

**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

Required Text: David W. Neubauer, America's Courts and the Criminal Justice System (6<sup>th</sup> ed. 1999) published by West/Wadsworth

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**  
Read Chapter 2: pp. 26-31, 35, 37-39, 43-54  
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

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**