

Instructor: Dorian Dreyfuss, M.A., J.D.

Office: 525 MacQuarrie Hall

Phone (408) 924-2947; email: Dreyfussda@aol.com

Fax (408) 924-2953

Class time: M&W 12:00-1:15; office hours Mon.2:45-3:45: Wed.2:45-5:30, by appt.
Fall 2009

JS 103 COURTS AND SOCIETY

COURSE DESCRIPTION

This course will provide a survey of how courts in the United States function, with an emphasis on criminal courts. We will review the history of our court system as well as Constitutional guidelines for their functioning, basic procedural law from arrest, arraignment, grand jury indictment, trial, sentencing and appeal. All levels of courts will be examined from municipal to the United States Supreme Court. Attention will be given to courts of Juvenile Delinquency & Dependency, Military, Domestic, and International Jurisdiction. Alternative courts such as Drug, Domestic Violence and Wellness Court will be included and the subject of student observations. The roles of the major participants; defense and prosecuting attorneys, probation officers and judges will be critically examined. Controversial topics such as plea bargaining, mandatory sentences and capital punishment will inform our conclusions regarding the Justice System.

COURSE REQUIREMENTS

Students are encouraged to come to class having done the readings for that week, and prepared to discuss issues raised by the instructor. There will be two midterms and a final exam. All exams will be a combination of multiple choice, and essay. The essay part of the exams will be based on important videos seen in class highlighting critical issues in our court system. The essay question will be handed out with the Video and due with the midterm or final exam(s). In addition, students will be required to do a court observation. Information on that assignment is contained in the greensheet. I will notify students of dates that I will be available to accompany them on observations in Santa Clara County. All exams must be taken to pass the course. 2/3's of the class material must be completed in order to qualify for an incomplete. **Missed exams may only be made up with proper documentation of illness or other incapacity. Make-up exams may only be made up on the last day of class, no exceptions!!!!** We will also be using turnitin.com for our papers.

REQUIRED TEXT

David Neubauer, American Courts and the Criminal Justice System (9th edition).
Wadsworth Publishing, 2008.

Raymond Kellser, Study Guide for American Courts and the Criminal Justice System; Wadsworth Publishing, 2005.

Steve Bogira, Courtroom 302, a Year Behind the Scenes in an American Criminal Courthouse; Alfred Knopf, 2005

EVALUATION

Midterm #1	30%
Midterm #2	30%
Observation	10%
Final exam	30%

The grades will be determined by a class generated curve. Missed exams may only be **taken on the final day of class with proper documentation of illness or other emergency. Only one exam may be missed!** Students should always be aware of their class standing. Please be aware that **I consider professional ethics very important, as such, recycled presentations, and cheating on exams will receive an automatic 'F'. It is the sole discretion of the instructor whether the student will also receive a failing grade in the class and be referred for University disciplinary action. Students should be aware that future employers will want access to students University records, and indiscretions may follow you through a lifetime. Inappropriate student action may also be reported to the Office of Student Ethics. Blackboard will be used to post grades, assignments and some lectures. <http://sjsu6Blackboard.com>**

ATTENDANCE AND PARTICIPATION

Please be prepared and punctual. Turn off your cell phones; excessive talking during lectures is disturbing to other students and the instructor. I encourage thoughtful discussion and response to lectures—those who participate regularly may have their final grade enhanced by ½ grade point—B to B+ etc. **Do not ask the instructor for her lecture notes, it is your responsibility to attend class or find a note sharing buddy. If students could supply me with a picture of themselves, it would go a long way towards my learning all of your names. It would also significantly improve your participation points.**

STUDENTS WITH DISABILITIES

Students with disabilities who need accommodation must register with the Disability Resource Center, document it, and determine the services and accommodation needed for student success. The DRC will contact the instructor with the types of consideration needed. Students must register with the Center during the first three weeks of the semester. Their website is : <http://www.drc.sjsu.edu/>.

CHEATING AND PLAGIARISM

In accordance with University Policy, students caught cheating or plagiarizing will both fail the entire class and be referred to the University Judicial Affairs Officer. If you are considering a career in the Justice System, be aware that reports of cheating will go on your permanent academic record and thus may be discovered by employer's background investigations. For more information, take the SJSU Library Tutorial at <http://tutorials.sjlibrary.org/plagerism/index.ht>

COURSE SCHEDULE

- Week of 8/24 Introduction and class procedures
Cp. 1 Courts, Crime and Controversy (should be read before class)
**PLEASE READ ONE CHAPTER A WEEK IN COURTROOM
302 AND FINISH IT BY THE END OF THE SEMESTER.**
Famous Trial #1
Visit the Bureau of Justice Statistics Website at
<http://www.ojp.usdoj.gov/bjs>.
- Week of 8/31 Law and Crime
Cp. 2
Civil vs Criminal jurisdiction/criminal law vs civil law
Visit <http://www.commonlaw.com/>. and download a case
Find a copy of the Bill of Rights online and download it.
Discussion of court observations
Famous Trial #2
- Week of 9/7 *No Class Sept. 7th*. Federal Courts
Cp.3
Visit the USSC website(google USSC)
Famous Trial #3; Military Jurisdiction & Court Martials
Set up court observations
- Week of 9/14 State Courts/Dynamics of Courthouse Justice
Observation; California Supreme Court, San Francisco-
tentative
Cp.4-5; essay question due with Midterm #1 distributed.
Video: **Frontline: The Plea**
Famous Trial # 4

- Week of 9/21 Continuation of previous week's assignments
 Begin Cp. 6 Prosecutors, local-state-federal-Attorney Generals' role, power, misconduct, ethics issues.
 Selective prosecution.
Reciprocal discovery rules
Famous Trial #5
- Week of 9/21 **First Midterm Sept.30th. Essay due; no late essays excepted!**
 Cp. 7 Defense Attorneys, historical role, cost of indigent defense, Representation of the marginalized in society.
Famous Trial #6/ Video Frontline: Public Defenders of San Francisco
 Review case law on Right to Counsel
- Week of 9/28 Continue material from 3/2, exams returned.
 Cp. 8 Judges, selection process, diversity, misconduct, ethics.
Famous Trial #7
- Week of 10/5 Defendants and Victims; demographics,
 Victim Rights Movement, Victim Impact statements,
 Compensation programs; Cp. 9 text
 Charging, prelims, grand jury, attrition.
Famous Trial #8
- Week of 10/12 Cp. 11 Bail; who gets it, how does the system work?
 Case law reforming the process;
 Cp. 12 Disclosing/suppression evidence
 Exclusionary rule, confessions, Motions to Suppress
Famous Trial #9
- Week of 10/19 Cp. 13 Plea Bargaining, dynamics, equity, ethics.
 Voir Dire Forms
 Cp. 14 Begin the Trial Process; right to jury trial,
 Prosecutions case/intro of evidence
 Defense case/objections, cross examination/affirmative defenses
Review for second midterm

Week of 10/26	<p>Second Midterm Oct. 28th Cp. 15 Sentencing, philosophies, history, legislative responsibility Restorative justice, imposition, probation, monitoring, jail, Community service, prison, death penalty. Famous Trial # 10</p>
Week of 11/2	<p>Cp. 16 Sentencing decisions, discrimination, economic status, Gender and race. Famous Trial #11</p>
Week of 11/9	<p>Cp. 17 Appellate Review, process, procedures, review, Controversy. Video: Frontline: <u>Scottsboro, An American Tragedy.</u> Essay due with final. Famous Trial #12</p>
Week of 11/16	<p>War Crimes & International litigation Class notes only.</p>
Week of 11/23	<p>No class Nov.25th Continue Internatinal issues; notes only Make-up missed exams</p>
Week of 11/30	<p>Small group discussions/review/last day of class12/2</p>
Final Exam	<p><u>Tuesday December 15th 9:45-12:00</u> EXAMS WILL NOT BE GIVEN OUT AFTER THE FIRST 15 MINUTES.</p>

103 COURT OBSERVATION ASSIGNMENT

All students are required to complete a Court Observation and submit a paper 5-7 pages in length based on observations made over at least 3 hours. At least two different types of court proceedings must be observed—arraignments, preliminary hearings, trials, sentencing etc. These will all be discussed in class. The point of the assignment is to critically compare what you see with what you have learned in class and well as preconceived notions based on media (television and motion pictures).

The paper must include a description of the courtroom work group, lawyers, judge, clerks, probation officers, bailiffs etc. Can you draw a conclusion regarding their communication with one another? Can you understand what is going on? Are there special difficulties victims, witnesses and family members are experiencing? Are translators and other support personnel in use? Is the media present? Courtroom artists?

Don't be shy about talking to people in the Courthouse, some will be helpful, others busy. Keep trying, your knowledge of the proceedings will be that much more enriched. It would probably be wise to observe in groups of 2-4. You will appear more officious and be less reticent asking questions. Also, your experience will be more educational if you share it with other students.

PROCEDURE:

1. LOCATE THE COURT YOU WANT TO OBSERVE (SEE ATTACHED)
2. INCLUDE IN YOUR PAPER THE LOCATION OF THE COURT
3. NATURE OF THE PROCEEDINGS—MAKE SURE YOU UNDERSTAND WHAT YOU ARE OBSERVING!!!!
4. WHO IS PRESENT IN THE COURTROOM? COURTROOM WORK GROUP INTERACTION—COOPERATIVE, ADVERSARIAL, CONTENTIOUS?
5. DESCRIPTION OF WHAT WAS OBSERVED-ALL WHO WERE PRESENT IN THE COURTROOM, ANYTHING UNUSUAL OR UNEXPECTED?
6. MAKE NOTE OF THE DEFENDANT(S). CHARGES, DEMOGRAPHICS .
7. OUTCOME?
8. REMEMBER, MUCH OF WHAT WE HAVE COVERED HAS BEEN CRITICAL OF THE SYSTEM, PERHAPS YOUR OBSERVATION WILL SURPRISE YOU!

LOGISTICS:

1. CALL THE CLERKS—NUMBERS ARE ON THE WEBSITE TO MAKE SURE COURT IS IN SESSION THE DAY YOU WANT TO OBSERVE.
2. YOU WILL GO THROUGH SECURITY. PREPARE ACCORDINGLY.
3. YOU ARE IN COURT REPRESENTING SAN JOSE STATE UNIVERSITY, DRESS ACCORDINGLY.
4. BRING MATERIALS TO TAKE NOTES.

**SANTA CLARA COUNTY SUPERIOR COURTS
VISIT THE WEBSITE FIRST!**

[HTTP://WWW.SCCSUPERIORCOURT.ORG/](http://www.sccsuperiorcourt.org/)

LOCATIONS, PHONE NUMBERS, OTHER IMPORTANT INFO.

**CRIMINAL COURT-TALK TO THE SHERIFFS WHEN YOU GO
THROUGH SECURITY**

200 HEDDING ST.

SAN JOSE, CA. 95110

(408) 299-2974

**TERRAINE STEET ANNEX-CALL THE CLERKS FIRST!
DRUG COURT/ CHILD DEPENDENCY**

115 TERRAINE ST.

SAN JOSE , CA. 95113

PALO ALTO BRANCH

270 GRANT AVE. ROOM 202

PALO ALTO, CA. 94306

GILROY COURT FACILITY

7350 ROSANNA STREET

GILROY, CA.95020

Js 103 Dreyfuss Video: Scottsboro- An American Tragedy; Written portion of final exam. Due with final exam.

Please describe the 4th, 5th, 6th, 8th, 14th amendment violations Exercised by the criminal justice system, as well as judicial misconduct, and prosecutorial misconduct in the context of the culture of the South in the the 1930's. The following concepts will be integral to your analysis. Pay close attention & take notes. Paper must be typed and no longer than 7-8 pages. Be concise, cogent, edit and check grammar.

-Race, sex, politics in the struggle for justice

-stereotypes

-towns response to women's accusations

-pretrial publicity

-presence of national guard

-lynching

-legal representation

-verdicts

-role of Communist/labor/NAACP/Sam Liebowitz

-jury composition

-crj racism

-perjury

-sentencing

-motions for new trial

-bail/denial

-incarceration/split acquittal/parole/aftermath

JS 103 COURTS & SOCIETY

WRITTEN ASSIGNMENT FOR FRONTLINE VIDEO THE PLEA.

Assignment is due Midterm # 1. **No late assignments will be accepted.**

These are short essay questions to be answered separately. Answer them in order and do not run them together as one essay.

- 1. Erma Faye Stewart & Regina Kelly;** How were the competing goals of financing a criminal court system and due process illustrated in the context of drug sweeps, bond, pleas, dismissals and long term probation?

- 2. Charles Gampero;** What role did the father of the victim play in the criminal investigation and trial? Was there a problem with the plea negotiations? Was there an appearance of either abuse of discretion or judicial misconduct?

- 3. Patsy Kelly Jarrett;** What went wrong in her criminal prosecution? Who became her advocate and with what result?

- 4. Kerry Max Cook;** What was the miscarriage of justice in Kerry's case? What was the Alford Plea? Did it help him? What was the legal outcome for Kerry?

JS 103 Dreyfuss Worksheet for Video Presumed Guilty-Frontline PBS
WRITTEN SECTION OF MIDTERM #2 25 POINTS, MUST BE TYPED, DOUBLE
SPACED, DUE WITH THE SECOND MIDTERM; EXTRA CREDIT FOR
EXCELLENT& THOUGHTFUL RESPONSES.

- 1.What was your impression of the Public Defenders?
- 2.What is the philosophy of the Public Defenders office?
- 3.What percentage of criminal defendants in S.F. need a Public Defender? Did the defendants fit the general view of a criminal defendants?
- 4.How would you assess the relationship between public defenders and their clients?
- 5.How would you rate the various judges?
- 6.How did the Public Defender's backgrounds contribute to their motivation?
- 7.Did the plea bargain process seem fair to you? Why or why ?
- 8.What is required before anyone may be held in contempt and jailed by the judge?