

Professor: Richard Perry, J.D., Ph.D.

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Office Hours: Tuesdays and Thursday 10:00–10:30 and 12:30–1:30; also Thursday 2:45–4:45

Catalog Course Description:

This course critically examines the structure and functioning of the criminal court system in the United States, with particular attention given to the ways in which criminal courts do or do not deliver “equal justice for all.” Included are considerations of plea bargaining, jury decision-making, the role of prosecutors and defense attorneys, wrongful convictions, specialized courts such as drug and juvenile courts, and race, class and gender inequality in criminal court processing.

As a graduate seminar, the course will emphasize reading, discussion, and oral and written analysis. A significant part of your grade is based on class participation, so it will be essential for you to keep up with reading, attend class regularly, and contribute to class discussions.

Note: This syllabus is based heavily on the previous offerings by Professor Lucas, who usually teaches this course. Her hard work and generosity are very much appreciated. Students can expect minor adjustments in this syllabus as the semester progresses.

Required Texts

1. G. Larry Mays & Peter R. Gregware, eds., *Courts and Justice: A Reader*, 2d edition (Prospect Heights, IL: Waveland Press 2000). Assigned readings from Mays & Gregware are indicated below as M&G.
2. Malcolm M. Feeley, *The Process is the Punishment: Handling Cases in a Lower Criminal Court* (NY: Russell Sage Foundation 1992).
3. Barry Scheck, Peter Neufeld, and Jim Dwyer, *Actual Innocence* (New York: Signet 2001).
4. Course reader, available at Maple Press, 481 E. San Carlos near 10th (by the Subway shop at the edge of campus).

Requirements and Grading

You are responsible for keeping up with the assigned reading and being prepared to discuss it in class. Active participation in class will count for 30% of your grade. Each week, two students will be responsible for leading the discussion of that week’s reading. Everyone is required to come to class with five discussion questions based on that week’s readings; if possible, please email or fax your questions, or drop them off at my office, before class starts.

Your grade will be based on the following: 30% class participation, 20% presentation, 20%

written summary, 30% term paper.

Your **term papers** should be about 10-15 pages long. You will be expected to read and critically evaluate a book from the a pre-arranged list, or a book of your own choosing related to one of the topics covered in this course. You will also do a brief presentation to the rest of the class about the book you have read, and turn in a summary of the main *analytical* points of your presentation about the book.

Guidelines for your term papers will be handed out. The written summary you turn in when you do your presentation will, ideally, be an outline or rough draft of the points you want to make in your term paper. Thus, the more polished you have made it, the more useful the comments will be in helping you turn it into a final analytical paper. It is crucial that your term paper not just be a simplistic “book report,” where you recount the author’s arguments. Please follow the attached guidelines carefully, and ask questions about anything that is not clear.

Two or three students will present as a group on each book. In your presentations, your group will be serving as the “expert” on your book’s topic for the rest of the class. You will be presenting the author’s main arguments to the class, to deepen our study of the particular topic at hand. The presentations serve two purposes: they should help you decide what to cover in your final paper, and they introduce the rest of the class to relevant scholarship on criminal courts without making every student buy 10 books for the class, instead of four. Your group should aim for a 30-minute presentation (maximum). Please *practice* these: you need to cover the author’s main points clearly and concisely, and you will be cut off if you talk for too long. So to get a good grade for your presentation, you can’t “wing it.” Moreover, each student in your group should be responsible for part of the presentation, so that each student gets credit. You may simply do an oral presentation, or you may bring in overheads, Power Point displays, handouts, etc.

You may (indeed, should) collaborate with the other members of your group on your oral presentations, but your written summaries and final papers must be individually written. Students will receive no credit if they turn in identical, or substantially similar, summaries or final papers.

Course Outline, Reading Assignments, and Exams

Week 1. Thursday January 29th: Introduction to course. No reading assignment.

I. Courts’ Social Role

Week 2. Thursday February 5th: On the Social Conditions of Possibility for a Legitimate Criminal Court System; *Read for class*: Mark Drumbl (1998), “Rule of Law Amid Lawlessness: Rwanda’s Domestic Genocide Trials.” Review of basic concepts of courts and the trial process.

Week 3. Thursday February 12th: Justice, Dispute Resolution, Accountability

Read for class: M&G, Chs. 1,3,27, 28 (Gibeaut, Pahl)

II. Criminal Court Actors

Week 4. Thursday February 19: Prosecutors, Defense Attorneys

Read for class: Course Reader

M&G Chs. 16-18, 26, 30 (Gershman, Uphoff, Worden, Kessler, Milovanovich)

Week 5. Thursday February 26: Judges, Expert Witnesses

Read for class: Course Reader

M&G Ch. 20 (Minow)

Student Presentations

Week 6. Thursday March 4: Juries

Read for class: Course Reader

M&G Chs. 7-11, 19, 31 (Steele & Thornburg, Kassin, Levine, Hartmus & Levine, Schefflin & Van Dyke, Dodge & Harris, Andrias)

III. Pretrial Processes

Week 7. Thursday March 11: Arrest, Bail, Drug Testing

Read for class: Course Reader

Student Presentations

Week 8. Thursday March 18: Plea Bargaining

Read for class: Course Reader

M&G Ch. 6 (Harris)

IV. Conviction & Sentencing

Week 9. Thursday March 25: Wrongful Conviction, Victim Participation, Mandatory Sentencing

Read for class: Course Reader; Scheck et al, *Actual Innocence*.

Student Presentations

Thursday April 1st: SPRING BREAK

V. Critiques of Criminal Court Functioning

Week 10. Thursday April 8: Status Biases (Gender, Class)

Read for class: Course Reader

M&G Ch. 15 (Hemmens, Strom & Schlegel)

Student Presentations

Week 11. Thursday April 15: Effect of Processes on Accused
Read for class: Feeley, Chs. 1-5

Week 12. Thursday April 22: Effect of Processes on Accused, continued
Read for Class: Feeley, Chs. 6-9

VI. Specialized Courts

Week 13. Thursday April 29: Juvenile Courts
Read for class: Course Reader

Week 14. Thursday May 6: Drug Courts, Courts for the Mentally Ill
Read for class: Course Reader
M&G, Chs. 23, 24 (Arnold et al., Slate)
Student Presentations

VII. Proposed Criminal Court Reforms

Week 15. Thursday May 13: Reforms & Alternatives to Existing Institutions & Procedures
Read for class: M&G, Chs. 25, 29 (Winterfield & Hillsman, Bradley)
Student Presentations

FINAL PAPERS DUE: Thursday May 20th 5:30pm.