

**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  
**Office Location:** MH 521  
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**Office Hours:** Tuesday, 2:00 p.m. – 5:45 p.m.  
Thursday, 2:00 p.m. – 2:45 p.m. and by appointment  
**Class Days/Time:** Tuesdays, 6:00 p.m. – 8:45 p.m.  
**Classroom:** MH 523  
**Prerequisites:** Upper division standing

**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 involves lectures, guest speakers, class participation, court observations, reporting on current court actions, presentation of a topic to class, and general reflection on justice issues.

Exemplifying how one type of case is prepared and presented, the class will hear from advanced students working in the SJSU Record Clearance Project (RCP) regarding their preparation and presentation of court petitions seeking to dismiss criminal convictions. 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 in this setting how: petitions are prepared for court, facts are applied to the law, advocacy is involved in presenting material, the adversary system functions (in part), ethical considerations are applied, clients are prepared for a court appearance, a judge deliberates, the parties – including judge, attorneys, probation department, court clerks and sheriff's deputy (bailiff) – perform their roles in a court hearing, and 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.

### **Course website:**

Course materials including the syllabus, readings, class notes, resources and other materials are found on the course website Desire2Learn, at <http://sjsu.desire2learn.com/>.

### **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; make a short presentation on a current topic to class; 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. If I see you texting, emailing, web-surfing or conducting non-class-related communications during class, I view that as an invitation to call on you immediately.

## 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-dbgen/narr/soc-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
Analyses of news reports	1	7	7		3
Class presentation of news report or court observation	1	5	5		2
Posting courtroom observations or news report in website discussion	4	1	4		2
Comments on others' courtroom observations or news reports posts on website discussion	4	1	4		2
Courtroom observations	3	20	60		27
Record Clearance observation	1	10	10		5
Quizzes	3	22	66		30
Final exam	1	50	50		23
<i>Extra credit:</i>					
Extra courtroom observation (3 %)	1	7		7	
			220		100

Total points: 220 points total. For exceptional quality, I may add one or two points to totals for regular activities or assignments.

Point totals are calculated and posted 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 (198 + points) likely will get an A, 80 – 89 percent (197 – 176) likely will get a B, 70 – 79 percent (175 – 154) likely a C, 60 – 69 percent (153 – 132) likely a D and those below 60 percent (131) will likely get an F. However, this range is a guide against which I will adjust points based on how the class does as a whole at the end of the class. You can see how your point totals compare to the class totals by clicking on the “statistics” icon next to the “Total” in the Grades portion of the website.

Extra credit. After 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 3 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.

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 passes. 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 four 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 four 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, May 10 (expected). 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).

Leading class discussions on court observations or news reports. Each person will discuss a news article or a court observation with the class. Each person will have approximately five minutes to present his or her article or observation. In picking dates for the presentations, I will group similar topics together and try to match them if possible to the topic we will cover in class that day. The goal of these student-led discussions is to bring different perspectives and information to the class in observing how courts function in society, and to generate some thought-provoking exchanges.

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 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 on time.

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. Since problems are best dealt with early on, 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. 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 left corner.)

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.

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, or a sampling of related material. You will not be responsible for understanding the details of the content, but should understand the general concepts involved.

## **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](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 1<sup>st</sup> floor of Clark Hall and on the 2<sup>nd</sup> 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 1<sup>st</sup> 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/>.

## **General Education Guidelines**

Students should be aware of SJSU General Education Guidelines, listed at <http://www.sjsu.edu/senate/S09-2.htm> . Courses to meet Areas R, S, and V of SJSU Studies must be taken from three different departments, or distinct academic units. (As outlined in the General Education Guidelines, R, S and V courses are in the following categories: Earth and Environment (R), Self, Society & Equality in the U.S. (S), and Culture, Civilization & Global Understanding (V).)