

San José State University
CASA/Department of Justice Studies
JS12, Introduction to Legal Studies, Section 1, Fall 2012

Instructor:	Harold W. Peterson, JD
Office Location:	MacQuarrie Hall, Room 521
Telephone:	(408) 924-4927
Email:	harold.peterson@sjsu.edu
Office Hours:	Tuesday – Thursday 8:00 am to 9:00 am
Class Days/Time:	Tuesday – Thursday 9:00 am to 10:00 am
Classroom:	MacQuarrie Hall, Room 520
JS Competency Area:	

Course Catalog Description

The course presents historical and modern perspectives of the theories and structures of law, and provides an overview of the economic and sociological challenges to law making. This course also examines the nexus between law, social change, and dispute resolution.

Goals and Student Learning Objectives

Upon successful completion of this course, students will be able to:

SLO 1 - Demonstrate a general understanding of the fundamental influences society has on the law.

SLO 2 - Demonstrate knowledge of legislative, administrative and judicial law making, as well as a general understanding of the law making processes.

SLO 3 - Develop an understanding of methods for analyzing the legal and social controls and dispute resolution.

SLO 4 - Understand the various aspects of the legal profession and methods for legal research.

SLO 5 - Students should read, write, and contribute to discussion at a skilled and capable level.

Justice Studies Reading and Writing Philosophy

The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical, and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives—personal, professional, economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are prepared to more effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.

Required Texts/Readings/Written Assignments

Textbook

Walsh, A. & Hemmens, C. (2011) (2nd ed) *Law, Justice and Society*. New York. Oxford University Press. The text is available at the campus bookstore, with supplemental readings held on e-reserve as assigned by topic. In addition, the textbook publisher provides supplementary Internet resources at www.wadsworth.com.

ISBN 978-0-19-975793-0

Reading Assignments

Students must complete all reading assignments before their discussion in class.

Short Answer Essays

Students will write four (4) Short Answer Essays assigned throughout the semester. The Instructor will discuss the content of the essays before the assignment is due. The essays must be at least 500 words, double-spaced with a 12-point font and consist of no more than a single page. The instructor will NOT accept late papers.

Written Assignments

All writing assignments must adhere to the following *10 Rules of Formal Writing*. Written Assignments not conforming to these rules will receive a significant reduction in grade.

1. **DO NOT** write in the first person perspective.

First Person Perspective: A point of view in which *I, you* or *we* serve as the narrator or the narrative voice. Typically, found in journal writing, fiction, or other informal writing. The viewpoint is from the writer directly or as a person observing the action first-hand. Examples include a diary entry, a personal letter or the protagonist, David Copperfield in a Dickens novel *David Copperfield*. First person perspective is NOT acceptable when writing formally.

Second Person Perspective: A point of view in which uses the pronouns *you, your, and yours* to address a reader or listener directly. However, the second-person point of view only rarely serves as narrator or the narrative voice in fiction. However, it appears in letters, speeches, and certain forms of business and technical writing. An example is a systematic instruction manual for the assembly of a bicycle. Second person perspective is sometimes used when writing formally, but NOT for the purposes of this course.

Third Person Perspective: A point of view in which the writer relates information or action in the third person using proper nouns or third person pronouns such as *he, she* or *they*. Third person perspective may be omniscient (all-knowing) or limited. It is the primary characteristic of academic or formal writing. Examples include a textbook or an academic essay. Third person perspective is the ONLY perspective used for this course.

2. **DO NOT** use contractions.

A contraction is a shortened form of a word or series of words, usually missing letters marked by an apostrophe. Typically, contractions are used in informal writing. Examples include: *can't* for *cannot*, *doesn't* for *does not* and *should've* for *should have*. Contractions have NO place in academic or formal writing.

3. **DO NOT** write in the passive voice.

Active Voice: In an active sentence the *subject* is doing the action. An example of this is *Jack assisted Jill*. Jack is the subject of the sentence and he is doing something by *assisting Jill*, where Jill is the *object* of the sentence.

Passive Voice: A voice where the target of the action becomes the subject of the sentence. For instance, instead of writing, *Jack assisted Jill*; the author writes *Jill is assisted by Jack*. Jill becomes the subject of the sentence even though she is not doing anything. Jill is the beneficiary of Jack's help. The subject of the sentence changes from Jack to Jill. When writing formally it is important to avoid this change of the subject.

For more information regarding passive and active sentences go to: <http://owl.english.purdue.edu/owl/resource/539/01/>

4. **DO NOT** begin sentences with *it, and, but, this, so* or an ambiguous pronoun.

Although this is no longer a conventional rule, it is still good practice. Sentences that

begin with these words generally sound vague, weak or choppy and lead to confusion in a paper. So ... just kidding. For the purposes of this course try to avoid using these words at the beginning of a sentence.

5. **DO NOT** use rhetorical questions.

Writing rhetorically does not mean using rhetorical questions. Defined as the use of *language to please and persuade*, rhetoric plays an important role in academic and formal writing. However, the practice of placing rhetorical questions in a paper does not. While this instructor encourages persuasive, pervasive and sometimes profound thoughts and ideas, it loathes them in the form of a rhetorical question. Formal or academic papers should attempt to answer questions rhetorically, not ask rhetorical questions.

6. **DO NOT** use clichés.

A cliché's is a phrase repeated so many times that it has lost its ingenuity. If heard before, the chances are it is a cliché. Not sure? Use the *Cliché Finder*: <http://www.westegg.com/cliche/>

7. **DO NOT** write fragments.

A fragment is a group of words beginning with a capital letter and ending in a period, question mark or exclamation point, but is otherwise grammatically incomplete. Typically, a fragment is a phrase or dependent clause. Disguised as a sentence, it often is missing a subject, verb or a complete idea. The following are examples of sentence fragments and their missing parts:

- a. *Read about travelling to Europe.* (Missing subject) Correction → *Jack read about travelling to Europe.*
- b. *For example, Germany.* (Missing verb) Correction → *For example, Germany is nice in the summertime.*
- c. *Since Spain is warm.* (Incomplete idea) Correction → *Since Spain is warm, it is a nice place to visit in the wintertime.*

8. **DO NOT** write run-on sentences.

A run-on sentence is one that contains too many ideas and runs on too long. Typically, a run-on sentence contains two complete ideas (or independent clauses) not properly connected in a single sentence. Once identified, the sentence is easily corrected by inserting the proper connecting words (conjunction) or punctuation. For example:

- a. *Jack fell down the hill Jill laughed.* (Missing conjunction) Correction → *Jack fell down the hill and Jill laughed.*
- b. *Jack tumbled down the hill there was an incident with Jill.* (Missing punctuation) Correction → *Jack tumbled down the hill; there was an incident with Jill.*
- c. *Jack went up the hill Jill followed him.* (Create two sentences) Correction →

Jack went up the hill. Jill followed him.

- d. *Jack does not go up the hill anymore he is scared of Jill.* (Use of conjunctive word) Correction → *Jack does not go up the hill anymore because he is scared of Jill.*

9. **DO NOT** overuse direct quotations and paraphrased material.

Direct Quotations: The use of direct quotations from a particular source or sources is necessary when supporting a thesis or position in an academic or a formal paper. Notwithstanding, the overuse of direct quotations can make a paper uninteresting, irrelevant and redundant. A paper comprised entirely of direct quotations is nothing more than a reproduction of the original work. Direct quotations should support and strengthen a student's thesis or position, not simply restate another person's ideas. For more information regarding the use of direct quotations and for specific examples, please see: <http://www.american.edu/ocl/asc/upload/To-Quote-Paraphrase-or-Summarize.pdf>

Paraphrasing: Paraphrasing is restating another person's ideas in the student's own words. That is, taking another person's thoughts, concepts, information and/or ideas, expressing in the words of the paraphraser, and then providing the proper citation and bibliographic information pursuant to APA format.

Summarizing: Summarizing is consolidating another person's ideas in the student's own words. That is, taking another person's thoughts, concepts, information and/or ideas, expressing them in a concise manner, in the words of the paraphraser and then providing a citation and bibliographic information pursuant to APA format.

WARNING: FAILURE TO QUOTE, PARAPHRASE OR SUMMARIZE PROPERLY AND/OR PROVIDE THE PROPER CITATION AND BIBLIOGRAPHIC INFORMATION PURSUANT TO APA FORMAT IS PLAGIARISM.

For a tutorial regarding paraphrasing and summarizing, please visit: <http://www.wiziq.com/tutorial/95641-Paraphrasing3>

For a tutorial regarding APA Tutorial visit: <http://www.apastyle.org/learn/tutorials/basics-tutorial.aspx>

10. **DO NOT** use symbols, slang, abbreviation or other colloquialisms.

When writing formally avoid using informal words, phrases and/or abbreviations. Present information first with proper nouns before using pronouns. There is no place in formal or academic writing for colloquialism (Remember, this is not a text, twitter or friendly email—this is formal writing). Here is a list of the top ten words to avoid when writing:

<http://www.freelancewriting.com/articles/ten-words-to-avoid-when-writing.php>

Class Participation

Students are encouraged to participate in class discussion. Participating students who demonstrate they are prepared for class and provide a positive contribution to the class discussions may expect points toward their class participation evaluation.

Examination and Evaluation

A student's final evaluation shall consist of two (2) in-class midterm examinations, four (4) short essay assignments, a research assignment, and a cumulative final examination. Percentage of overall evaluation:

Grade Item	Points	Weight
First Midterm Examination (SLO's 1 - 3)	100	20%
Second Midterm Examination (SLO's 3-4)	100	20%
4 Short Essay Assignments (SLO 6)	100	15%
Research Assignments (SLO 6)	100	10%
Class Participation	100	5%
Final Examination (SLO's 1-5)	100	30%
Total		100%

Examinations consist of multiple choice, short answer and essay questions derived from the reading assignments and class lecture. Missed exams or assignments may only be made-up with proper documentation of illness, incapacity and/or prior and valid notification and reason for absence. Points for class participation are at the discretion of the instructor and may be added or withdrawn at any time before a student's final evaluation.

+/- Grading: This course will be using the +/- system on final grades based on the following percentages:

95-100:	A	74-76:	C
90-94:	A-	70-73:	C-
87-89:	B+	67-69:	D+
84-86:	B	64-66:	D
80-83:	B-	60-63:	D-
77-79:	C+	0-59:	F

Please note, a "C" or higher is required to receive credit for this course toward a Justice Studies or Forensic Science Major.

To receive a grade for this course, students must complete all course requirements. Failure to complete any of them may result in a failing grade for the course. Students may dispute assignment, examination and course grades at the instructor's convenience (or during office hours). It is important to note, however, that upon review, the instructor

reserves the right to increase as well as decrease the grade in question. Students must submit all assignments online at the **Desire2Learn** website under the **Dropbox** menu. Instructor will not accept late assignments.

Library Liaison

Nyle Monday *Senior Assistant Librarian, University Library, San Jose State University*

Email: nyle.monday@sjsu.edu

Classroom Protocol

This is a time to open your minds to new ideas, to explore new concepts, so please take advantage of this opportunity. Further, please be respectful of others and show them common courtesy. Students may enrich the learning process by discussion. Respect and professionalism are the guiding principles of this class. Tardiness will not be tolerated, if you are late, do not disturb class—wait until break to enter the classroom.

Electronic Devices: Please turn off all cell phones, pages, PDA's or any other electronic device that "make noise". No text messaging in class, please turn off these devices, as they are disruptive. Students may take hand written notes during class; however, students may not use computer and/or other recording devices.

Dropping and Adding

Students are responsible for understanding the policies and procedures about add/drops, academic renewal, etc. [Information on add/drops are available at http://info.sjsu.edu/web-dbggen/narr/soc-fall/rec-298.html](http://info.sjsu.edu/web-dbggen/narr/soc-fall/rec-298.html). [Information about late drop is available at http://www.sjsu.edu/sac/advising/latedrops/policy/](http://www.sjsu.edu/sac/advising/latedrops/policy/). Students should be aware of the current deadlines and penalties for adding and dropping classes.

University Policies

Academic integrity

Students should know that 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 Jose State University and the University's integrity policy, require 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. The website for [Student Conduct and Ethical Development is available at http://www.sa.sjsu.edu/judicial_affairs/index.html](http://www.sa.sjsu.edu/judicial_affairs/index.html).

The University will not tolerate instances of academic dishonesty. 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. Students must complete all assignments 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.

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 of building evacuation, 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

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 Learning Assistance Resource Center (LARC) located in Room 600 in the Student Services Center assists students in the development of their full academic potential and motivates them to become self-directed learners. The center provides support services, such as skill 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/](http://www.sjsu.edu/larc/).

SJSU Writing Center

The SJSU Writing Center located in Room 126 in Clark Hall offers a variety of resources to help students become better writers, including one-on-one tutoring sessions and numerous writing workshops. All of the services are free for SJSU students. [The Writing Center website is located at http://www.sjsu.edu/writingcenter/about/staff/](http://www.sjsu.edu/writingcenter/about/staff/).

Peer Mentor Center

The Peer Mentor Program was created to ease the transition to SJSU by empowering students to help each other and themselves. Peer Mentors are among the best, brightest, and most diverse SJSU students. Peer Mentors are in the MUSE classrooms as well as available in the Peer Mentor Center located in the Academic Success Center in Clark Hall. [Website of Peer Mentor Center is located at http://www.sjsu.edu/muse/peermentor/](http://www.sjsu.edu/muse/peermentor/).

CASA Student Success Center

The Student Success Center located in MacQuarrie Hall, Room 533 (top floor) provides advising for undergraduate students majoring or interested in majoring in programs offered by CASA Departments and Schools. The Student Success Center provides general education advising, assistance with changing majors, answers to academic policy related questions, meetings with peer advisors and/or various regularly scheduled presentations and workshops. [408.924.2910](tel:408.924.2910) <http://www.sjsu.edu/casa/ssc/>.

JS12 / Courts & Society, Spring 2012

Course Schedule

Week	Date	Readings, Assignments & Deadlines
1	Thursday	Reading: None Lecture & Discussion: Introduction; Syllabus; Class Mechanics; Class Policy and Procedures; the Syllabus, Why do we need Law?
2	Tuesday	Reading: Text - Chapter 1 – Law Its Function and Purpose, Crime and Controversy Lecture & Discussion: What is the Law? Characteristics of Culture and Their Relationship to Law; Beliefs, Values, Norms, Symbols, Technology
	Thursday	Reading: Text - Chapter 1 – Law Its Function and Purpose, Crime and Controversy Lecture & Discussion: Early Thinkers about Law – Plato, Aristotle, Thomas Hobbes, John Locke, John Rawls; Sociological Perspectives of Law – Max Weber, Emile Durkheim; Two Opposing Theories – The Consensus Perspective & The Conflict Perspective
3	Tuesday	Reading: Text – Chapter 2 – Justice and the Law Lecture & Discussion: What is Justice? Distributive Justice, Retributive Justice; Problems with Aristotle’s Definition of Justice; Legal Realism Assignment Due: Short Answer Essay #1 Would you choose to live under a brutal dictator such as Hitler, Stalin, or Saddam Hussein or suffer the chaos of a society without any kind of law?
	Thursday	Reading: Text – Chapter 2 – Justice and the Law Lecture & Discussion: Where Does Justice Come From? Two Perspective of Law and Justice as Natural – The Transcendental Natural Law Perspective; The Evolutionary Perspective; What is the Relationship of Law & Justice? Garfalo and Natural Crime; The Rule of Law
4	Tuesday	Reading: Text – Chapter 2 – Justice and the Law Lecture & Discussion: The Rule of Law; Justice Evolving; Cesare Beccaria and Reform; Justice, the Law and Packer’s Models of Criminal Justice (Crime Control vs. Due Process)
	Thursday	Reading: Text – Chapter 3 – Making Law Lecture & Discussion: Common law; Precedent and Stare Decisis; Sources of law; Sources of Individual Rights (Bill of Rights); Judicial Review; The Process of Amending the Constitution
5	Tuesday	Reading: Text – Chapter 4 – Federal & State Courts Lecture & Discussion: Federal Courts (District Courts, Court of Appeals, Supreme Court); the State Courts; Overview of the Criminal Process; The Jury and Its Selection; Court Actors
	Thursday	Reading: Text – Chapter 5 – Crime and Criminal Law Lecture & Discussion: What is a Crime? Sources of Criminal Law; Limitations on Criminal Law; Elements of Criminal Liability; Liability without Fault
6	Tuesday	Reading: Text – Chapter 5 – Crime and Criminal Law Lecture & Discussion: Inchoate Crimes; Defenses to Criminal Liability; Procedural Defenses; Entrapment; Crimes Against the Person; Crimes Against Property; Crimes Against Public Order and Morality
	Thursday	Reading: Text – Chapter 6 – Criminal Procedure Lecture & Discussion: Purpose of Criminal Procedure Law; Sources of Criminal Procedure law; Search & Seizure and the Fourth Amendment; Arrest; Searches (Reasonable Expectation of Privacy; Exceptions to the Warrant Requirement)

		Assignment Due: <i>Short Answer Essay #2 A person walk into a bar. The person walks up to the bartender, pulls out a gun and shoots him. Identify all of the possible justification and excuse defenses to any crimes committed by the shooter.</i>
7	Tuesday	First Midterm Examination Review
	Thursday	First Midterm Examination October 4, 2012 (Blue Book Required)
8	Tuesday	Reading: Text – Chapter 6 – Criminal Procedure Lecture & Discussion: Right to the Assistance of Counsel; Right to Counsel During Interrogations and Pretrial Identification Procedures; The Confrontation Clause; Right to Compulsory Process Clause; The Exclusion to the Exclusionary Rule; Advancing Toward the Exclusionary Rule
	Thursday	Reading: Text – Chapter 7 – Civil and Administrative Law Lecture & Discussion: Tort Law; Property Law; Contract Law
9	Tuesday	Reading: Text – Chapter 7 Civil and Administrative Law Lecture & Discussion: Family Law; Administrative and Regulatory Law Assignment Due: <i>Short Answer Essay #3 In light of the different standards of proof in civil verses criminal law, would you favor a “preponderance of the evidence” standard of proof in criminal trials over the “beyond a reasonable doubt” standard? Defend your position.</i>
	Thursday	Reading: Text – Chapter 8 – Juvenile Justice Lecture & Discussion: What is Juvenile Delinquency? The Extent of Delinquency; History and Philosophy of Juvenile Justice; Juvenile Waiver to Criminal Court; Discuss; Assign Research Projects
10	Tuesday	Reading: Text – Chapter 8 – Juvenile Justice Lecture & Discussion: The Juvenile Death Penalty; Eroding the Distinction Between Adult and Juvenile Court Systems; Restorative Justice
	Thursday	Reading: Text – Chapter 9 – The Law and Social Control Lecture & Discussion: What is Social Control? Typology of Social Control; The law as a Social Control Mechanism; Social Control and the Criminal Justice System; Is the US Soft on Crime
11	Tuesday	Second Midterm Examination Review
	Thursday	Second Midterm Examination November 1, 2012 (Scantron and Blue Book Required)
12	Tuesday	Film – (or make-up lecture)
	Thursday	Film – (or make-up lecture)
13	Tuesday	Reading: Text - Chapter 10 – Limits of Social Control Lecture & Discussion: Policing Vice; What is a Vice Crime? Homo Sexuality and Sodomy; Prostitution and Commercialized Vice; Pornography/Obscenity; Abortion; Alcohol and Illicit Drugs Assignment Due: <i>Short Answer Essay #4 What is vagrancy? What are the controversies involved with establishing a laws against vagrancy? What are the constitutional defenses to vagrancy?</i>
	Thursday	Reading: Text - Chapter 11 – The Law and Social Change Lecture & Discussion: What is Social Change? The Law as a Cause of Social Change; Social Movements, the Law, and Social Change; British Law and the American Revolution; Law and Social Engineering in the Former Soviet Union: The United States Supreme Court’s Role in Inducing Social Change
14	Tuesday	Reading: Text – Chapter 12 – Woman & The Law

		Lecture & Discussion: <i>Feminist Legal Theory; Women and Law in History; The Relative Value of Citizens; Woman as Human and Person; Rape and Other Misogynous Atrocities; Women's Work and Other Legal Matters; The UNCEFDW and the Equal Rights Amendment</i>
	Thursday	Reading: Text – Chapter 13 – Racial Minorities and the Law Lecture & Discussion: <i>African Americans; American Indians; Asian Americans; Race, Law and Conflict</i>
15	Tuesday	Reading: Text – Chapter 14 – Comparative Law: Law in Other Cultures Lecture & Discussion: <i>Law in Preliterary Bands and Tribes; Law in the Modern World; The Four Traditions; The Four Traditions and the Rule of Law; The Convergence of Systems</i> Assignment Due: Research Assignment
	Thursday	No Class, Thanksgiving Break
16	Tuesday	Reading: Text – Chapter 14 – Comparative Law; Law in Other Cultures Lecture & Discussion: <i>The Four Traditions and the Rule of Law; The Convergence of Systems</i>
	Thursday	Final Examination Review
17	Tuesday	Final Examination December 18, 2012 (12:15 am to 2:30 pm, Scantron and Blue Book Required)