

JS103 Courts and Society Fall 2007

Instructor: William Cleveland, Jr., JD

Office: Room MH529

Office Hours: Tuesdays/Thursdays 11:45am – 1:00pm and 4:30pm – 5:30pm, or, by appointment.

Office Telephone: no phone (do not leave messages on the listed number)

Email: alamedagroup@mindspring.com (Use email as primary contact medium.)

Class Meeting Days/Hours: Tuesdays and Thursdays, 9am – 10:15am. Room MH523.

Web site: <http://billcleveland.pageout.net> (This greensheet, handouts, assignments and your grades will be found at this web address. Register and login...no charge. Click on “JS103 Courts & Society” in list of my courses. If you don’t register, you may miss getting important information.)

Course Description/ 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 perspectives of the criminal defendants, victims of crime (actual and potential), witnesses, law enforcement personnel, attorneys (for the prosecution and defense), court support personnel, jurors and judges. Students will gain knowledge of the historical background of the court system, with emphasis on several history-making cases that helped to produce the criminal justice system of today. Students will be able to follow the basic steps of a criminal case, as it proceeds through the system, and understand what is involved in booking, charging, arraignment, pretrial motions and hearings, trial, sentencing and appeals. Along the way, students will become familiar with landmark court decisions that have had a great impact on our society.

Required Text:

America’s Courts and the Criminal Justice System, 9th edition, by David W. Neubauer, published by Thomson/Wadsworth. (The eighth (8th) edition is also acceptable.) Other reading may be required as the course proceeds, and will be announced on my web site. (Check <http://billcleveland.pageout.net> at least weekly during the semester.)

Course Format:

The mode of delivery of this course is a combination of lecture and textual readings. Students should augment their lecture notes with outside sources, as indicated in lectures and in the text.

Course Add/Drop: 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. If you decide to drop this course, it is **your responsibility to make sure classes are dropped.** See: http://sa.sjsu.edu/student_conduct

Class Participation:

Students are responsible for keeping up with the assigned reading, and being prepared to discuss it in class. Students will be called upon at random during the semester to add to the discussion, or to assist in a demonstration in class. Records will be kept of the students’ participation. You must respond when the instructor calls your name a minimum of five times during the semester, in order to gain the maximum points for the class participation grade.

Quizzes and Exams: Examinations and quizzes will cover material from the lectures and the assigned readings. In addition to the text readings, individual on-line articles of special interest may be chosen from time to time for reading assignments.

The student's grade will be determined by the results of two exams, two quizzes, two papers, and class participation, as follows:

quizzes (2)	20%	10% each (Open notebook: use class notes and any notes taken from the assigned reading. No books or online sources allowed.)
mid-term exam	20%	No notes, no memory aids allowed. Bring SCANTRON & blue book.
court observation	10%	Attend a court proceeding and write a paper describing your experience. (See attached instructions.)
US Supreme Court case brief	10%	Brief a significant decision of US Supreme Court. (See additional information below.) This grade will count as 10% of your final grade.
class participation	5%	Participating in discussions; assisting in demonstrations; answering when called upon; taking any unannounced written quizzes/surveys.
final exam	35%	No notes, no memory aids allowed. Bring SCANTRON & blue book.

A SCANTRON card [Form 882-E] will be needed for all quizzes and exams. An 8.5"x 11" BLUE BOOK will be needed, as well, for the mid-term and final exams.

Missed exams and quizzes:

Missing an exam or quiz is a serious matter. Taking an exam after others have taken it may give one an undue advantage. Make-up exams or quizzes will be afforded; but, there will be a *five-point deduction* from the exam or quiz grade, *unless* the student has a medical doctor's note explaining the absence on the scheduled exam day, or documentation of the student's participation in a University-sponsored activity, or documentation of a serious family emergency.

Failure to complete any of the quizzes, exams or the paper assignments will result in a score of "0" for that assignment, or an "I" for the course, at the instructor's discretion (depending upon the circumstances). Extra credit points cannot be used in lieu of any of the required assignments.

Academic Integrity: 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 members are required to report all infractions to the Office of Student Conduct and Ethical Development. The policy on academic integrity can be found at http://sa.sjsu.edu/student_conduct. In accordance with University policy, any student caught cheating or plagiarizing can be given a score of "0" for that exam or paper, and, at minimum, be reported to Office of Student Conduct and Ethical Development with appropriate recommendations for disciplinary action.

Students with disabilities: 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 requesting accommodations must register with DRC to establish a record of their disability.

PAPERS:

Court observation paper: (Due 12/4/07)

- Attend a court proceeding (any court, any level, any proceeding).
- Write a paper of no more than four pages, describing what you observed and answering the questions posed on the “handout” captioned, *Requirements for content and format of court observation paper*. This handout is found on my web site, under “Course content”, then “Sessions”. Click on “Court Observation Paper”.

Case Brief of a Supreme Court of the United States (SCOTUS) decision: (Due 10/23/07)

1. Select a Supreme Court decision from the list of acceptable cases provided on my web site. (Go to “Course Content”, then “Sessions”, and click on “Court Cases List”.)
2. Read the case itself. (Use online databases, e.g. Findlaw.com, or other legal sites, plus Google, etc. to find the case.) Take notes from the case to answer the following questions in your paper:
 - CITATION: What is the formal legal citation of the case ? (See example of case brief on my website.)
 - PROCEDURAL HISTORY: Where has this case been heard, by whom, and with what results? How did the trial court/jury decide the matter originally? (Who won? Who lost?) On what grounds was the appeal made and by whom? How did the appellate court decide the appeal? (Be brief.)
 - FACTS: What were the facts in the original case decided by the trial court? (Be very brief.)
 - ISSUE #1: What was the most significant issue upon which the justices based their decision?
 - HOLDING #1: How did the Supreme Court rule on that issue? (Just the “bottom line”, such as, “Affirmed lower court decision”; or, if issue is a question, what was the Court’s answer, yes or no? – be brief.
 - REASONING #1: What was the reasoning of the Court in reaching their holdings?
 - ISSUE #2: (if there is another important issue in the case)
 - HOLDING #2: (if there was another issue to decide)
 - REASONING #2: What was the reasoning of the Court on this issue?
 - DISPOSITION: What was the final act of the Court? (e.g.: remand to lower court for some purpose; overrule lower court; order new trial; some other disposition?)
 - COMMENTARY: A short summary of concurring and dissenting opinions (if applicable) and your opinion of the rulings goes in this section. NOTE: It is not sufficient to simply say you agree or disagree with the ruling. You must articulate why, using some rationale that includes your own sense of justice and fairness. Was justice served? Was the decision fair to the parties? Did the arguments of the concurring or dissenting justices make sense to you, and why? (See my web site for an example of a case brief. Go to “Course Content”, then “Sessions”, then “Sample Court Case Brief”.)

Formatting of the paper is to be in the style of a case brief, as shown in the example located on instructor’s PageOut web site in the document entitled: *Sample Court Case Brief*.

- **Due date: October 23. [Late papers will be penalized 10 points and will not be accepted after October 30.]**

Extra Credit: For five extra points added to your SCOTUS case brief score, see *Plagiarism: The Crime of Intellectual Kidnapping* located on the SJLibrary web site at <http://tutorials.sjlibrary.org/tutorial/plagiarism/index.htm>. Use your student ID number (Tower Card) to register as a "SJSU Students - First Time" and complete the module and quizzes. Send me an email copy of your quiz score. (If you are taking more than one of my courses in the same semester, you may get credit for this quiz in **ONLY ONE** of them.)

Order of topics, reading assignments, and quiz/exam/paper due dates:

The order of topics and readings indicated below will be followed, so that the student may know how to keep ahead of lecture topics in the readings. The exact dates of lecture topics may change, but exams and quizzes will be administered on the dates indicated, and will cover the **topics** that have been covered in lectures **up to that date**. Any assigned readings that are relevant to those topics may also be covered on the exam or quiz. Since quizzes are "open notebook" tests, you may use any notes you took from the readings, but not the actual books or articles.

DATE	TOPICS TO BE COVERED	READINGS AND ASSIGNMENTS DUE
8/23	Introduction and ground rules	Greensheet provided in class.
8/28-30	Bringing the accused to the bar.	Neubauer chapter 1
9/4-6	Common law, civil law, criminal law	Neubauer chapter 2
9/11-13	Federal courts	Neubauer chapter 3
9/18-25	State courts	Neubauer chapter 18 (see also ch.4) 9/20: Quiz #1 (open notes) - SCANTRON
9/27-10/2	Speedy trials? Why not?	Neubauer chapter 5
10/4	Review for midterm exam	
10/9	MIDTERM EXAM – Bring LARGE size Blue Book, SCANTRON (882-E), pens, pencils. No memory aids allowed. Dictionary is optional, but no legal dictionaries.	
10/11-18	Who goes to trial?	Neubauer chapters 10 and 13
10/23-25	The prosecution	10/23: SCOTUS case briefs due Neubauer chapter 6
10/30-11/1	The defense	Neubauer chapter 7
11/6-8	The judges	Neubauer chapter 8
11/13-20	The jury	Neubauer chapter 14 11/15: Quiz #2(OPEN NOTES) -- SCANTRON 11/20: All extra credit due by 5:00pm.
11/22	NO CLASS: Be thankful!	
11/27-29	Victims v. defendants	Neubauer chapter 9
12/4	Sentencing	Neubauer chapters 15 and 16 12/4: Court observation papers due.
12/6	Review for final exam	
12/18	FINAL EXAM: 7:15am – 9:30am 7:15! (Ugh! – bring coffee.)	Bring large size Blue Book, SCANTRON (882-E), pens, pencils. (Dictionary optional, but no legal dictionaries.) NO MEMORY AIDS.