



Courts and Society – JS 103

Fall 2006 -- Syllabus

Instructor	Dan Peak	E-mail	dcpeak@comcast.net
Phone	(408) 398-2070	Office Hours	Tuesday & Thursdays 10:30 a.m. - 12:00 p.m. & Thursdays 4:00 p.m. - 5:30 p.m.
Room	MH 324	Web	www.danpeak.com

Course Description:

This course is designed to familiarize the Justice Studies Student with Structure and functions of the court system, with emphasis on the roles of the prosecutor, defense attorney, judge, jurors and witnesses. Dynamics of the court process will be described and observed first hand and the students will be introduced to legal precedent, finding and understanding laws and appellate court decisions. Prerequisite: Upper division standing.

Course Learning Objectives:

This course takes the student on a virtual and actual tour of the criminal justice system in action. It will examine the courts from the perspective of the criminal defendants, victims of crime, actual and potential, witnesses and law enforcement personnel, the attorneys, both prosecution and defense, court support personnel, jurors and judges. There will be an examination of the historical background of courts with emphasis on several history making cases that helped to produce the present day criminal justice system. The roles of the various actors in the court system will be examined through the basic steps of the criminal case. These steps include, arrest, booking, charging, arraignment, pretrial motions, trial, sentencing and appeal. Two primary diversions from the mainstream criminal court system will be considered: the juvenile courts and the new trend to drug courts. This course covers courts throughout the United States, but emphasis will be given to the California courts to facilitate understanding.

Text:

Required text: David W. Neubauer, America's Courts and the Criminal Justice System (8th ed. 2001) published by Thomson Learning.

Other reading may be required as the course proceeds. Additional readings will be announced in class. The students are expected to attend classes to learn what adjunct assignments are required.



Course Requirements and Grading:

Student's mastery of the material will be evaluated through observation of the student's class participation and execution of assignments in addition to the student's performance on midterm and final examinations. The assignments will include a short paper detailing observations made during a minimum of four hours of courtroom observations, and a paper comparing a movie depiction of court processes with what the student learns in this course. The papers should each be about five pages, typed. More specific requirements will be provided in separate instructions.

Class participation will be graded through observation of the student's participation in discussions and by several short, unannounced writing assignments in class related to the reading for that week. These are commonly called "pop" quizzes. Students should attend all meetings of their classes, not only because they are responsible for material discussed therein, but also because active participation is frequently essential to insure maximum benefit for all members of the class. Attendance per se shall not be used as a criterion for grading, but the results of unannounced "pop" quizzes will be included in the final grade.

Court Observation:	15%	Movie Analysis:	10%
Class Participation:	5%	Mid Term Exam:	30%
Final Examination:	40%		

Students are encouraged to telephone Mr. Peak, stop by the office or communicate via email whenever there is any question or the student simply wants further discussion of the curriculum. Every student is expected to have access to a computer. New assignments and other communications may be distributed by email or on the internet at: www.danpeak.com.

"Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University's Academic Integrity Policy requires you to be honest in all your academic course work. Faculty are required to report all infractions to the Office of Judicial Affairs. The policy on academic integrity can be found at: <http://info.sjsu.edu/web-dbggen/narr/catalog/rec-2267.html>." Cheating includes, among other things, plagiarism. Plagiarism as defined at the above website will not be tolerated. It is the student's responsibility to know what plagiarism is and each student will be expected to have participated in the plagiarism tutorial at: <http://tutorials.sjlibrary.org/plagiarism/index.htm>.


"If you need course adaptations or accommodations because of a disability, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible, or see me during office hours. Presidential Directive 97-03 requires that students with disabilities register with DRC to establish a record of their disability."



JS 103 Fall 2006 Course Schedule

DATE	SUBJECT MATTER	ASSIGNMENTS DUE
8/24	Introductions and description of course. Overview of the legal system.	In class interview assignment peruse Chapter 1, Neubauer
8/29 8/31	The law, common and otherwise. Discussion of paper on court observation and Movie Critique.	Peruse Chapter 1 Read Chapter 2, Neubauer
9/5 9/7	The American courts federal and state.	Read Chapters 3 & 4, Neubauer
9/12 9/14	Pretrial Release: Bail and OR Beginning the prosecution: Charging, Arrest and Arraignment.	Read Chapter 11, Neubauer Read Chapters 5 & 10, Neubauer
9/19 9/22	Continuing with Charging, Arrest and Arraignment.	
9/26 9/28	The role of the prosecutor: Local, State and Federal. Constitutional restriction on prosecutorial discretion	Read Chapter 6, Neubauer
10/3 10/5	Defendant, victims and defense counsel roles.	Read Chapters 7 & 9, Neubauer
10/10 10/12	Evidence: discovery, suppression and limits	Read Chapter 12, Neubauer
10/17 10/19	Beginning the trial process: Negotiating a plea. Midterm Examination	Read Chapter 13, Neubauer
10/24 10/26	Trial: The Judge, the ultimate referee	Read Chapter 8, Neubauer
10/31 11/2	Trial: Jury, the great unknown	Read Chapter 14, Neubauer
11/7 11/9	Sentencing options: The role of the probation officer	Read Chapters 15 & 16, Neubauer Essay on court observations due
11/14 11/16	Sentencing: balancing and juggling, philosophies, special interests and common sense.	Movie Analysis due
11/21 11/23	Continue Sentencing Issues No Class Thursday. Happy TG Day	Read Chapter 17, Neubauer



DATE	SUBJECT MATTER	ASSIGNMENTS DUE
11/28 11/30	Appellate Procedures	Read Chapter 19, Neubauer
12/5 12/7	Juvenile Court REVIEW FOR FINAL	
12/14	FINAL EXAM: from 9:45 a.m. to 12:00 p.m.	Happy Holidays 

PROCEDURES FOR COURT **FIELD OBSERVATIONS**

You are required to submit a paper, four to six pages in length, in which you will detail your observations made in court over at least four hours. Generally you may just drop into a court and observe, however, if you wish to see a particular type of case or court proceeding, you should call first. You will be expected to observe at least two different kinds of hearings, not just sit in on a trial. The types of hearings you will be able to observe will be discussed in class. The court clerk should be able to advise you of the time and location of various cases being heard that week. Any calls to the clerks are part of your observations and should be noted. It is not necessary to call ahead. There are hearings from 9:00 a.m. to 5:00 p.m. with a break from noon to 1:30 p.m..

The paper should compare and contrast your experiences and observations in the court rooms with the descriptions included in the assigned text and lectures. You are not limited to the Courts noted below. If you live in Santa Cruz or San Mateo Counties, by all means attend those courts. If you regularly appear in court as part of your job, feel free to write about that instead of making a separate court visit.

The paper should underscore the difficulties of victims, witnesses and defendants: i.e., the general public, to navigate the intricacies of the criminal courts. For example, if you have trouble finding a court room, imagine how it must be for a poor, undereducated victim, witness or defendant, and include that observation in your paper. Likewise, take notice of the proceedings you do not understand, i.e.: what the judge is talking about, and remember that you are upper division Justice Studies students, and make a case for what it must be like for the more ignorant parties.

It is recommended that you visit the courts in small groups, both to share the experience and to feel less abashed at asking questions. You may also attend a “court tour” with Dan Peak instead of going on your own. Court tours will be conducted on Friday mornings beginning at 8:30 AM at the Criminal Court 200 West Hedding Street. The group will meet outside the courthouse for a brief overview before the tour. A sign-up sheet will be handed out in class. There will be three such tours. They are on Friday mornings, because there is a greater opportunity to observe a number of different kinds of hearings.

You should make every effort to talk to people in the court house. Keep in mind that you will be asked or you may volunteer that you are a San Jose State University student taking Dan Peak’s class. Therefore, please dress appropriately – neat and clean, slacks and button-up shirt or coat and tie if you have same – do not embarrass yourself and me with dirty, sacred (holey) jeans and a tee shirt. Thank you very much.



San José State
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JS 103

Dan Peak, Lecturer

FEDERAL COURTS

United States Court of Appeals – Ninth Circuit
Marathon Plaza, South Tower
303 Second Street Suite 600
San Francisco, CA 94107
(415) 396-9666

United States District Ct. (Northern Calif.)
Federal Building
280 South First Street
San Jose, CA 95113

STATE COURTS

California Supreme Court (oral arguments are
not heard in SF regularly – be sure to call first)
Marathon Plaza, South Tower
303 Second Street Room 8023
San Francisco, CA 94107
(415) 396-9400

Calif. Court of Appeals – 6th District
333 West Santa Clara St. Room 1060
San Jose, CA 95113
(408) 277-1004

SANTA CLARA COUNTY COURTS

SUPERIOR COURT

There are quite a few, check your local phone book under “Government Pages” for the one closest to you. Here are a few:

Criminal Court
200 West Hedding Street
San Jose, CA 95110
(408) 299-2974

Juvenile court (*Observations on case
by case basis – call to inquire*)
840 Guadalupe Parkway
San Jose, CA 95110
(408) 299-7397

Terraine Courthouse (Drug Courts)
115 Terraine Street
San Jose, CA 95113

Santa Clara Court Facility
1095 Homestead Road
Santa Clara, CA 95050

Sunnyvale-Cupertino Court Facility
605 West El Camino Real
Sunnyvale, CA 94087

Gilroy-Morgan Hill Court Facility
7350 Rosanna Street
Gilroy, CA 95020

Palo Alto Branch Court
270 Grant Ave. Room 202
Palo Alto, CA 94306

Summary of Instructions for Court Observation Paper

The paper should be four to six pages, and must include:

- Name and location of the court(s) in which you made your observations
- Nature of the proceedings (arraignment, trial, sentencing...). Take note: Inaccurate statements of the type of proceedings will result in deduction. This class is mostly about court proceedings, you should make every effort to understand what you are viewing. For example, a common error is to call a pre-trial proceeding like preliminary examination a “trial.” A hearing is a hearing – a trial is a proceeding culminating in a determination of guilt or innocence.
- Members of the courtroom workgroup present during the proceeding. Include names, if possible, and description of the role each member played in court during this (these) proceedings. Compare your observations with the descriptions in the text and lectures.
- A complete description of what you observed – Describe the setting, facilities, and people present, both in the audience and in the arena. Compare the defense attorneys and the prosecutors and the judge, including manner of dress, attitude and demeanor.
- Describe the proceedings and outcome of the case(s). If you didn’t hear end of a case, what do you expect the outcome will be, based on what you observed?
- Compare your actual observations with what you anticipated seeing.