

San José State University
College of Applied Sciences and Arts/Justice Studies Department
Justice Studies 103, Courts and Society, Section 3, FALL 2010

Instructor: Margaret (Peggy) Stevenson

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Office Hours: Tuesday, 1:30 p.m. – 5:15 p.m.,
Thursday, 1:30 p.m. – 5:45 p.m. and by appointment

Class Days/Time: Tuesdays, 5:30 p.m. – 8:15 p.m.

Classroom: MH 523

Prerequisites: Upper division standing

Course website:

Course materials including the syllabus, readings, class notes, resources and other materials are found on the course website, accessible from www.online.sjsu.edu. The new system Desire2Learn is also available directly at <http://sjsu.desire2learn.com/>.

Course Description: JS 103

The catalog description: Structure and functions of the court system. Emphasizes attorneys' and judges' roles and the court process. Examination of federal and state legislative, executive and judicial branch actions, including Supreme Court decisions in civil and criminal cases.

Course Goals and Student Learning Objectives

This class covers the structure and functions of the court system. It focuses on the ways in which courts influence society -- and vice versa -- in the context of civil and criminal cases. The course will involve lectures, guest speakers, class participation, court observations, reporting on current court actions, and general reflection on justice issues. Exemplifying how one type of case is prepared and presented, the class will hear from advanced students regarding their preparation and presentation of court petitions. Class will then observe a court hearing (scheduled during class time) in which a judge considers petitions filed by clients seeking to have their criminal convictions cleared.

By the end of the course, generally 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. More specifically, upon successful completion of this course, you should be able to:

Compare federal courts and California state courts

Compare trial court and appellate court functions

Compare criminal and civil court proceedings

Understand the functions of the three branches of government and how the judicial branch interacts with the legislative and executive functions

Analyze how developments in society can affect court decisions and vice versa

Analyze how individuals involved in courts perform their roles and related ethical considerations

Through observing the record clearance process, understand how petitions are prepared for court, how facts are applied to the law, how advocacy is involved in presenting material, how the adversary system functions (in part), how ethical considerations are applied, how clients are prepared for a court appearance, how a judge deliberates, how the parties – including judge, attorneys, probation department, court clerks and sheriff's deputy (bailiff) – perform their roles in a court hearing and how individuals involved in the criminal justice system are affected by the process.

Required Texts/Readings

Textbook

Judicial Process: Law, Courts, and Politics in the United States, 5th Edition (2009), by David W. Neubauer and Stephen S. Meinhold. ISBN-13: 978-0-495-56933-6; ISBN-10: 0-495-56933-X. *Note:* This is a softcover book.

Other Readings

A significant number of required readings are posted on the course website. Reading assignments for each day are to be completed before coming to class.

Classroom Protocol

Students are expected to attend all classes; complete reading assignments (text and website); participate in class; turn in written comments on a current news story; observe court and turn in written court observations; write a paper on the record clearance process; take three quizzes; and take a final exam. 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 *please* respond promptly to my notes to you.

We generally take two five-minute breaks during class. Please save your texting, emailing, web-surfing and non-class-related communications for the breaks.

Dropping and Adding

Students are responsible for understanding the policies and procedures about add/drops, academic renewal, etc. Information on add/drops is at <http://info.sjsu.edu/web-dbggen/narr/soc->

[fall/rec-298.html](http://www.sjsu.edu/fall/rec-298.html). Information about late drops is at <http://www.sjsu.edu/sac/advising/latedrops/policy/>. Students should be aware of the current deadlines and penalties for adding and dropping classes.

Assignments and Grading Policy

Grading is based on a point system, as outlined in the following table.

| Activity | # per semester | pts for each | total pts | extra credit pts | % of total |
|---|----------------|--------------|-----------|------------------|------------|
| Class participation | 14 | 1 | 14 | | 6 |
| Analysis of news report | 1 | 6 | 6 | | 2 |
| Posting courtroom observations, record clearance observation, and news report in website discussion | 5 | 1 | 5 | | 2 |
| Substantive comments on others' courtroom observations, record clearance observation, and news report posted on website discussion | 5 | 1 | 5 | | 2 |
| Courtroom observations | 3 | 20 | 60 | | 24 |
| Record Clearance observation | 1 | 10 | 10 | | 4 |
| Quizzes | 3 | 25 | 75 | | 31 |
| Final exam | 1 | 70 | 70 | | 29 |
| TOTAL | | | 245 | | 100 |
| <i>Extra credit:</i> | | | | | |
| Extra courtroom observation | 1 | 10 | | 10 | |

Total points: 245 points total, with up to 10 extra credit points available, as explained below. For exceptional quality, I may add one or two points to totals for regular activities or assignments.

Point totals are calculated and posted privately for each individual on the course website. Please check each week to assure that the points posted accurately reflect the 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.

Grades are calculated based on the percentage of points earned, superimposed on a rough curve. There is no set percent of grades in each category (thus not a strict curve). As a starting point, those who earn 90 percent and above (220 + points) likely will get an A, 80 – 89 percent (196 – 219) likely will get a B, 70 – 79 percent (171 – 195) likely a C, 60 – 69 percent (147 – 170) likely a D and those below 60 percent (below 147) should not expect to pass. However, this range is a guide against which I will adjust points based on how the class does as a whole.

Extra credit. 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. For example, a B can become a B+, a C+ can become a B-. The extra credit points are worth 4 percent of the total points in the class.

You can earn extra credit points only if you have completed all written assignments for the class. That is, you must turn in a news report, three court observations and the project observation before you can receive extra credit points for an additional court observation.

Participation points. Varied and broad participation enriches our discussions and helps me assess students' understanding. Thus student participation is encouraged and points are awarded for thoughtful class participation. Please extend courtesy and respect to others. We can learn a significant amount from perspectives different from our own and by challenging ourselves to critically evaluate what we read and hear.

Because it is hard to recall, please advise me right away if I have not given you class participation points that you earned. I will not award participation points for a class after two weeks pass. Attendance alone is not used as a criterion for grading, according to Academic Policy F-69-24.

Written assignments. There are five written assignments due in this class: one news report, three court observations and a project paper. A separate memo is posted on the website in the "Background" folder regarding the requirements for these written assignments and information about finding courtrooms to observe. Some samples are posted as well.

Posting written assignments and comments on course website. You can earn a point for posting your written work on the course website, up to a total of five points. You can modify what you turned in for posting (i.e., what you post can be shorter, or details deleted). Substantive comments on others' posts are also awarded points, up to a total of five points.

Record Clearance Project: Advanced students from another class will prepare petitions for people seeking to have eligible criminal convictions dismissed from their records. You will hear from former clients regarding the process, and may meet current clients as they prepare for their hearing. You will observe the hearing at a special court session set during our class on Tuesday, November 2. This session will be held at the Santa Clara courthouse (directions, logistics to be supplied). Following the hearing, the judge, District Attorney, Public Defender, Probation officer and court clerks will address the class and answer questions. Since this is real legal work that affects individuals, please respect their privacy and keep information confidential unless it has been released to the public (i.e., filed in court or stated in an open hearing).

Quizzes and final exam: Quizzes and the final exam are all in-class. No other assistance beyond limited notes is allowed. The format for quizzes and final will be brief answer and short essay. The brief answer questions ask students to comment on a topic and to supply facts, examples or explanations of the answer. Essays ask students to discuss a topic related to something we have covered in class or readings. A separate memo posted on the website in the "Background" folder discusses quizzes and the final exam in greater depth.

Late / missed work, quizzes or exam: The syllabus (following) lists the dates that work is due. All work is expected to be completed on time so that lectures are more meaningful, 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 two-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).

Throughout the semester we will have numerous 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.

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.

Tentative Course Calendar and Assignments

Background documents regarding the course and many 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.

The syllabus is subject to change, particularly as we have a number of guest speakers whose schedules can vary. As soon as I know of a change in the syllabus, I will send an email to the class list, put an announcement on the website and post a revision of the syllabus with the change. (The date of the syllabus is in the upper right square.)

Additional readings are assigned beyond those in the syllabus. As the semester progresses, I will post new readings from current events on the course website (another reason to check the website 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!)

University Policies

Academic Integrity

The University's Academic Integrity Policy is available at http://www.sa.sjsu.edu/download/judicial_affairs/Academic_Integrity_Policy_S07-2.pdf. Your own commitment to learning, as evidenced by your enrollment at San José State University and the University's 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; I comply with this obligation. The website for Student Conduct and Ethical Development is [at http://www.sa.sjsu.edu/judicial_affairs/index.html](http://www.sa.sjsu.edu/judicial_affairs/index.html).

Instances of academic dishonesty will not be tolerated. Cheating on exams or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) will result in a failing grade and sanctions by the University. For this class, all assignments are to be completed by the individual student unless otherwise specified. If you would like to include in your assignment any material you have submitted, or plan to submit for another class, please note that SJSU's Academic Policy F06-1 requires approval of instructors.

Violations of academic integrity rules may affect your graduation and career plans. Please scrupulously observe all academic integrity requirements.

Campus Policy in Compliance with the American Disabilities Act

If you need course adaptations or accommodations because of a disability, or if you need to make 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 the DRC (Disability Resource Center) to establish a record of their disability.

Student Technology Resources

The University would like you to know that computer labs for student use are available in the Academic Success Center located on the 1st floor of Clark Hall and on the 2nd floor of the Student Union. Additional computer labs may be available in your department/college. Computers are also available in the Martin Luther King Library. A wide variety of audio-visual equipment is available for student checkout from Media Services located in IRC 112. These items include digital and VHS camcorders, VHS and Beta video players, 16 mm, slide, overhead, DVD, CD, and audiotape players, sound systems, wireless microphones, projection screens and monitors.

Learning Assistance Resource Center

The university would like you to know that the Learning Assistance Resource Center (LARC) is located in Room 600 in the Student Services Center. It is designed to assist students in the development of their full academic potential and to motivate them to become self-directed learners. The center provides support services, such as skills assessment, individual or group tutorials, subject advising, learning assistance, summer academic preparation and basic skills development. The LARC website is located at <http://www.sjsu.edu/larc/>.

SJSU Writing Center

The SJSU Writing Center is located in Room 126 in Clark Hall. It is staffed by professional instructors and upper-division or graduate-level writing specialists from each of the seven SJSU colleges. Our writing specialists have met a rigorous GPA requirement, and they are well trained to assist all students at all levels within all disciplines to become better writers. The Writing Center website is <http://www.sjsu.edu/writingcenter/about/staff/>.

Peer Mentor Center

The Peer Mentor Center is located on the 1st floor of Clark Hall in the Academic Success Center. The Peer Mentor Center is staffed with Peer Mentors who excel in helping students manage university life, tackling problems that range from academic challenges to interpersonal struggles. On the road to graduation, Peer Mentors are navigators, offering “roadside assistance” to peers who feel a bit lost or simply need help mapping out the locations of campus resources. Peer Mentor services are free and available on a drop –in basis, no reservation required. The Peer Mentor Center website is <http://www.sjsu.edu/muse/peermentor/>.

| Cls # | Date | Topic | Reading assignment / Judicial Process Text | Reading assignment / Website | Written assignments / quizzes |
|-------|------|---|--|---|--|
| | | | | | 8.12.10 |
| 1 | 8.31 | <p>Introductions</p> <p>Description of course</p> <p>Overview of the legal system</p> | <p>skim chapters 3 (federal courts) & 4 (state courts) after class</p> | <p>Description of Course folder (skim for later reference except read Greensheet carefully)</p> <p>Overview of the Legal System folder</p> <p>Resources folder (skim for later reference)</p> | <p>Send me an email at margar_stevenson@yahoo.com if you have not received an email from me so that I can build a class email list</p> |
| 2 | 9.7 | <p>Guest speaker attorney from the Santa Clara County Public Defender's office</p> <p>Attorneys and criminal litigation</p> <p>Attorney ethics</p> | <p>249-253; 255-259; skim rest of chapter 8</p> | <p>Attorneys and criminal litigation folder</p> <p>Follow the links to the District Attorney's office's brochure (if problem, check your pop-up blocker)</p> <p>Attorneys and the Courts folder</p> | |
| 3 | 9.14 | <p>Guest speaker attorney Mario Fausto, Sayer Fausto LLP</p> <p>Attorneys and civil litigation</p> | <p>375-394; 397-400; 146-164</p> | <p>Attorneys and the Courts folder (review)</p> <p>Attorneys and Civil Litigation folder</p> | <p>Court observation 1</p> |
| 4 | 9.21 | <p>Guest speakers JS 170 students: How record clearance petitions are presented</p> <p>How cases are presented</p> | <p>Table 11.1 on 345; 346-351</p> | <p>How Cases Are Presented folder</p> | <p>Quiz 1</p> |

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|----|-------|--|---|---|---------------------|
| 5 | 9.28 | How cases get into court Where "the law" comes from | 445-452 (standing, mootness) 38-51 | How Cases Get Into Court folder "Where the Law Comes From" folder (contains examples of various forms of "The Law") Review "Overview of the Legal System" folder from first week | |
| 6 | 10.5 | Judges and judging | 173-200; 475-485 | 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 | News report |
| 7 | 10.12 | Guest speaker attorney Jessica Fry, Fair Housing Law Project Ending the case before trial: remedies, ADR, plea or settlement | 351-355 (civil) 273-280 (criminal) | Ending the Case Before Trial folder | Court observation 2 |
| 8 | 10.19 | Trial: judgment, verdicts and sentencing | 285-291 (criminal) Review 375-397 | Ending the Case at Trial folder | Quiz 2 |
| 9 | 10.26 | Guest speakers former record clearance clients Background for 11.2 court hearing Appeals | Chapter 13; 485-495; 442-445 (USSC jurisdiction) | Sample documents posted on website regarding hearing Appeals folder | |
| 10 | 11.2 | ATTEND COURT | Santa Clara Courthouse, 1095 Homestead Road, Santa Clara (near intersection Lafayette) | | |

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|----|-------|---|---|---|---|
| 11 | 11.9 | <p>Guest speaker attorney Amy Whelan, Bien, Rosen & Galvan LLP</p> <p>Civil rights litigation on behalf of prisoners</p> <p>Guest speaker attorney Madeline Neighly, National Employment Law Project</p> <p>Racial disparities in the criminal justice system</p> | | Readings to be posted on website | Project paper |
| 12 | 11.16 | <p>Guest speaker Judge Erica Yew, Santa Clara County Superior Court</p> <p>Special Court proceedings: juvenile, family, tribal, international courts</p> | <p>107-109 (juvenile) 363-365 (family) 116-120 (drug) 443 (international)</p> | Special Types of Court Proceedings folder | Quiz 3 |
| 13 | 11.23 | Using courts for rights claims | | Using Courts for Rights Claims folder | Court observation 3 |
| 14 | 11.30 | <p>Guest speaker attorney Tanya Broder, National Immigration Law Center</p> <p>Balance of power: legislative v. executive v. judicial</p> | <p>17-20; 45; 451-452 (political questions); 498-505</p> | <p>Review Where the Law Comes From (week 4) folder</p> <p>Balance of Power folder</p> | Last day to turn in any late work (points deducted) or post to website for points |
| 15 | 12.7 | <p>Catch-up lecture</p> <p>Course review jeopardy</p> | | | Turn in extra credit court observation, if doing one |
| | 12.14 | FINAL EXAM 5:15 – 7:30 p.m. Room 523 MacQuarrie Hall (regular classroom) | | | |