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Spring 2011

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, sentencing and appeal. All levels of courts will be examined from municipal to the United States Supreme Court. Attention will be given to courts of Juvenile Delinquency & Dependency, Military, Domestic, and International Jurisdiction. Alternative courts such as Drug, Domestic Violence and Wellness 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.

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, and essay. The essay part of the exams will be based on important videos seen in class highlighting critical issues in our court system. The essay question will be posted on desire2learn and due with the midterm or final exam(s). In addition, students will be required to do a court observation. Information on that assignment is contained in the syllabus. I will notify students of dates that I will be available to accompany them on observations in Santa Clara County. All exams must be taken to pass the course. **2/3's of the class material must be completed in order to qualify for an incomplete. Missed exams may only be made up with proper documentation of illness or other incapacity. Sleeping through exams, and forgetting the date are not sufficient. The student will receive an F for missed exam without sufficient**

documentation. Make-up exams are administered the last day of class, no exceptions!!!! We will also be using turnitin.com for our papers.

REQUIRED TEXT

David Neubauer, *American Courts and the Criminal Justice System* (10th edition). Wadsworth Publishing, 2011. Will be ordered into the bookstore.

Steve Bogira, *Courtroom 302, a Year Behind the Scenes in an American Criminal Courthouse*: Alfred Knopf, 2005. May be purchased online used for 5\$-7\$.

Suggested: Cassia Spohn, *How Do Judges Decide? A Search For Fairness and Justice in Punishment*: Sage, 2011.

EVALUATION

Midterm #1	100 points, includes objective portion(60pt) and essay on <u><i>The Plea Video</i></u> (40pt)
Midterm #2	100 points, includes objective portion(60pt) and essay on <u><i>The Public Defender Video</i></u> (40pt)
Observation	50 points
Final exam	100 points, includes objective portion(60pt) and essay on <u><i>The Scottsboro Trial</i></u> (40pt)

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!** 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 may request access to students University records; indiscretions may follow you through a lifetime. Inappropriate student action may also be reported to the Office of Student Ethics.** The Syllabus, assignments, notices , reviews and lectures will be available on Desire2learn in the dropbox. We will also be using Turnitin.com. **Texting and emailing during class is noted by the Instructor and diminishes that students participation points.** Those students wishing to attend graduate or Law School should inform the Instructor so that they

may be given special attention and opportunities to demonstrate scholarship. If students must leave early on a regular basis, please inform the Instructor and leave by the back entrance.

ATTENDANCE AND PARTICIPATION

Please be prepared and punctual. Turn off your cell phone. I encourage thoughtful discussion and response to lectures—those who participate regularly may have their final grade enhanced by $\frac{1}{2}$ grade point—B to B+ etc. Students should download and print powerpoint lectures which are all available in dropbox on Desire2Learn the day of lecture.

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 be discovered by employer background investigations. For more information, take the SJSU Library Tutorial at <http://tutorials.sjlibrary.org/plagerism/index.html>

TUTORING & WRITING CENTER

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 inspire them to become independent learners. The Center's tutors are trained and nationally certified by the College Reading and Learning Association (CRLA). They provide content-based tutoring in many lower division courses (some upper division) as

well as writing and study skills assistance. Small group, individual, and drop-in tutoring are available. Please visit the LARC website for more information (<http://www.sjsu.edu/larc/>). Students are also encouraged to make use of the Writing Center located on the first floor of Clark Hall. Once you are tutored, contact will be made with me, and we can work together to produce your best writing.

SPECIAL DATES:

JAN 25	ADVISING, ORIENTATION, INTERNSHIP SIGN-UPS
JAN 26	FIRST DAY OF INSTRUCTION
FEB.7	LAST DAY TO DROP CLASSES
FEB.14	LAST DAY TO ADD CLASSES; REGISTER LATE
MARCH 2	FIRST MIDTERM EXAM

MARCH 28-1 SPRING BREAK

APRIL 13	SECOND MIDTERM EXAM
MAY 16	LAST DAY OF INSTRUCTION/MAKE UP EXAM DAY
MAY 20	FINAL EXAM 0945-1200

COURSE SCHEDULE

Week of 1/24 Introduction and class procedures
Cp. 1 Courts, Crime and Controversy (should be read before class)
PLEASE READ ONE CHAPTER A WEEK IN COURTROOM 302 AND FINISH IT BY THE END OF THE SEMESTER.
Famous Trial #1
Visit the Bureau of Justice Statistics Website at
<http://www.ojp.usdoj.gov/bjs>.

Week of 1/31 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.

Discussion of court observations

Famous Trial #2

Week of 2/7

Federal Courts

Cp.3

Visit the USSC website(google USSC)

Famous Trial #3; Military Jurisdiction & Court Martials

Set up court observations

Week of 2/14

State Courts/Dynamics of Courthouse Justice

Observation; California Supreme Court, San Francisco-tentative

Cp.4-5; distribution of essay question due with Midterm #1

Video: **Frontline: The Plea**

Famous Trial # 4

Week of 2/21

Continuation of previous week's assignments

Begin Cp. 6 Prosecutors, local-state-federal-Attorney Generals' role, power, misconduct,ethics issues.

Selective prosecution.

Reciprocal discovery rules

Famous Trial #5

Week of 2/28

First Midterm March 2. Essay due; *no late essays excepted!**

Cp. 7 Defense Attorneys, historical role, cost of indigent defense, Representation of the marginalized in society.

Famous Trial #6/ Video Frontline: Public Defenders of San Francisco

Review case law on Right to Counsel

Week of 3/7

Continue material from 3/2, exams returned.

Cp. 8 Judges, selection process, diversity, misconduct, ethics.

Famous Trial #7

Week of 3/14

Defendants and Victims; demographics,

Victim Rights Movement, Victim Impact statements,

Compensation programs; Cp. 9 text

Charging, prelims, grand jury, attrition.

Famous Trial #8

Week of 3/21

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

SPRING BREAK MARCH 28-MARCH 31

- Week of 4/4 CONTINUE MATERIALS FROM 3/22
Cp. 13 Plea Bargaining, dynamics, equity, ethics.
VoiR 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 4/11 **Second Midterm April 13th, second essay due, no exceptions!**
Cp. 15 Sentencing, philosophies, history, legislative responsibility
Restorative justice, imposition, probation, monitoring, jail,
Community service, prison, death penalty.
Famous Trial # 10
- Week of 4/19 **Cp. 16** Sentencing decisions,discrimination, economic status,
Gender and race.
Famous Trial #11
- Week of 4/25 Cp. 17 Appellate Review, process, procedures, review,
Controversy. **Video: Frontline: Scottsboro, An American**
Tragedy.
Essay due with final.
Famous Trial #12
- Week of 5/3 War Crimes & International litigation
Class notes only. REVIEW OF BOGIRA TEXT
- Week of 5/10 COURT OBSERVATIONS
INSTRUCTOR WILL ACCOMPANY IN SCC
- Week of 5/16 Last Day Class, review, make-up exams.
- Final exam Friday, May 20th 0945

COURT OBSERVATION ASSIGNMENT: DUE WITH FINAL EXAM

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). ***Students must also compare and contrast observations Bogira made in Courtroom 302.*** The date, time, Courtroom observed case name and Judge must be included.

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 be wise to observe in groups of 2-4. If you politely introduce yourself to the Bailiff, he or she may introduce you to the Judge at which point you should ask him questions which you have prepared beforehand.

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 ARE 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 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

US DISTRICT COURT----A SHORT WALK FROM CAMPUS

280 S. 1ST ST. SAN JOSE

(408) 535-5364

Js 103 Dreyfuss Video: Scottsboro- An American Tragedy; Written portion of final exam. Due with final exam.

Please describe the 4th, 5th, 6th, 8th, 14th amendment violations Exercised by the criminal justice system, as well as judicial misconduct, and prosecutorial misconduct in the context of the culture of the South in the the 1930's. The following concepts must be incorporated in your analysis. Pay close attention & take notes. Paper must be typed and no longer than 5 pages. Be concise, cogent and check grammar. **Bold major ideas and concepts! DEDUCTIONS FOR POOR GRAMMAR!** If you want to view the film a second time its available at libraries, through Netflix and Blockbuster.

- Race, sex, politics in the struggle for justice
- stereotypes used against the Defendants
- Towns response to women's accusations
- Pretrial publicity
- Presence of national guard
- Lynching
- Legal representation
- Verdicts
- Role of Communist/labor/NAACP/Sam Liebowitz
- Jury composition
- Perjury
- Sentencing/incarceration/split acquittal/parole/aftermath.
- Motions for new trial
- Bail/denial

JS 103 COURTS & SOCIETY

WRITTEN ASSIGNMENT FOR FRONTLINE VIDEO THE PLEA.

Assignment is due Midterm # 1. **No late assignments will be accepted.**

These are short essay questions to be answered separately. Answer them in order and do not run them together as one essay. **Underscore or bold major concepts!**

1. **Erma Faye Stewart & Regina Kelly;** How were the competing goals of financing a criminal court system and due process illustrated in the context of drug sweeps, bond, pleas, dismissals and long term probation?
2. **Charles Gampero;** What role did the father of the victim play in the criminal investigation and trial? Was there an ethical issue with the plea negotiations? Was there an appearance of either abuse of discretion or judicial misconduct?
3. **Patsy Kelly Jarrett;** What went wrong in her criminal prosecution? Who became her advocate and with what result?
4. **Kerry Max Cook;** What was the miscarriage of justice in Kerry's case? What was the Alford Plea? Did it help him? What was the legal outcome for Kerry?

*JS 103 Dreyfuss Worksheet for Video Presumed Guilty-Frontline PBS
WRITTEN SECTION OF MIDTERM #2 MUST BE TYPED, DOUBLE
SPACED, DUE WITH THE SECOND MIDTERM; EXTRA CREDIT FOR
EXCELLENT & THOUGHTFUL RESPONSES. BOLD MAJOR IDEAS AND
CONCEPTS.*

1. What was your impression of the Public Defenders?

2. What is the philosophy of the Public Defenders office?

3. What percentage of criminal defendants in S.F. need a Public Defender?
Did the defendants fit the general view of a criminal defendants?

4. How would you assess the relationship between public defenders and their clients?

5. How would you rate the various judges?

6. How did the Public Defender's backgrounds contribute to their quest
For justice?

7. Did the plea bargain process seem fair to you? Why or why not?

8. What is required before anyone may be held in contempt and jailed by a
judge?

