

ADMINISTRATION OF JUSTICE 103
COURTS AND SOCIETY

Instructor: Mona Lynch
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Class meetings: T-Th. 10:30-11:45 AM--MH 523
Office hours: T 9:30-10:30 AM & 2:00-4:00 PM; Th. 9:00-10:30 AM & 1:15-1:45 PM

COURSE DESCRIPTION

This course will systematically cover the basic components of the US courts, with an emphasis on how criminal cases proceed through the court system. We will begin with an overview of the US court history, structure, and function, and an introduction to basic procedural and substantive criminal law. We will move on to a discussion of some of the contemporary court processes and practices, including charging and arraignment, plea bargaining, the trial process, sentencing, and post-sentence processes. In this section we will begin with the role of judges, juries, prosecutors, defense attorneys, and corollary legal actors in the adjudication process. The other major component of the course will entail the examination of series of special issues and problems related to contemporary criminal courts, including 3 strikes cases, federal drug cases, capital cases, influences of race, class, and gender on court outcomes, sex offender laws, and political influences on courts and their participants. Throughout the course, we will examine the gap between the ideals of the court system and the realities of its operations.

COURSE REQUIREMENTS:

In addition to participating in the class discussions and activities on Tuesdays and Thursdays, you are required to:

- 1) Complete the required readings prior to the class for which they are assigned.
- 2) Complete a minimum of 4 hours of independent court observation.
- 3) Plan 1 set of discussion section topic questions and lead one discussion section related to the readings and/or your court observations & turn in brief discussion section summary.
- 4) Turn in a typed 3-4 page paper that will involve synthesizing course materials and readings with your own court observations.
- 5) Take 1 in-class quiz.
- 6) Take 2 in-class objective format exams (a mid-term and a final) that will cover the readings and lecture materials.

REQUIRED TEXTS:

Gary Rabe & Dean Champion (2002). Criminal Courts: Structure, Process, and Issues. Prentice-Hall Publishing. Available at Spartan Bookstore and Roberts.

Lynch AJ 103 Reader (2001). Available at Maple Press, 431 E. San Carlos (next to Subway, just past 10th Street).

GRADING, MISSED EXAM & LATE ASSIGNMENTS POLICY

Only legitimately excused missed exams, tests, and assignments may be made up. My policy for what constitutes legitimate excuses will be outlined during our first class meeting. Only under extreme and unavoidable emergency circumstances will you be able to make up an exam for a legitimate excuse if you have not given notice of your absence before the actual scheduled exam period. In other words, don't report your absence after the exam was given, unless you can document your complete and total inability to do so before the exam. You may only make up 1 scheduled exam/quiz during the semester, so if you are not in attendance for more than 1, you will receive zero points for any additional missed exams or tests. The missed quizzes and midterms will be taken on the final day of class: Thursday, December 7. The make-up exams will be in a different format than the original exams. The missed final period will be arranged only if absolutely necessary, and will also be in a different format than the original final.

The court paper deadline is a firm deadline. Each day (including weekends) that your paper is late will result in a 5 point deduction from your grade for that assignment. Again, only legitimate excuses as outlined in the first class meeting will be accepted to avoid the late penalty. Computer / printer breakdowns are generally NOT legitimate excuses. Your final grade for the course will be based upon your performances on the in-class exams, the assignments, and the final project, as follows:

Quiz:	100 points maximum
Midterm:	300 points maximum
Final:	300 points maximum
Discussion section:	100 points maximum
Court paper:	200 points maximum
Total possible:	1000 points

A range = 900 points or above

B range = 800-899 points

C range = 700-799 points

D range = 600-699 points

F = 599 points or below

TENTATIVE SCHEDULE OF TOPICS / ASSIGNMENTS / DUE DATES:

WEEK 1 (August 28-30): Overview of course and brief history of courts.

Read: Textbook, chapter 1 & Reader Chapter 1.

WEEK 2 (September 4-6): State and federal courts.

Read: Textbook, chapter 2.

WEEK 3 (September 11-13): Prosecutors.

Read: Textbook, chapter 3 & Reader, chapter 2.

WEEK 4 (September 18-20): Defense attorneys & judges / case study: mandatory minimums and limiting the judicial role.

Read: Textbook, chapters 4 & 5.

WEEK 5 (September 25-27): Defendants, victims, and witnesses.

Read: Reader, chapter 3.

IN-CLASS QUIZ ON TUESDAY, SEPTEMBER 25.

WEEK 6 (October 2-4): Arrest, arraignment, and bail / case study: Bias in bail proceedings.

Read: Textbook, chapter 7; Reader, chapter 4.

WEEK 7 (October 9-11): Evidence in the courts / case study: snitches in federal drug cases.

Read: Reader, chapter 5.

WEEK 8 (October 16-18): Finish case study/exam review.

MIDTERM EXAM ON THURSDAY, OCTOBER 18

WEEK 9 (October 23-25): Plea bargaining.

Read: Textbook, chapter 8; Reader, chapter 6.

WEEK 10 (October 30-Nov. 1): Criminal trials and the role of the jury.

Read: Textbook, chapters 6 & 9.

WEEK 11 (November 6-8): **NO FORMAL CLASSES ON THURSDAY, NOVEMBER 8:
DO YOUR COURT OBSERVATIONS & BEGIN PAPERS**

WEEK 12 (November 13-15): Sentencing & appeals / case study: 3 strikes laws
Read: Textbook, chapter 10.

WEEK 13 (November 20): Juvenile courts.

Read: Textbook, chapter 11.

PAPERS DUE IN CLASS ON TUESDAY NOVEMBER 20.

NO CLASS THURSDAY--THANKSGIVING.

WEEK 14 (November 27-29): Case study: Capital cases.

Read: Reader, chapter 7.

WEEK 15 (December 4-6): Case study: Racialized justice, politics, and the courts.

Read: Reader, chapter 8.

WEEK 16 (December 11):

Make-up exam/quiz day.

**Final exam during scheduled period (note later starting time): Friday, December 14,
10:45 AM-12:00 noon (NOTE LATER START TIME).**

FALL 2002

COURTS AND SOCIETY

AJ 103

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Catalog Course Description:

Structure and functions of the court system. Emphasis on roles of prosecutor, defense attorney, judge, jurors, and witnesses. Dynamics of the court process. Examination of current legislation and Supreme Court decisions.

Course Prerequisites: Upper division major status or consent of the instructor.

Course Requirements:

Required Texts: James Calvi and Susan Coleman, **American Law and Legal Systems**, 4th edition (2000), available at the campus bookstore; also Perry AJ 103 Course Reader, available at Maple Press, 431 East San Carlos (next to Subway, just past 10th Street).

Reading Assignments: Please complete all reading assignments before the class in which they are to be discussed. All tests, class discussions, and the final exams will be based on these readings. There will not be a large number of pages to read for each class, but students will be expected to know the material well.

Testing and Evaluation: There will be two in-class midterm examinations and a final examination at the time assigned to this course section by the University and published in the Fall 2002 schedule of courses. There is also a requirement of at least four hours of court observations and a 3-4 page descriptive paper to be submitted at the last regular class meeting. The two in-class mid-terms will each count for 25% of the course grade, the observation paper will count for 10% and the final exam will count for 30%. Individual class participation and general preparedness for class discussion is strongly encouraged and will count for as much 10%, i.e., as much as a half grade-point upward or downward, as determined by the instructor at the end of the course.

Schedule of Reading Assignments:

Week 1 Calvi & Coleman: Preface and Chapter 1: The functions of law in society, law's sources, public and private law, example case: *Bob Jones University v. United States* (1983).

Week 2 Calvi & Coleman Ch. 2 – History of law and courts in the U.S.; the common law tradition contrasted with Continental and other systems, the doctrine of precedent; American legal training and the sociology of the legal profession.

Week 3: Calvi & Coleman Ch. 3 – Court Organization in the U.S., state and federal jurisdiction; appellate court function, courts of last resort; territorial and subject matter jurisdiction; the process and politics of judicial appointments.

Week 4: Calvi & Coleman Ch. 6 – Constitutional Law in the U.S.; judicial review and constitutional interpretation; state incorporation of federal constitutional protections; major constitutional principles that

affect U.S. courts (*due process, equal protection, cruel and unusual*; the 1st, 4th, 5th, 6th, 8th, and 14th Amendments).

Week 5: Calvi & Coleman Ch. 5 – Limitations: court gatekeeping and access to justice; judicial discretion, restraint, and activism; standing, mootness, venue, forum shopping, statutes of limitation.

Week 6: Calvi & Coleman Ch. 7 – Criminal Law and Procedure: theories of criminal sanction; *mens rea* and blameworthiness; standards of proof; search and seizure, self-incrimination, right to counsel, the exclusionary rule; the particularity of capital trials and the juvenile justice process.

Week 7: Calvi & Coleman Ch. 4 – Procedure and Evidence: mediation, arbitration, and alternate dispute resolution; pre-trial pleadings and discovery; voir dire; presentation of evidence, expert witnesses and other testimony, the hearsay rule.

Week 8: First mid-term exam; Calvi & Coleman Ch. 13– Conclusion, summation of interdisciplinary study of courts and society .

Week 9: Further topic I – The Politics of Court Processes: Video *Eyes on the Prize, episode 1*; Course Reader: Martha Minow “Politics and Procedure” (recommended reading on courts and social change in Course Reader: Sally Engel Merry “Courts as Performances: Domestic Violence Hearings in a Hawai’i Family Court”).

Weeks 10 & 11 Further topic II – Race and Criminal Procedure in U.S. Courts: Course Reader: Michael Tonry “Racial Politics, Racial Disparities and the War on Crime,” Tracy Maclin “Race and the Fourth Amendment”; Video *America in Black and White: Racial Profiling in Law Enforcement*.

Weeks 12 & 13 Further topic III – Lawyers’ Roles in U.S. Criminal Court Process: Course Reader: Abraham S. Blumberg “The Practice of Law as a Confidence Game: The Co-optation of a Profession,” Albert Alschuler “Plea Bargaining and Its History”; Video *Snitch*.

Week 14 Second mid-term exam; Video *The Thin Blue Line*.

Weeks 15 & 16 Further topic IV – Course Reader: Michael Radelet and Glenn Pierce “Race and Prosecutorial Discretion,” Jonathan Simon and Christina Spaulding “Tokens of Our Esteem: Aggravating and Mitigating Factors in an Era of Deregulated Death Penalties,” Mona Lynch “The Disposal of Inmate #85271: Notes on a Routine Execution.” Observation papers due, course review.

December 17, 18: Final Exam.