

San José State University
CASA/Department of Justice Studies
JS12/Introduction to Legal Studies, Section 1, Fall 2014

Instructor:	Harold W. Peterson, JD
Office Location:	MacQuarrie Hall, Room 521
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Office Hours:	Tuesday & Thursday 9:00 am to 10:15 am
Class Days/Time:	Tuesday & Thursday 7:30 am to 8:45 am
Classroom:	MacQuarrie Hall, Room 520
JS Competency Area:	Support Course

Pre/Co-Requisites

None.

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.

Required Texts/Readings

Textbooks:

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 posted to the Canvas website. **ISBN 978-0-19-975793-0**

Other Readings:

Other readings may be assigned throughout the semester.

Justice Studies Credit

To be accepted for credit towards a degree in Justice Studies, a grade of “C” or better in this course is required.

Course 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.

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 computers and/or other recording devices without permission of the instructor.

Dropping and Adding

Students are responsible for understanding the policies and procedures about add/drops,

academic renewal, etc.

<https://slisweb.sjsu.edu/current-students/registration-and-enrollment/adding-and-dropping-classes>

Students should be aware of the current deadlines for dropping and adding classes.
<http://www.sjsu.edu/provost/docs/1314aycalendar.pdf>

Assignments and Grading Policy

Written Assignments: All writing assignments must adhere to the *10 Rules of Formal Writing* (Posted on **Canvas** under Information Related to the Course). Written Assignments not conforming to these rules will receive a significant reduction in grade. Students will write three (3) 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 no more than 600 words, double-spaced with a 12-point font. ***ALL WRITTEN ASSIGNMENTS MUST BE POSTED ONLINE (CANVAS) AND A PAPER COPY SUBMITTED IN CLASS.*** Late papers will be assessed a 10% penalty.

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

Examination and Evaluation: A student's final evaluation shall consist of two (2) in-class midterm examinations, three (3) short essay assignments and a final examination. Each assignment/exam shall consist of 100 points and weighted as follows:

Grade Item	Weight
First Midterm Examination (SLO's 1-3, 5)	20%
Second Midterm Examination (SLO's 1-5)	20%
3 Short Essay Assignments (SLO 6)	25%
Research Assignment/Negotiated Justice Exercise/Class Participation	5%
Final Examination (SLO's 1-6)	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.

+/- 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.

Students must submit all assignments online at the **Canvas** website and submit a paper copy in class.

Class-Participation and Related Exercises & Assignments: Students final evaluation shall include an instructor’s evaluation of student participation of in-class and online discussion and exercises.

Required University Policies Statements

Academic Integrity:

www.sjsu.edu/studentconduct/docs/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 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 the SJSU 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 AEC (Accessible Education Center) to establish a record of their disability. For more information call their office at 408-924-6000 (v) or 408-924-5990 (TTY).

Accommodation to Students’ Religious Holidays: San José State University shall provide accommodation on any graded class work or activities for students wishing to observe religious holidays when such observances require students to be absent from class. It is the responsibility of the student to inform the instructor, in writing, about such holidays before the add deadline at the start of each semester. If such holidays occur before the add deadline, the student must notify the instructor, in writing, at least three days before the date that he/she will be absent. It is the responsibility of the instructor to make every reasonable effort to honor the student request without penalty, and of the student to make up the work missed. See [University Policy S14-7](http://www.sjsu.edu/senate/docs/S14-7.pdf) at <http://www.sjsu.edu/senate/docs/S14-7.pdf>.

Expectations of Students’ Effort: “Success in this course is based on the expectation that

students will spend, for each unit of credit, a minimum of forty-five hours over the length of the course (normally 3 hours per unit per week with 1 of the hours used for lecture) for instruction or preparation/studying or course related activities including but not limited to internships, labs, clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.”

Student Resources

Library Liaison: Silke Higgins *Assistant Librarian, University Library, San Jose State University*

Email: silke.higgins@sjsu.edu

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.

Peer (Mentoring) Connections: Peer Connections offers free mentoring and tutoring services to undergraduate SJSU students. <http://peerconnections.sjsu.edu>

Peer Connections has four locations on the SJSU main campus:

- Student Services Center (SSC) 600, on the corner of 10th and San Fernando (inside the 10th Street parking garage building)
- Martin Luther King, Jr. Main Library in room LL 67, just off of the elevator lobby on the lower level
- Academic Success Center in Clark Hall, on the first floor next to the Computer Lab
- The Living Learning Center (LLC) in Campus Village B.

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. <http://www.sjsu.edu/writingcenter/>

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
<http://www.sjsu.edu/casa/ssc/>

Course Schedule

Week	Day	Readings, Assignments & Deadlines
1	Tuesday 8/26/14	Reading: None Lecture & Discussion: Introduction; Syllabus; Class Mechanics; Class Policy and Procedures; the Syllabus, THE MATRIX ... Why do we need Law?
	Thursday 8/28/14	Reading: Text - Chapter 1 – Law Its Function and Purpose Lecture & Discussion: What is the Law? Characteristics of Culture and Their Relationship to Law; Beliefs, Values, Norms, Symbols, Technology and Language
2	Tuesday 9/2/14	Reading: Text - Text - Chapter 1 – Law Its Function and Purpose (continued) Lecture & Discussion: Early Thinkers About Law (Plato, Aristotle, Thomas Hobbes, John Locke, John Rawls); Sociological perspective of Law (Max Webber, Emile Durkeim); Consensus vs. Conflict Perspective
	Thursday 9/4/14	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 (Canvas): Short Answer Essay #1 - "The Choice"
3	Tuesday 9/9/14	Reading: Text – Chapter 2 – Justice and the Law (continued) 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? Garfolo and Natural Crime; The Rule of Law
	Thursday 9/11/14	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 – Marbury v. Madison
4	Tuesday 9/16/14	Reading: Text – Chapter 3 – Making Law (continued) Lecture & Discussion: Incorporation of the Bill of Rights; Standards of Judicial Review
	Thursday 9/18/14	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
5	Tuesday 9/23/14	Reading: Text – Chapter 5 – Crime & Criminal Law Lecture & Discussion: What is a Crime? Sources of Criminal Law; Limitations on Criminal Law; Elements of Criminal Liability; Liability without Fault
	Thursday 9/25/14	Reading: Text – Chapter 5 – Crime & 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

6	Tuesday 9/30/14	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)
	Thursday 10/2/14	First Midterm Examination Review
7	Tuesday 10/7/14	First Midterm Examination
	Thursday 10/9/14	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
8	Tuesday 10/14/14	Reading: Text – Chapter 7 – Civil and Administrative Law Lecture & Discussion: Tort Law; Property Law; Contract Law Assignment Due (Canvas): Short Answer Essay #2 - "Beast or Burden of Proof"
	Thursday 10/16/14	Reading: Text – Chapter 7 – (continued) Civil and Administrative Law Lecture & Discussion: Family Law; Administrative and Regulatory Law
9	Tuesday 10/21/14	Reading: Text – (None) Lecture & Discussion: Civil Procedure (Filing a Complaint)
	Thursday 10/23/14	Reading: Text – (None) Lecture & Discussion: Civil Procedure (Continued)
10	Tuesday 10/28/14	Reading: Text – (None) Lecture & Discussion: Alternative Dispute Resolution (Negotiation, Mediation, Arbitration)
	Thursday 10/30/14	Reading: Text - Chapter 9 – The Law and Social Contract Lecture & Discussion: The Law as a Social Control Mechanism (Punishment Theories); Social Control and The Criminal Justice System (Crime Control vs. Due Process);
11	Tuesday 11/4/14	Reading: Text - Chapter 9 – The Law and Social Contract Lecture & Discussion: The Death Penalty (the law – pros vs. cons); Plea Bargaining Second Midterm Examination (take-home) Due - submit to Canvas (submit paper copy in class)
	Thursday 11/6/14	Reading: Text – (None) Lecture & Discussion: Negotiated Justice Exercise

12	Tuesday 11/11/14	No Class – Veterans Day
	Thursday 11/13/14	Reading: Text - Chapter 10 – Limits of Social Control Lecture & Discussion: <i>Policing Vice; What is a Vice Crime? Homo Sexuality and Sodomy; Prostitution and Commercialized Vice; Pornography/Obscenity; Abortion; Alcohol and Illicit Drugs</i>
13	Tuesday 11/18/14	Reading: Text - Chapter 11 – The Law and Social Change Lecture & Discussion: <i>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</i> Assignment Due (Canvas): Short Answer Essay #3 - "Reasonable Force"
	Thursday 11/20/14	Reading: None Lecture & Discussion: <i>The First Amendment</i> ..
14	Tuesday 11/25/14	No Class - Online Research Assignment
	Thursday 11/27/14	No Class – Thanksgiving Break
15	Tuesday 12/2/14	Reading: Text – Chapter 13 – Racial Minorities and the Law Lecture & Discussion: <i>African Americans; American Indians; Asian Americans; Race, Law and Conflict</i>
	Thursday 12/4/14	Reading: Text – Chapter 14 – Comparative Law Lecture & Discussion: <i>A historical and modern comparison of law in the world ...</i>
16	Tuesday 12/9/14	Final Examination Review
	Monday 12/15/14	Final Examination: <i>(7:30 a.m. to 9:15 a.m.)</i>