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Class time: M&W 1200-1315; Office hours: Wed.3:00-5:30; Friday 11:45-1:00 or by appointment

Spring 2008

JS 103
COURTS AND SOCIETY

COURSE DESCRIPTION

This course will provide a survey of how courts in the United States function, with an emphasis on criminal courts. We will review the history of our court system as well as Constitutional guidelines for their functioning, basic procedural law from arrest, arraignment, grand jury indictment, trial, sentencings and appeal. All levels of courts will be examined from municipal to the United States Supreme Court. Some attention will be given to courts of Juvenile, Military, domestic and International jurisdiction. Alternative courts such as Drug, Domestic Violence and Family Court will be included and the subject of student observations. The roles of the major participants; defense and prosecuting attorneys, probation officers and judges will be critically examined. Controversial topics such as plea bargaining, mandatory sentences and capital punishment will inform our conclusions regarding the Justice System. We will also make use of the interactive sentencing exercises on the CD that accompanies the text.

COURSE REQUIREMENTS

Students are encouraged to come to class having done the readings for that week, and prepared to discuss issues raised by the instructor. There will be two midterms and a final exam. All exams will be a combination of multiple choice, fill-in and essay. All exams must be taken to pass the class. In addition, students will be required to do a court observations for which there will be a handout. Finally, each student is required to research the Court System of another country and present a powerpoint presentation to the class. This assignment will be done in groups of 2 and presentation staggered through out the semest. This assignment has been very successful in the past, so students are encouraged to sign up for the country of their choice as soon as possible. A handout will also be provided. Sample presentations are available for guidance. All students must complete all assignments to receive a grade in the class. Incompletes are only available if 2/3's of the course material has been completed and proper documentation is presented. Make up exams require proper documentation and are administered on the last day of class. Sleeping through exams does not constitute a valid excuse.

REQUIRED TEXT

David Neubauer, American Courts and the Criminal Justice System (8th edition).
Wadsworth Publishing, 2005.

Raymond Kellser, Study Guide for American Courts and the Criminal Justice System;
Wadsworth Publishing, 2005.

Steve Bogira, Courtroom 302, a Year Behind the Scenes in an American Criminal
Courthouse: Alfred Knopf, 2005

EVALUATION

Midterm #1	25%
Midterm #2	25%
Class Presentation	15%
Court Observation	10%
Final exam	25%

The grades will be determined by a class generated curve. Missed exams may only be **taken on the final day of class with proper documentation of illness or other emergency. Only one exam may be missed!** Class presentations must also be presented **on the day signed up for—oversleeping, forgetting your disk etc. do not constitute acceptable excuses.** Students should always be aware of their class standing. Please be aware that **I consider professional ethics very important, as such, recycled presentations, and cheating on exams will receive an automatic ‘F’.** It is the sole discretion of the instructor whether the student will also receive a failing grade in the class and be referred for University disciplinary action. Students should be aware that future employers will want access to students University records, and indiscretions may follow you through a lifetime.

ATTENDANCE AND PARTICIPATION

Please be prepared and punctual. Turn off your cell phones; excessive talking during lectures is disturbing to other students and the instructor. I encourage thoughtful discussion and response to lectures—those who participate regularly may have their final grade enhanced by ½ grade point—B to B+ etc. **Do not ask the instructor for her lecture notes, it is your responsibility to attend class or find a note sharing buddy.**

STUDENTS WITH DISABILITIES

Students with disabilities who need accommodation must register with the Disability Resource Center, document it, and determine the services and accommodation needed for

student success. The DRC will contact the instructor with the types of consideration needed. Students must register with the Center during the first three weeks of the semester. Their website is : <http://www.drc.sjsu.edu/>.

CHEATING AND PLAGIARISM

In accordance with University Policy, students caught cheating or plagiarizing will both fail the entire class and be referred to the University Judicial Affairs Officer. If you are considering a career in the Justice System, be aware that reports of cheating will go on your permanent academic record and thus may be discovered by employer's background investigations. For more information, take the SJSU Library Tutorial at <http://tutorials.sjlibrary.org/plagerism/index.htm>.

EXTRA CREDIT

Through out the semester I will make students aware of relevant new books, films, unfolding trials in our area which may be the subject of extra credit. I will supply a handout on these opportunities.

COURSE SCHEDULE

Week of 1/21	Introduction and class procedures Cp. 1 Courts, Crime and Controversy (should be read before class) <u>PLEASE READ ONE CHAPTER A WEEK IN COURTROOM 302 AND FINISH IT BY THE END OF THE SEMESTER.</u> Famous Trial #1 Visit the Bureau of Justice Statistics Website at http://www.ojp.usdoj.gov/bjs .
Week of 1/29	Law and Crime Cp. 2 Civil vs Criminal jurisdiction/criminal law vs civil law Visit http://www.commonlaw.com/ . and download a case Find a copy of the Bill of Rights online and download it. <u>Discussion of court observations</u> Famous Trial #2
Week of 2/4	Federal Courts Cp.3

Visit the USSC website
Famous Trial #3; Military Jurisdiction & Court Martials
Set up court observations

- Week of 2/11 State Courts/Dynamics of Courthouse Justice
Observation; California Supreme Court, San Francisco
Cp.4-5
Video: **Frontline: The Plea**
Famous Trial #4
Approval/finalization of group projects
- Week of 2/18 Continuation of previous week's assignments
Begin Cp. 6 Prosecutors, local-state-federal-Attorney Generals'
role, power, misconduct,ethics.
Over/under prosecution....discrimination?.
Video: Frontline
Reciprocal discovery rules
Famous Trial #5
- Week of 2/25 Cp. 7 Defense Attorneys, historical role, cost of indigent defense,
Representation of the marginalized in society.
Famous Trial #6/ Video Frontline: Public Defenders
Review case law on Right to Counsel
Midterm Review
- Week of 3/3 FIRST MIDTERM MARCH 3 BRING 882 SCANTRON
Cp. 8 Judges, selection process, diversity, misconduct, ethics.
Famous Trial #7
- Week of 3/10 Defendants and Victims; demographics; how the process works for
Them; Victim Rights Movement, Victim Impact statements,
Compensation programs; Cp. 9 text
Charging, prelims, grand jury, attrition.
Famous Trial #8
- Week of 3/17 Cp. 11 Bail; who gets it, how does the system work?
Case law reforming the process;
Cp. 12 Disclosing/suppression evidence
Exclusionary rule, confessions, Motions to Suppress
Famous Trial #9
- Week 3/24 SPRING BREAK

Week of 3/31	Cp. 13 Plea Bargaining, dynamics, equity, ethics. Voiur Dire Forms Cp. 14 Begin the Trial Process; right to jury trial, Prosecutions case/intro of evidence Defense case/objections, cross examination/affirmative defenses Review for second midterm
Week of 4/7	SECOND MIDTERM APRIL 7
Week of 4/14	Cp. 15 Sentencing, philosophies, history, legislative responsibility Restorative justice, imposition, probation, monitoring, jail, Community service, prison, death penalty. Famous Trial # 10
Week of 4/21	<u>Cp. 16 Sentencing decisions.</u>
Week of 4/28	Sentencing and begin International Criminal Courts/ War Crimes Jurisdiction/The Hague
Week of 5/5	Finish Student Presentation
May 12	Last day of Class Finish Student Presentation Make-up Exams Review for Final Exam
Final Exam	<u>Thursday, May 15: 9:45-1200</u> EXAMS WILL NOT BE GIVEN OUT AFTER THE FIRST 15 MINUTES.

103 COURT OBSERVATION ASSIGNMENT

All students are required to complete a Court Observation and submit a paper 5-7 pages in length based on observations made over at least 3 hours. At least two different types of court proceedings must be observed—arraignments, preliminary hearings, trials, sentencing etc. These will all be discussed in class. The point of the assignment is to Critically compare what you see with what you have learned in class and well as preconceived notions based on media (television and motion pictures).

The paper must include a description of the courtroom work group, lawyers, judge, clerks, probation officers, bailiffs etc. Can you draw a conclusion regarding their communication with one another? Can you understand what is going on? Are there special difficulties victims, witnesses and family members are experiencing? Are translators and other support personnel in use? Is the media present? Courtroom artists?

Don't be shy about talking to people in the Courthouse, some will be helpful, others busy. Keep trying, your knowledge of the proceedings will be that much more enriched. It would probably be wise to observe in groups of 2-4. You will appear more officious and be less reticent asking questions. Also, your experience will be more educational if you share it with other students.

PROCEDURE:

1. LOCATE THE COURT YOU WANT TO OBSERVE (SEE ATTACHED)
2. INCLUDE IN YOUR PAPER THE LOCATION OF THE COURT
3. NATURE OF THE PROCEEDINGS—MAKE SURE YOU UNDERSTAND WHAT YOU OBSERVING!!!!
4. WHO IS PRESENT IN THE COURTROOM? COURTROOM WORK GROUP INTERACTION—COOPERATIVE, ADVERSARIAL, CONTENTIOUS?
5. DISCRIPTION OF WHAT WAS OBSERVED-ALL WHO WERE PRESENT IN THE COURTROOM, ANYTHING UNUSUAL OR UNEXPECTED?
6. MAKE NOTE OF THE DEFENDANT(S). CHARGES, DEMOGRAPHICS .
7. OUTCOME?
8. REMEMBER, MUCH OF WHAT WE HAVE COVERED HAS BEEN CRITICAL OF THE SYSTEM, PERHAPS YOUR OBSERVATION WILL SURPRISE YOU!

LOGISTICS:

1. CALL THE CLERKS—NUMBERS ON THE WEBSITE TO MAKE SURE COURT IS IN SESSION THE DAY YOU WANT TO OBSERVE.
2. YOU WILL GO THROUGH SECURITY. PREPARE ACCORDINGLY.
3. YOU ARE IN COURT REPRESENTING SAN JOSE STATE UNIVERSITY, DRESS ACCORDINGLY.
4. BRING A MATERIALS TO TAKE NOTES.

**SANTA CLARA COUNTY SUPERIOR COURTS
VISIT THE WEBSITE FIRST!**

[HTTP://WWW.SCCSUPERIORCOURT.ORG/](http://www.sccsuperiorcourt.org/)

LOCATIONS, PHONE NUMBERS, OTHER IMPORTANT INFO.

**CRIMINAL COURT-TALK TO THE SHERIFFS WHEN YOU GO
THROUGH SECURITY**

200 HEDDING ST.

SAN JOSE, CA. 95110

(408) 299-2974

**TERRAINE STEET ANNEX-CALL THE CLERKS FIRST!
DRUG COURT/ CHILD DEPENDENCY**

115 TERRAINE ST.

SAN JOSE , CA. 95113

PALO ALTO BRANCH

270 GRANT AVE. ROOM 202

PALO ALTO, CA. 94306

GILROY COURT FACILITY

7350 ROSANNA STREET

GILROY, CA.95020