

Seminar in Law and Courts

Course Syllabus

Professor: Ann Lucas, J.D., Ph.D.

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Note: e-mail is the best way to reach me outside of class

Office Hours: Tues., 10:00 AM-12:00 noon

Wed., 1:00-3:00 PM

Class Meeting Times and Location: Wednesday, 5:30 - 8:15 p.m., MacQuarrie Hall (MH) 510

Blackboard site for course: <http://sjsu6.blackboard.com/webct/logon/801297724001>

Course Description: This course critically examines the structure and functioning of law and the court system in the United States, with particular attention to the role of law in settling disputes, exerting social control, establishing norms, regulating behavior, and promoting equality. Significant attention will be devoted to court systems, including the role of the jury in American jurisprudence. As a graduate seminar, the course's emphasis is on 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. **Prerequisite:** Graduate standing.

Required Texts: available in paperback through Spartan Books (on campus & online), Roberts Bookstore, and online. Used copies should be available from at least one of these sellers.

1. Feeley, Malcolm M. (1992). *The Process is the Punishment: Handling Cases in a Lower Criminal Court*. New York: Russell Sage Foundation.
2. Merry, Sally Engle. (1990). *Getting Justice and Getting Even*. Chicago: The University of Chicago Press.
3. Sarat, Austin. (2004). *The Social Organization of Law: Introductory Readings*. Los Angeles: Roxbury Publishing.
4. Spohn, Cassia C. (2002). *How Do Judges Decide? The Search for Fairness and Justice in Punishment*. Thousand Oaks, CA: Sage Publications.
5. Vidmar, Neil & Hans, Valerie P. (2007). *American Juries: The Verdict*. Amherst, NY: Prometheus Books.

Student Learning Objectives: Successful completion of this course will enable students to

appreciate, describe and critique the various roles law and courts play in society, including the functions of dispute settlement, regulating and controlling the behavior of individuals and organizations, sanctioning misbehavior, and promoting equality and justice. Upon successful completion students will also be able to analyze how ordinary citizens and institutional actors develop and mobilize their own conceptions of the law, and the role of mass media and political debate in shaping popular perceptions of law's role(s) in society.

Blackboard: If you don't have the direct url for our class, you can find it by going to the SJSU eCampus website (<http://online.sjsu.edu/>). Under "students," click on "Login to CE6." Your login is your 9-digit SJSU ID (without a "W" first) and the temporary password is "fall." If you have trouble logging in or using Blackboard, there are tutorials on the eCampus website. If those still don't help, contact the eCampus help desk. It is strongly recommended that you change your Blackboard password to something private. If you choose, you can also have the course email from Blackboard forwarded to your regular email account.

Course Requirements and Grading

During class, make sure cell phones are off or silent.

Participation: You are responsible for keeping up with the assigned reading and being prepared to discuss it in class. Active participation in class counts for about 15% of your grade. Each week, two students will be responsible for leading the discussion of that week's reading; collaboration among discussion leaders is encouraged. Before class, every student (including discussion leaders) is required to submit four discussion questions based on that week's readings. Please *type* your questions and indicate the book(s) and chapter number(s) relating to each question. These questions may be emailed, faxed, or dropped off in person **by 12:00 noon** on the day of class. Late submissions will not be accepted. During the weeks we are discussing reading assignments, on-time submission of four written questions will earn 3 points per class.

You may earn up to 5 points per class for participation, including the week in which students are presenting their own research. Five points will be awarded to students who participate fully each week. "Moderate" participation (a few comments or questions made) will be awarded three points. "Minimal" participation (a single comment or question, or students who participate considerably but arrive more than 15 minutes late or leave more than 15 minutes early) will be awarded one point. Students who are completely silent or are absent will receive no participation points, and students who fail to participate the entire semester cannot earn a course grade of "A." If you are someone who has difficulty speaking in class, I will be happy to call on you to prompt your participation.

Note on leading discussions and final presentation: The ability to distinguish the essential elements of an argument or analysis from more minor, supporting points is extremely valuable in both academic and professional settings, and is one that too few people have mastered, as you probably know from sitting through long staff meetings, training sessions, scholarly talks, and the like. Developing or honing this skill is one thing you will be doing in this class. That is, *oral and written summaries should cover the **main points, rather than every point, the author***

raises (or you discuss in your paper). Oral and written summaries will be evaluated on your ability to identify and summarize the main points in these brief formats. Up to 10 points will be awarded for oral summaries of readings, with points deducted for overly long summaries and summaries which are incoherent or incomplete (e.g., entire chapters omitted).

First midterm: In-class writing: Instead of a midterm exam, there will be one in-class essay exercise in which you will be asked to respond to two essay questions relating to the material covered in class to date. The midterm will be open-book and open-note, but you are advised to be familiar with the key points of the readings so that you do not waste all your writing time looking for information. The questions will ask you to compare, contrast and apply concepts, issues and arguments in these readings, in order to assess your understanding of the material and your critical thinking skills. There will be *no make-ups* for students who miss this class.

Second midterm: Take-home midterm: In early November, you will be given a take-home midterm to be completed by the following week. This assignment also requires an essay, and is open-book and open-note, but must be completed by each student *individually* and in her/his *own words*. It must be typed, double-spaced, and digitally submitted to turnitin.com as well as submitted to the instructor on paper. Because you have a week to complete it, *no late take-home exams* will be accepted. Late exams will receive a grade of "0."

For both the in-class and the take-home midterm, I will attempt to return them with grades within a week. However, because I tend to provide extensive comments on student work, depending on the size of this class it may take two weeks for me to return them.

Term paper: Instead of a final exam, you will be completing a research paper as your last exercise. For this paper, you will be asked to select a topic of interest to you relating to law and courts. The questions guiding each paper will be developed jointly by the instructor and students during the semester; topics *must* be selected by November 12, 2008. Each student must select a different topic. Once the topic is selected, students will undertake library research and generate a minimum of 5 additional, directly relevant, *scholarly* (refereed) articles or books on the topic; at least four of these must be dated from the previous 5 years (2003-2008). These articles can be theoretical, policy, practice-oriented, or research studies, as appropriate, and must be directly related to the questions under consideration. Copies of the articles obtained from library research must be attached as an appendix to each paper. Papers must show the capacity to undertake a literature review for the purpose of critical analysis of the questions under consideration, using both classical and contemporary readings.

Each paper should be approximately 12-15 pages of text (no more than 15, excluding cover page and references), typed and double-spaced, in 12-point font and black ink, with standard 1-inch margins and references in APA style. Students must hand in *original* papers for this class. Copies of papers completed in previous classes, or papers largely adapted from previous classes, are unacceptable and, if submitted, will be considered a violation of academic integrity.

Note on paper writing: As this is a graduate seminar, the expectation is that each student is able to initiate library research and summarize, analyze, apply and/or critique the relevant material.

Exclusive reliance on textbooks from other classes, popular media such as newspapers and magazines, and web pages will result in low paper grades, as the requirement of *scholarly research* will not have been met. Any student who has a concern about the content, format and quality of her/his term paper may bring in a draft to me during office hours a minimum of *one week prior* to the date the paper is due for my comments and suggestions. I am unable to review drafts if they are submitted less than one week before they are due.

Note on paper formats and grading: page numbers begin on the first page of text (your cover page, if you use one, is *not* page 1). Your bibliography, although it needs a regular page number, does *not* count as a page of “text.” Papers that are too short or too long, including papers using 1.5 or triple spacing instead of double spacing, or overly wide or narrow margins, will be penalized. Attached to this syllabus is the evaluation and scoring rubric I will use to grade your papers.

To receive credit for their papers, students must both (a) turn in a paper copy on the due date; and (b) submit a digital copy of the paper to turnitin.com. More information on turnitin.com will be provided in class.

Final Presentations: On the dates your papers are due, you will give a brief presentation to the class on your topic, and distribute a *one-page* summary to the rest of the class and the instructor. Your written summary may be in outline or narrative form, and may be single-spaced if you choose. Use *10-point font or larger* for your summaries, and be sure to include your *name and topic*. The length of your presentations will depend on the number of students enrolled in the class, but plan on ten minutes to allow time for questions. Please *practice* your presentations: you need to cover your main points clearly and concisely, and you will be cut off if you talk for too long. Thus, to get a good grade for your presentation, you can’t “wing it.” You may simply do an oral presentation, or you may bring in overheads or Power Point displays or other visual aids. Presentations are worth up to 30 points.

Grades: Your grade will be based on participation in class (including leading discussion, submitting questions and participating in discussion), one in-class writing exercise, one take-home midterm, a term paper, and an in-class presentation of your research. Grades will be calculated as follows:

Class Participation:	5 points possible per class x 13 classes =	65 points possible
Reading Questions:	3 points possible per class x 12 classes =	36 points possible
Leading Discussion:	10 points possible (x 1 class) =	10 points possible
In-class Writing:	100 points possible (x 1 class) =	100 points possible
Take-home Midterm:	120 points possible (x 1 midterm) =	120 points possible
Term Paper:	140 points possible (x 1 paper) =	140 points possible
Presentation:	30 points possible (x 1 presentation) =	<u>30 points possible</u>
Total		501 points

Your grades at the end of the semester will be curved (your performance is measured against the other students in the class). The student with the most points will set the standard for the highest

“A” grade. From there, grades will be calculated as follows:

Grades as % of highest total score:	93-100% A	83-86% B	73-76% C	0-59% F
	90-92% A-	80-82% B-	70-72% C-	
	87-89% B+	77-79% C+	60-69% D	

The midterms and paper gradually increase in value over the semester not because they are more important than the first, but because I expect your writing and speaking skills to improve over the semester based on the feedback you receive. If you work hard on these skills and heed my comments, I believe you should be rewarded as the semester progresses.

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 see me as soon as possible. University policy (Presidential Directive 97-03) requires that students with disabilities must register with SJSU's Disability Resource Center (DRC) to establish a record of their disability. The DRC will work with you to determine the disability, document it, and determine the services and accommodations necessary for your success. The DRC may also contact me to determine the types of consideration necessary. Students must register with the Center during the first three weeks of the semester. The DRC website: <http://www.drc.sjsu.edu/>

Cheating and plagiarism: I have zero tolerance for plagiarism and other forms of cheating. Your own commitment to learning, as evidenced by your enrollment at San José State University, and the University's Academic Integrity Policy, require you to be honest in all your academic course work. In accordance with University policy, students caught cheating or plagiarizing will both *fail the entire course* and *be reported to the University Judicial Affairs Officer*. If you are working (or planning to work) in the criminal justice field, be aware that reports of cheating will go on your academic record and thus will be discovered by employers' background investigations of job candidates. If you are unclear as to what constitutes plagiarism, consult the university policy (URL is below). If you still aren't sure, talk to me. If you're writing a paper and think something might be plagiarism, assume it is. Graduate students are especially presumed to know what constitutes plagiarism. Knowing the law of plagiarism and other forms of academic honesty is your responsibility. Ignorance of the law is no excuse.

For more information on what constitutes cheating and plagiarism, take the SJSU Library tutorial at <http://tutorials.sjlibrary.org/plagiarism/index.htm>

See the university's policy on academic dishonesty at <http://www.sjsu.edu/leap/plagiar.htm>

Incompletes: Two thirds of the course must be completed and permission from the instructor *must be obtained in advance* to receive an Incomplete (“I” grade). Students are **strongly discouraged** from seeking incompletes except in very compelling circumstances; past experience has shown that many students never complete the coursework, with dire effects on GPA and completion of graduate studies. SJSU allows students *one year* to complete coursework in order to replace an “I” grade with a letter grade; for example, for an incomplete received in Fall 2008, the work must be completed and submitted to me by the end of the Fall

2009 semester. *At SJSU, incompletes not removed within one year's time count as a failing ("F") grade in student GPAs.*

Course Adds/Drops: 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 classes are dropped.* If you are given permission to enroll in the course on or after the first day of class, it is also your responsibility to add yourself in a timely manner. You, the student, are responsible for understanding the policies and procedures about add/drops, academic renewal, withdrawal, etc. found at: http://sa.sjsu.edu/student_conduct

Withdrawals: Should it be necessary, it is the student's responsibility to withdraw from the course after the add/drop deadline. Students who simply stop attending or otherwise participating will receive a grade of "U" ("Unauthorized withdrawal"), which counts as an "F" in the student's GPA.

Legal Advice: Although I am an attorney, I am unable to provide legal advice. Whether made inside or outside of class, my comments about the legal system should not be construed as legal advice.

JS 205: Seminar in Law Courts
 Fall 2008, Prof. Lucas
 Schedule of Readings and Assignments

Week No.	Date	Topic	Read	Assignment
1	Aug. 27	Introduction	no reading assignment	
2	Sept. 3	The Role(s) of Law in Society	Sarat, Chs. 1-14, pp. 5-94	
3	Sept. 10	Access to Law & Justice	Sarat, Chs. 15-17, 20-29, pp. 99-117, 131-212	
4	Sept. 17	Access to Law & Justice; Law & the Media	Sarat, Chs. 27-29, pp. 214-255; "Why the 'Haves' Come Out Ahead" and "Java Jive" (available on Blackboard)	
5	Sept. 24	Legal Consciousness	Merry, Chs. 1-4, pp. 1-87	
6	Oct. 1	Legal Consciousness	Merry, Chs. 5-8, pp. 88-182	
7	Oct. 8	Midterm 1	no reading assignment	In-class essays
8	Oct. 15	Crime Processing	Feeley, Chs. 1-5, pp. 3-153	Term paper topic discussion
9	Oct. 22	Crime Processing	Feeley, Chs. 6-9, pp. 154-297	
10	Oct. 29	Criminal Cases	Sarat, Chs. 30-38, 40-42, 44, 46, pp. 261-321, 330-348, 357-364, 382-387 and "Racially Based Jury Nullification" (available on Blackboard)	Take-home midterm distributed
11	Nov. 5	Midterm 2	no reading assignment	Take-home essays due; submit to turnitin.com by 5:30 PM
12	Nov. 12	Jury Decision-making	Vidmar & Hans, Chs. 1-8, pp. 21-189	Term paper topic selection deadline
13	Nov. 19	Jury Decision-making	Vidmar & Hans, Chs. 9-17, pp. 191-346	
	Nov. 26	no class - happy Thanksgiving	no reading assignment	
14	Dec. 3	Judges and Punishment	Spohn, Chs. 1-4, pp. 1-164	
15	Dec. 10	Judges and Punishment	Spohn, Chs. 5-7, pp. 165-309	
Finals	Dec. 17	course conclusion	no reading assignment	presentation; final paper due; submit to turnitin.com by 5:30 PM; distribute 1-pg summaries to class

Evaluation and Scoring Rubric for JS 205 Final Papers

	Excellent (10 pts)	Good (8-9 pts)	Fair (6-7 pts)	Poor/Unacceptable (0-5 pts)
Statement of the Issue	Clear and thorough (10 pts)	Accurate but less thorough (8-9 pts)	Tangential, confusing, vague or incomplete (6-7 pts)	Missing or incomprehensible statement of the issue (0-5 pts)
Reasoning and Argumentation	Reasoning is logical and comprehensive; argument considers alternative or competing viewpoints, evidence or analysis (28-30 pts)	Reasoning skips a few logical steps; argument considers a few of the most obvious counterpoints or data (25-27 pts)	Reasoning only presents the main points, or is not logically organized; argument considers one or two competing points but dismisses them too quickly (21-24 pts)	Essential steps in reasoning omitted or contradictory points introduced without explanation; competing evidence overlooked (0-20 pts)
Support for Argument	Literature, examples and/or data are appropriate, sufficient, and persuasive, integrating both course material and independent research (28-30 pts)	Good use of scholarship, examples and data overall, but some claims unsupported (25-27 pts)	Examples, data or references for key points are missing (21-24 pts)	Data and references lacking; argument is based on anecdote, opinion, or questionable sources (0-20 pts)
Analysis/Synthesis	Writing synthesizes main ideas of several sources (28-30 pts)	Writing presents only a loose or general synthesis of ideas (25-27 pts)	Analysis is based on or dominated by main idea of one source, or paper reads like a summary of readings rather than a synthesis of them (21-24 pts)	Key concepts/ideas/sources missing, or are discussed but not linked to other elements of the paper (0-20 pts)
Conclusion	Appropriate in scope, summarizes main points of paper, considers limitations of arguments, data or analysis and/or discusses directions for future research (19-20 pts)	Conclusion is logical but looser, not fully supported by body of paper; limitations of arguments, analysis or data not considered (17-18 pts)	Conclusion extremely general, vague, or too broad (15-16 pts)	Conclusion missing or completely unsupported by body of paper (0-14 pts)
Overall Presentation	No or extremely few and minor writing and grammatical errors; references are in APA style (19-20 pts)	Writing and grammar acceptable overall, but contains a few significant errors; 1-2 APA errors in references (17-18 pts)	Writing and grammar problems throughout paper; 3+ APA errors in references (15-16 pts)	Writing and grammar significantly impede comprehension of writer's ideas and arguments; APA style completely missing in references; references missing (0-14 pts)

Turn It In: Instructions for registering

1. Go to <http://www.turnitin.com>
2. In the upper-right-hand corner, click “New Users”
3. On the next screen, click “student”
4. On the next screen, enter **2345265** as the Turnitin class ID and enter **justice** as the Turnitin class enrollment password (password is case sensitive). Complete the rest of the information (first name, last name, email, your own personal password, password confirm, secret question, answer) and click “submit.”

If you have problems, you can get a “quickstart tutorial” for students at

http://www.turnitin.com/static/pdf/tii_student_qs.pdf

Remember: it is **your** responsibility to submit your **take-home midterm** and your **research paper** to turnitin.com **by 5:30 PM on the due date**

Students who do not use turnitin.com will not receive credit for the assignment

You have to enroll yourself in the course on turnitin.com *before* you can submit your work