COURTS AND SOCIETY
Administration of Justice 103
Spring 2001
TuTh 1:30-2:45 in MH 520

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COURSE DESCRIPTION

This course surveys how courts in the United States, and the people who work in them, process criminal cases. We begin with an introduction to the sources of criminal law and the structure of state and federal trial courts. We then proceed to examine the basic steps of a criminal case, including arrest and charge, initial appearance and bail, preliminary hearings and grand juries, discovery and investigation, pretrial motions including motions to suppress illegally obtained evidence, plea bargaining, jury trial, evidence, sentencing and appeal. We will also examine juvenile courts in comparison to adult courts, and consider “boutique courts” such as drug courts. Along the way, we will consider the roles of the major actors in criminal courts in the United States including prosecutors, defense attorneys and judges.

REQUIREMENTS AND EVALUATIONS

Students’ mastery of the material will be evaluated through two short papers, presentations of those papers, a final exam, and class preparation and participation. More specifically, students will be required to:

1) Complete the readings prior to the class for which they are assigned;
2) Participate in class discussions;
3) Complete a minimum of six hours of courtroom observations;
4) Write two short papers (approximately 5 pages), typed, that detail the students astute courtroom observations and analyze the course materials in light of those observations;
5) Present each of those papers to the class and lead a short discussion about it;
6) Take a final exam.

A student’s final grade will be based on the following weighted evaluation of the student’s work:

25% First Paper
25% Second Paper
25% Final Examination
15% Presentation of papers and discussion of other students’ papers
10% Class discussion preparedness and participation

To measure students’ class preparedness, the instructor reserves the right to administer one or more unannounced “pop” quizzes.

FIRST AMENDED SYLLABUS
REQUIRED READING


Other required reading will be handed out or made available for purchase as the course proceeds.

FIRST AMENDED

SCHEDULE OF TOPICS, ASSIGNMENTS AND DUE DATES

Week 0: 1/25: Introductions, Survey of Course and American Criminal Procedure
Read Chapter 1: pp 2-22
Chapter 2: 32-35, 36

Week 1: 1/30: Sources of Law, Basic Structure of a Criminal Law
Chapter 3: pp. 57 (Lopez), 78-79 (Controversy), 68 (Close up), 78-82 (Text)
Chapter 10: pp 242-243 (Controversy)
Chapter 18: pp. 476-478 (Controversy)

2/1: Trial Courts: Federal and State, their judges and staff
Read Chapter 3 pp. 57-69,
All of Chapter 4: pp 86-102
Chapter 18: pp. 462-467
Ch 8 pp. 181-205

Week 2: 2/6: Enforcing the law: Prosecutors and their Offices
Read all of Chapter 6: pp. 129-154

2/8: Arrest and Charging
Read Chapter 2: p. 41,
Chapter 10: pp. 233-241, 258
Handouts

Week 3: 2/13: Initial Appearance, Arraignment on Misdemeanors, and Bail
Read Chapter 10: pp. 238-239 (Initial Appearance), p. 244-245, 258 (McLaughlin)
Ch. 18 p. 464, 470-472
All of Chapter 11: pp.262-282
Ch. 9 pp. 209-212

2/15: Defense Attorneys
Read all of Chapter 7: pp. 156-178
Week 4: 2/20: Is the Courthouse a Madhouse?  
Read all of Chapter 5: pp 106-126  
Chapter 3: pp.75-78  
Chapter 18: pp. 472-476  
Review Ch. 18: pp 462-467  

2/22: Discovery and Defense Investigation  
Read: Chapter 12 pp. 286-289, 290  
Review Chapter 6 (Prosecutors)  
Handouts  

Week 5: 2/27: Preliminary hearings, the Grand Jury and arraignment on felonies  
Chapter 10 pp. 241-251  

3/1: Pretrial Motions including the motion to exclude illegally obtained evidence  
Read: Chapter 12: pp. 289-305  
Handouts  

Week 6: 3/6: Drug Diversion, Drug Courts and Prop. 36 in California  
Read Chapter 4: pp. 100-101  
Handouts  

3/8: Oral Reports on First Court Room Observations (Pre-paper)  

Week 7: 3/13: Plea Bargaining I  
Read: Chapter 13: 308-331  

3/15: Plea Bargaining II  
Review Chapter 13: 308-331  

First Paper Due!  

Week 8: 3/20: Presentations of First Papers  

3/22: Presentations of First Papers and Review  

SPRING BREAK  

Week 9: 4/3: The right to jury trial  
Read: Ch 14: pp. 334-360, 362-363 (questions)  

4/5: Jury Selection  
Review Chapter 14: 339-343  

Week 10: 4/10: Evidence I: Finding the Truth?  
Review Ch 14 pp. 346-353  

FIRST AMENDED SYLLABUS  

3
4/12: Evidence II: The truth at what cost?
Read Chapter 9: pp. 212-227
Review Ch 14 pp. 346-353
Handout

Week 11:

4/17: Juvenile Courts, without jury trials, and trying juveniles as adults with juries
Read all of Chapter 19: pp 485-508
Handout

4/19: Proposition 21 and Juvenile Justice Reform
Handout

Week 12:

4/24: Sentencing I
Read all of Chapter 15: pp. 370-395
Review Ch. 9: pp. 212-227 (witnesses)

4/26: Sentencing II
Read all of Chapter 16: pp. 399-427
Chapter 2: pp. 39-41 (Forfeiture, Restitution)
Review Ch. 15: pp. 387-388

Week 13:

5/1: Appeals, Appellate Procedure and Writs I
Read Chapter 3 pp. 69-71,
Review Chapter 4 pp. 91-93
Read All of Chapter 17: pp. 434-457

5/3: Appeals, Appellate Procedure and Writs II
Review reading for previous class

Second Paper Due!

Week 14:

5/8: Presentations of Second Paper

5/10: Presentations of Second Paper

Week 15:

5/15: Review/Summary
Read Ch. 10: Ch. 251-257

FINAL EXAM: Friday 5/18: 12:15-2:30 p.m.

A NOTE ON LATE ASSIGNMENTS: They are unprofessional and not tolerated. Quizzes may not be made up. For papers and the final exam, only excuses as would persuade a trial judge to postpone an in-progress trial, including documentation, are accepted. Without such “good cause,” the final may not be made up. The sanction for unexcused late papers is that the grade on a late paper will be reduced one whole letter grade for each day it is late, including weekends and holidays.

FIRST AMENDED SYLLABUS