 W Main St  
Tustin, CA 92780

## Friday, December 2, 2022

- 9:00 AM Orange County Superior Court Overview
- Orange County Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701
- 12:00 PM Lunch
- 1:00 PM Pretrial Services Overview
- 3:00 PM Program Concludes