

Justice Studies 103 – Courts and Society, Section 2
San José State University

Fall 2008

Instructor: Margaret (Peggy) Stevenson
Office: MH 525A
Office Hours: Tuesday, 4:00 p.m. – 5:15 p.m. and by appointment

Classroom: MH 520
Class time: Tuesdays, 5:30 p.m. – 8:15 p.m.
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Prerequisite: Upper division standing

Textbook: Judicial Process: Law, Courts, and Politics in the United States, 4th Edition (2007), by David W. Neubauer and Stephen S. Meinhold
Note: This is a softcover book, *not* the hardbound volume by Neubauer that the other classes use.

Section information /

Learning objectives: This class covers the structure and functions of the court system. This section focuses on the ways in which courts influence society -- and vice versa -- in the context of civil as well as criminal cases. The course will involve lecture, class participation, court observations, reporting on current court actions, guest speakers, tape recordings, an in-class project and general reflection on justice issues. The in-class project involves preparing petitions for people seeking to have their records cleared and attending a special court hearing where a judge decides those petitions.

By the end of the course, you should be familiar with ways in which courts operate in U.S. society and gain ability to reflect on ways they can be improved. Your writing likely will have improved as well.

Course requirements: Attend all classes; complete reading assignments; participate in class; turn in written comments on current news stories; observe court and turn in written court observations; make a brief class presentation regarding either a news article or a courtroom observation; take three short open-book quizzes; do a class project on preparing court papers requesting that an individual's criminal conviction be dismissed observing all ethical and legal rules; and take an open-book short-answer final. See the Tentative Course Calendar, following, for more detail and due dates.

Check the course website at least once a week for updates. Check your email daily and respond promptly to my notes to you.

Grading: Based on point system, as outlined in the following table.

Activity	# per semester	Points for each	Total points	Percent weight	Extra credit points
Class participation	15	4	60	14	
Analyses of news reports	3	14	42	11	
Class presentations of news report or court observation	1	15	15	4	
Courtroom observations	3	30	90	23	
Quizzes	3	28	84	21	
Project	1	35	35	9	
Final exam	1	74	74	19	
<i>Extra credit:</i>					
Extra courtroom observation	1	15			15
Posting courtroom observations on website	3	1			3
Commenting on other's posts on website	2	1			2
			400	100	

Total points: 400, with up to 20 extra credit points available as explained following.

For exceptional quality, I may add one or two points to totals for regular activities or assignments. I will post points on the course website.

Grades are calculated as follows. Initially I will assign tentative grades based on the 400 total points (that is, not counting extra credit). I expect roughly 90 percent and above (360 - 400) in the A range, 80 - 89 percent (320 - 359) in the B range, 70 - 79 percent (280 - 319) in the C range. As I understand it, the university grading system does not give course credit for grades of C- and below. I will adjust the grade ranges somewhat from these percentages, according to class distribution of points.

Once initial grades have been determined based on the total points, I will review extra credit points. If adding extra credit points brings the student up to the next grade level according to the distribution of points in the class, then I will adjust the grade a half grade upward. (The 20 extra credit points are worth 4 percent of the total points in the class.)

Point totals are calculated and posted on the course website. Please check each week that your totals are accurate in terms of assignments you have turned in. The totals are calculated automatically, but please double-check the accuracy of the calculations. It is your responsibility to assure that you are meeting class requirements. Because it is hard to recall, please advise me within one week if I have not given you class participation points that you earned.

Quizzes and final exam

Quizzes and the final exam will be open notes, open book but closed computer. The format for quizzes and final will be "True / False / Comment" and short essay. The True / False / Comment questions ask students to indicate whether a statement is true or false and to supply brief facts,

examples or explanations of the answer. Short essays ask a student to discuss a topic related to something we have covered in class or readings. A separate memo posted on the course website discusses quizzes and the final exam in greater depth.

Late / missed work, quizzes, exam or project:

All work is expected to be completed on time so that lectures make more sense, class sessions can be based on common knowledge (and consequently be more interesting and informed), and so that no one benefits from additional time that others did not have.

Therefore, in fairness to your classmates who turn in assignments and take tests on time, a three-point deduction will be taken for written work for each week that it is late, unless the student has good cause for missing the assigned due date (e.g., illness, serious family emergency). If you miss the in-class project which is scheduled for specific dates, we will determine how, if at all, any points can be made up. Please make every effort to attend class project sessions.

Class project: criminal record clearance petitions

As a class project, we will help individuals prepare petitions seeking to clear their criminal records. To do so, we will interview the individuals twice in class, prepare paperwork and gather supporting documents. We then will attend a special court session set in court during our class (Tuesday, November 25 from 5:30 – 8:15). Following this, students will write a reflective paper regarding the experience. Please carefully review separate memos and training materials regarding this. Obviously, a high degree of responsibility is required for this assignment.

Some Thoughts Regarding This Class

Throughout the semester we will have several guest speakers. Most of them will be speaking at the beginning of class. While your timely arrival is requested for all classes, in classes where a guest is speaking, please be particularly conscientious of being ready to start at 5:30.

Student participation is encouraged; indeed points are awarded for thoughtful class participation. Please extend courtesy and respect to each other. We can learn a significant amount from perspectives different from our own. The class environment should be one where we all feel comfortable expressing our ideas, asking questions and challenging ourselves to critically evaluate what we read and hear.

We will look at civil as well as criminal courts in this section, somewhat different from the course description. This section involves a significant amount of writing. In addition to weekly reading assignments, there are written assignments due almost every week which I will read and return. You should benefit from help with your writing (I have been editing for over 30 years).

Please check with me if you experience or anticipate any problems or issues coming up with regard to the class. I will try to balance individual situations with fairness to the class as a whole, since many people face multiple challenges in their lives. Problems are best dealt with early on, however, so getting in touch sooner rather than later is best.

Students with Disabilities

University policy states that 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.

Academic Integrity

University policy states that 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 and plagiarism can be found at http://sa.sjsu.edu/student_conduct. Needless to say, you will not get credit for turning in work that is not your own.

Awareness of University and Departmental Policies

You are responsible for understanding the policies and procedures about add/drops, academic renewal, withdrawal, etc. found at http://sa.sjsu.edu/student_conduct, as well as other university policies and publications on administrative processes. Since I am relatively new to San José State and unfamiliar with such policies, please look out for these dates and issues on your own and don't rely on me.

Tentative Course Calendar and Assignments

Occasionally additional readings will be assigned. Check the course website for notices and readings every week.

In some areas, the reading assignment is to skim material. I will lecture on the same topic as the reading. You will be responsible for the understanding the information conveyed in lecture. For some people the reading will be review in parts; for others it will be new. The material in the text to be skimmed provides a deeper explanation of what is covered in lecture. However, there is material there which you will not be responsible for understanding (though of course increased knowledge is a reward in itself!)

Background documents regarding the course and some reading assignments are posted on the course website. Among documents posted, for example, are descriptions of the writing assignments, leading class discussions, finding courts to observe, quizzes, locating legal documents, class notes and other material. Please familiarize yourself with the website right away and check it at least weekly, though preferably more often!

Thank you for enrolling in Courts and Society. I am looking forward to an interesting and enjoyable semester with you.

Class #	Date	Topic	Reading assignment / Judicial Process Text	Reading assignment / Articles [posted on course website or distributed in class]	Written assignment / quizzes / project
					Revised 8.25.08
1	8.26	Introductions Description of course Criminal record clearance process Overview of the legal system	skim chapters 3 & 4 after class	All materials in Description of Course folder (skim for later reference except read Greensheet carefully); Everything in Overview of the Legal System folder; Helping Clients Clear Their Criminal Records, in Project – Record Clearance folder	turn in "student profile" form
2	9.2	Attorneys and criminal litigation; <i>Guest speaker attorney Jaime Alvarez, Deputy Public Defender</i> Interviewing skills Ethics	252-256; 258-262; skim rest of chapter 8	Bus & Prof Code 6068; Rules of Professional Conduct; Links to websites with statistics re attorneys; Role of criminal attys: excerpt from <i>US v Wade</i> ; How a Criminal Case Moves Through Court; Interviewing and Ethics materials in Project-Record Clearance folder	
3	9.9	Interviewing record clearance clients		Review all training materials on record clearance process and interviewing	turn in news report 1 on criminal law topic
4	9.16	Attorneys and civil litigation; <i>Guest speaker attorney Mario Fausto, Sayer Fausto</i>	377-396; 399-402; 38-51	Legal Aid and Other Lawyers in California Review materials on attorneys from Sept 2	Quiz 1
5	9.23	How cases are presented; Where "the law" comes from	131-142, 146-165; 323-332; Table 11.1 on 347; 348-354	Advocate appearance: law school faculty listserve excerpts; Rules of Professional Conduct pertaining to trial; Read contents of "Where the Law Comes From" folder for examples of various forms of "The Law" Review "Overview of the Legal System" folder from first week	turn in rough draft of record clearance petition via email
6	9.30	Judges and judging	173-202; 478-488	Calif Code of Judicial Conduct (skim except for 2 canons); Excerpts from Calif Code Civil Procedure 170-170.6; <i>Changing the Color of the California Bench</i> <i>Immigration Judges and "Refugee Roulette"</i> NY Times article	turn in court observation 1

7	10.7	Ending the case before trial: remedies, ADR, plea or settlement	332-334 (ADR); 354-365 (Civil)	Review interviewing materials from week 2	turn in news report 2 on civil law topic	
8	10.14	Trial: judgment, verdicts and sentencing	284-296 & skim rest of ch. 9 (Criminal); 116-120 (drug courts)	credibility studies: law school faculty listserve excerpts; overview of federal sentencing guidelines; Calif Rules of Court re sentencing: objectives, selection of term, aggravating & mitigating circumstances	Quiz 2 turn in final draft of record clearance petition	
9	10.21	Appeals	409-434			
10	10.27	How cases get into court; <i>Guest speaker Dorsey Nunn, All of Us or None</i>	213-235; 448-455 (standing, mootness)	<i>League of Women Voters v. McPherson</i> voting rights case summary + skim pleadings		
11	11.4	Using courts for rights claims	430 (<i>Goodridge v. Dept of Public Health</i>); 488-494	Irons, <i>Michael Bowers v. Michael Hardwick</i> ; excerpts from <i>Bowers v. Hardwick</i> and <i>Lawrence v. Texas</i> decisions	turn in court observation 2	
	11.11	NO CLASS - VETERANS DAY				
12	11.18	Guest speaker <i>Judge Erica Yew, Santa Clara County Superior Court</i> Special Court proceedings: juvenile, family	107-109 (juvenile) 363-365 (family)		Quiz 3 turn in news report 3 on any topic	
13	11.25	ATTEND COURT for special session on record clearance petitions				
14	12.2	Balance of power: legislative v. executive v. judicial	17-20; 263; 46	Review Constitution, Bill of Rights (week 5) <i>Bush v. Gore</i> summary Levels of scrutiny Ways branches limit others	turn in project paper	
15	12.9	Course review jeopardy	502-509	<i>Stoddard, Bleeding Heart</i> ; <i>Hunter, Lawyering for Social Justice</i>	turn in court observation 3	
	12.16	FINAL EXAM @ 5:15 p.m.				