Fall 2006 *JS 103 COURTS AND SOCIETY* **Mon. & Wed. 10:30-11:45 MH520**

Professor: Richard Perry, J.D., Ph.D.
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Office Hours: Mondays and Wednesdays 10:00 to 10:30 and 1:15 to 1:45; Fridays 10:00 to 2:00

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 status, JS 10 and JS 14.

Course Requirements:
Required Texts: David W. Neubauer, **American Courts and the Criminal Justice System**, 8th edition (2004), available at the campus bookstore, with further supplementary handouts and readings on e-reserve as assigned by topic. A copy of the textbook is on reserve in the MLK Library. Students also have the option of purchasing the entire book or individual chapters in an electronic format at www.ichapters.com

Note: The textbook publisher provides supplementary internet resources at <www.wadsworth.com> These resources are an important part of the value (and the price) of this text book. Students are strongly encouraged to use the chapter by chapter self-tutorial exercises for review at least once per week.

Reading Assignments: Students MUST complete all reading assignments before the class in which they are to be discussed. All class discussions and subsequent tests will be based on these readings.

Class participation: The professor will run this class as much as possible in a seminar format. **This means that students will be called on by name in class and are expected to be prepared to participate.** Those students who fail to establish a good record of class participation can expect to lose as much as one whole grade in the final evaluation at the end of the semester.

Testing and Evaluation: There will be three in-class midterm examinations and a final examination at the exam time established by the university and published in the schedule of Spring 2006 classes. There is also a requirement of at least four hours of court observations and a 4-5 page descriptive paper to be submitted at the fourteenth week. Individual class participation and general preparedness for class discussion is required, and will be evaluated by the professor at the end of the course. The three in-class mid-terms will each count for 15% of the course grade, the observation paper will count for 15%, class participation will count for 10%, and the final exam will count for 30%. The professor reserves the right to administer additional unannounced quizzes if this appears necessary to encourage students to come to class prepared.

Other: The regulations in the current SJSU Catalog will be followed in regard to Add/Drop policies, Incomplete grades, and all questions of plagiarism and other issues of academic conduct. Emergency evacuation routes and procedures are posted adjacent to the classroom.

Course Add/Drop Policy
For information regarding adding and dropping a course, please refer to the Schedule of Instructions, Policies, and Procedures:

http://info.sjsu.edu/cgi-bin/socfiles?command=ftok&arg=soc-spring-narrative

Instructors are permitted to drop students who fail to attend the first scheduled class meeting and who fail to inform the instructor prior to the second class meeting of the reason for any absence and their intention to continue in the class. Some instructors will drop students who do not meet the stated course prerequisites. However, instructors are not required to drop a student from their course. ***It is the student's responsibility to make sure that classes have been dropped.***

Academic Integrity Statement

In accordance with University policy this course strives to uphold academic honesty. "Your own commitment to learning, as evidenced by your enrollment at San Jose State University, and the University's Academic Integrity Policy requires you to be honest in all your academic course work. Faculty members are required to report all infractions to the Office of Judicial Affairs." A student may be reprimanded, receive a failing grade on their evaluation instrument (exam, paper, etc.), have their grade lowered, or receive an "F" in the course, and referred to administrative sanctions if they are suspected of plagiarism or cheating. The policy on academic integrity can be found at:
http://www2.sjsu.edu/senate/S04-12.pdf

Departmental Policy on Cheating and Plagiarism

All students **are required to read** the following academic integrity policies. You must also go to <http://130.65.109.143/plagiarism/index.html> for the academic policy and the plagiarism tutorial <http://tutorials.sjlibrary.org> and read each document in its entirety. Your instructor may require you to document that you have read these policies by either electronic record or by handing in a signed, dated printout, of the policies and tutorials.

Any cheating or plagiarism will be treated as a very serious offense. Documentation of any case of violation of these policies will result in academic sanctions and will be placed in the student's record. The documentation of any violations will be kept on record with the Office of Judicial affairs, and may result in administrative disciplinary action. Furthermore, these violations may be discovered in any background checks for employment and may restrict violators from applying for jobs in the future.

At SJSU, cheating is the act of obtaining or attempting to obtain credit for academic work through the use of any dishonest, deceptive, or fraudulent means. Cheating at SJSU includes but is not limited to:

Copying in part or in whole, from another's test, term paper, or other evaluation instrument; submitting work previously graded in another course unless this has been approved by the course instructor or by departmental policy; submitting work simultaneously presented in two courses, unless this has been approved by both course instructors or by departmental policy; altering or interfering with grading or grading instructions; sitting for an examination by a surrogate, or as a surrogate; any other act committed by a student in the course of his or her academic work which defrauds or misrepresents, including aiding or abetting in any of the actions defined above.

At SJSU plagiarism is the act of representing the work of another as one?s own (without giving appropriate credit) regardless of how that work was obtained, and submitting it to fulfill academic requirements. Plagiarism at SJSU includes but is not limited to:

The act of incorporating the ideas, words, sentences, paragraphs, or parts thereof, or the specific substances of another's work, without giving appropriate credit, and representing the product as one?s own work; and representing another?s artistic/scholarly works such as musical compositions, computer

programs, photographs, painting, drawing, sculptures, or similar works as one's own.

Departmental Compliance with the Americans with Disabilities Act:
"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 your professor as soon as possible, during office hours. Presidential Directive 97-03 requires students with disabilities requesting accommodations to register with the Disability Resource Center in order to establish a record of their disability."

Schedule of Reading Assignments:

August 23: Introductions; explanation of course structure and requirements. Introduction to textbook and on-line resources.

August 28: Neubauer – Preface and Chapter 1: Courts, Crime, and Controversy: the "fragmented non-system" of justice; the court and its actors; law on the books and law in action.

August 30: Chapter 1 continued; audiovisual media on court proceedings and principles of legality, due process, and substantive justice; discussion of the Emmett Till trial and retrial.

September 6: Ch. 2 Law and Crime; sources of the law; Anglo-American common law, statutes, and administrative law; the common law adversarial model compared with the inquisitorial model; criminal and civil law systems contrasted.

September 11 & 13: Ch. 3 Federal Court history, organization, and jurisdiction; federal magistrates; federal district courts; federal appellate courts; courts of specialized subject-matter jurisdiction; Ch. 4 State Court history, organization, and jurisdiction; courts of limited jurisdiction, major trial courts, appellate courts, and courts of last resort; the politics of court reform reorganization.

September 18 & 20: Neubauer Ch. 17 Appellate Courts; the appellate functions of error correction and sociolegal policy determination; civil and criminal appeals; post-conviction review; state supreme courts; the U.S. Supreme and the evolution of criminal justice policy; Ch. 18 Lower Courts' magistrate functions; rural versus urban courts; small claims courts; the question of access to justice and the possibilities of alternative dispute resolution and community justice;

September 25: **First Mid-term**

September 27: Discussion of first mid-term; Neubauer : Epilogue (pp. 472-476) and begin Ch. 5 – Institutional Dynamics of the Courthouse: social roles – professional repeat players and the walk-on roles of parties, victims, and witnesses; system pressures and "assembly line justice"; prosecutorial and judicial discretion; delay; crowded dockets and administration of justice;

October 2 & 4: Ch. 6 Prosecutors; prosecutorial discretion, the gate-keeping function and criminal policy and politics; state and federal prosecutorial roles and functions; career incentives and trajectories; Ch. 7 & Defense and Other Attorneys; (Abraham Blumberg, "The Practice of Law as a Confidence Game" – the defense lawyer as "double agent"); the adversarial system and the right to counsel (*Gideon v. Wainwright*, etc.); system pressures, work loads, rewards and sanctions; stratification of the profession; diverse systems to provide counsel for indigent defendants; lawyer-client relations;

October 9 & 11: Ch. 8 Introduction to the Judiciary: state and federal judiciary; career incentives and trajectories; diversity and the bench; modes of judicial selection; modes of judicial discipline; the judge as referee and as administrator.

October 16 & 18: Ch. 9, Defendants, Plaintiffs, Witnesses and Victims; demographic profile of defendants; demographic profiles of victims and witnesses; the trial experience for those who do not work there; the rise of victims rights advocacy.

October 23: **Second Mid-term**:

October 25: Discussion of second mid-term; Neubauer Ch. 10 Introduction to the Trial Process; criminal procedure in doctrine and practice from arrest to arraignment; sorting cases, case diversion and attrition.

October 30 & Nov. 1: Ch. 11 & 12 Pre-trial processes; bail, discovery, the evidentiary Process; the principles and practices of bail determination; on the process of discovery and the law of evidence; the exclusionary rule as practice and politics.

November 6 & 8: Neubauer Ch 13. Plea Bargaining; video *The Plea/Snitch*, the presumption of innocence versus the dynamics of pea bargaining;

November 13 & 15: Ch. 14 Trials, and Juries; the adversarial trial as political and moral theater; the stages of trial; formal justice, managerial justice, popular justice.

November 20 & 22: Neubauer Chapter 15 Sentencing Options; Retribution, Incapacitation, Deterrence; Chapter 16 Sentence Decision Processes, Equal justice; Capital Punishment Processes and debates.

November 27 & 29: Sentencing continued; Please edit and proofread your observation papers.

December 4: Court Observation Papers Due; Chapter 19, Juvenile Courts History and Organizing Principles

December 6: Course Review

Monday December 11: 9:45-12:00: FINAL EXAM (this time slot is assigned by the University, please note the different time slot in the same room)