

San José State University
CASA/Department of Justice Studies
JS12/Introduction to Legal Studies, Section 1, Fall 2015

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| Instructor: | Harold W. Peterson, JD |
| Office Location: | MacQuarrie Hall, Room 509 |
| Telephone: | (408) 924-2754 (voice mail) |
| Email: | harold.peterson@sjsu.edu |
| Office Hours: | Tuesday & Thursday 12:00 pm to 1:15 pm |
| Class Days/Time: | Tuesday & Thursday 1:30 pm to 2:45 pm |
| Classroom: | MacQuarrie Hall, Room 324 |
| 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:

Lippman, M. R. (2015). *Law and Society*. Thousand Oaks, CA: Sage Publications Inc.
The text is available at the campus bookstore. Supplemental readings assigned by topic and posted on the **Canvas** website. **ISBN: 978-1-4129-8754-7**

Other Readings: Instructor may assign additional readings throughout the semester. The instructor will post all additional readings to the **Canvas** website.

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 Course Learning Objectives

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

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

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

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

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

CLO 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 two (2) Short Answer *You Decide* Essays assigned throughout the semester. The student shall choose any one of the “You Decide” questions from the text and draft an essay summarizing, assessing and reflecting on the issue presented. Essays should comply with the *10 Commandments of Formal Writing* and must be no more than 600 words, double-spaced with a 12-point font. **STUDENTS MUST POST ALL WRITTEN ASSIGNMENTS ONLINE (CANVAS) AND SUBMIT A PAPER COPY IN CLASS.** Late papers will be assessed a 10% penalty for every day past due.

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

Examination and Evaluation: A student’s final evaluation shall consist of one (1) in-class midterm examinations, one (1) take-home midterm examination, two (2) short answer You Decide essay assignments and a cumulative final examination. Each assignment/exam shall consist of 100 points and weighted as follows:

| Grade Item | Weight |
|--|---------------|
| First Midterm Examination (CLO's 1-3, 5) | 20% |
| Second Midterm Examination (CLO's 1-5) | 20% |
| 2 Short Answer You Decide Essay Assignments (CLO 6) | 15% |
| Issue Presentation/Recitation | 10% |
| Class Participation | 5% |
| Final Examination (CLO's 1-5) | 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.

Presentation/Recitation Assignments: Students must present/recite at least one “You Decide” question from the text. As there are a limited number of “You Decide” questions, students are encouraged to volunteer early in the semester. Instructor requires students to summarize the facts, assess the issues and reflect on the possible outcomes. Students must also be prepared to answer questions from the instructor and the class.

Class Participation: To participate, one must attend class. Attendance alone however, is NOT class participation and does not factor into the course grade. In-class comments, which summarize, assess and reflect on the discussion or presentations, which exemplify knowledge of the subject matter or questions, which identify and probe the relevant course issues, are class participation. Beyond the completion of assigned readings, students must spend sufficient time contemplating the material for the sole purpose of class participation. A student's class participation grade is at the sole discretion of the instructor

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

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|---------|----|--------|----|
| 93-100: | A | 74-76: | C |
| 90-93: | 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.

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 |
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| 1 | Thursday 8/20/15 | Reading: <i>None</i> Lecture & Discussion: <i>Introduction; Syllabus; Class Mechanics; Class Policy and Procedures; the Syllabus; Socratic Method – WE GOT THE POWER ...</i> |
| 2 | Tuesday 8/25/15 | Reading: <i>Text (Lippman) Chapter 1 – An Introduction to Law and Society</i> Lecture & Discussion: <i>Definition of law; Norms, Mores and Folkways; Approaches to Defining Law; Summary of Definitions of Law; Families of Law</i> [You Decide 1.1] |
| | Thursday 8/27/15 | Reading: <i>Text (Lippman) Chapter 1 – An Introduction to Law and Society (continued)</i> Lecture & Discussion: <i>The Function of Law; The Dysfunction of Law; The Study of Law; Two Perspectives on Law and Society</i> [You Decide 1.2] |
| 3 | Tuesday 9/1/15 | Reading: <i>Text (Lippman) Chapter 2 – Theories of Law and Justice</i> Lecture & Discussion: <i>Legal Systems; Natural Law; Legal Positivism; Utilitarianism; The Categorical Imperative; Historical School; Classical Sociological Theorists; Legal Realism</i> [You Decide 2.1] |
| | Thursday 9/3/15 | Reading: <i>Text (Lippman) Chapter 2 – Theories of Law and Justice (continued)</i> Lecture & Discussion: <i>Sociological Jurisprudence; Functionalism; Legal Behaviorism; Libertarianism; Critical Legal Studies; Critical Race Theory; Feminist Jurisprudence</i> [You Decide 2.2] |
| 4 | Tuesday 9/8/15 | Reading: <i>Text (Lippman) Chapter 3 – The Structure and Function of Courts, Legislatures, and Administrative Agencies</i> Lecture & Discussion: <i>Courts and Conflict Resolution; The Development of Federal Courts; The Structure of the Judicial System; Judicial Gatekeeping; The Jurisdiction of Federal Courts; Federal District Courts; Federal District Courts</i> [You Decide 3.1] |
| | Thursday 9/10/15 | Reading: <i>Text (Lippman) Chapter 3 – The Structure and Function of Courts, Legislatures, and Administrative Agencies (continued)</i> Lecture & Discussion: <i>The US Supreme Court (Marbury v. Madison); The Organization of State Courts; State Courts of Limited Jurisdiction; State Courts of General Jurisdiction; State Appellate Courts; State Supreme Courts; State Judicial Selection</i> |

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| 5 | Tuesday 9/15/15 | <p>Reading: <i>Text (Lippman) Chapter 3 – The Structure and Function of Courts, Legislatures, and Administrative Agencies (continued)</i></p> <p>Lecture & Discussion: <i>How Do Judges Decide Disputes; Legislatures; Administrative Agencies; Law Enforcement; A statistical Profile of Police; International Perspective (The UN System)</i></p> <p>[You Decide 3.2]</p> |
| | Thursday 9/17/15 | <p>Reading: <i>Text (Lippman) Chapter 4 – The Legal Profession</i></p> <p>Lecture & Discussion: <i>Perspectives on the Legal Profession; The Historical Development of the Legal Profession; The Growth of the American Legal Profession; The Contemporary Legal Profession; International Perspective – the Legal Profession in China</i></p> <p>[You Decide 4.1]</p> |
| 6 | Tuesday 9/22/15 | <p>Reading: <i>Text (Lippman) Chapter 5 – Law School, Access to Justice, and Legal Ethics</i></p> <p>Lecture & Discussion: <i>Admission to Law School; The Law School Experience; Admission to Bar; Lawyers Clients and Access to Justice; Legal Ethics; International Perspective – Legal Education in Germany and France</i></p> <p>[You Decide 5.1, 5.2 & 5.3]</p> |
| | Thursday 9/24/15 | <p>Reading: <i>Text (Lippman) Chapter 6 – Dispute Resolution</i></p> <p>Lecture & Discussion: <i>Stages of Dispute Resolution; Methods of Dispute Resolution; Preconditions for Adjudication; Social Influences on Disputing</i></p> <p>[You Decide 6.1 & 6.2]</p> |
| 7 | Tuesday 9/29/15 | <p>Reading: <i>Text (Lippman) Chapter 6 – Dispute Resolution (continued)</i></p> <p>Lecture & Discussion: <i>American Attitudes Towards the Law; The Debate Over Litigation in America; Alternative Dispute Resolution; International Perspective – Gacaca Courts in Rwanda</i></p> <p>[You Decide 6.3]</p> |
| | Thursday 10/1/15 | First Midterm Examination Review |
| 8 | Tuesday 10/6/15 | First Midterm Examination |
| | Thursday 10/8/15 | <p>Reading: <i>Text (Lippman) Chapter 7 – Criminal Courts</i></p> <p>Lecture & Discussion: <i>Crime Control and Due Process; Defense Attorneys; Indigent Defense; Prosecutors; The Grand Jury</i></p> <p>[You Decide 7.1 & 7.2]</p> |
| 9 | Tuesday 10/13/15 | <p>Reading: <i>Text (Lippman) Chapter 7 – Criminal Courts (continued)</i></p> <p>Lecture & Discussion: <i>Plea Bargaining (Development, Workgroups and the Mutuality of Advantage in Plea Bargaining); International Perspective – Inquisitorial Legal Systems</i></p> <p>[You Decide 7.3 & 7.4]</p> |

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| | Thursday 10/15/15 | Reading: <i>Text – (None)</i> Lecture & Discussion: <i>Hallway Justice Exercise</i> |
| 10 | Tuesday 10/20/15 | Reading: <i>Text (Lippman) Chapter 8 – Juries</i> Lecture & Discussion: <i>The Trial; The Jury in Criminal Cases; The Development of the American Jury; Jury Decision Making; Judges and Juries; Jury Nullification; Jury Selection; Social Science and Jury Selection; The Jury and the Death Penalty</i> [You Decide 8.1 & 8.2] |
| | Thursday 10/22/15 | Reading: <i>Text (Lippman) Chapter 8 – Juries</i> Lecture & Discussion: <i>Sentencing; Wrongful Convictions; International Perspective – The International Criminal Court</i> [You Decide 8.3] Short Answer You Decide Essay 1 Due |
| 11 | Tuesday 10/27/15 | Reading: <i>Text (Lippman) Chapter 9 – Law and Social Control</i> Lecture & Discussion: <i>Informal and Formal Social Control; Legal Control; Criminal Penalties; Deterrence</i> [You Decide 9.1] |
| | Thursday 10/29/15 | Reading: <i>Text (Lippman) Chapter 9 – Law and Social Control (continued)</i> Lecture & Discussion: <i>Capital Punishment; Victimless Crimes; White Collar Crimes; Civil Commitment; International Perspective – Genocide</i> [You Decide 9.2 to 9.6] |
| 12 | Tuesday 11/3/15 | Reading: <i>Text (Lippman) Chapter 10 – The Impact of Law on Society</i> Lecture & Discussion: <i>The Impact of Society on the Law; Law as the Cause of Social Change; Compliance, Rejection and Evasion of the Law; Courts and Social Change</i> [You Decide 10.1] |
| | Thursday 11/5/15 | Reading: <i>Text (Lippman) Chapter 10 – The Impact of Law on Society (continued)</i> Lecture & Discussion: <i>The Impact of Court Decisions on Criminal Justice; Law and Social Movement; Civil Disobedience and Social Change; International Perspective – FGM and the Implementation of International Human Rights</i> [You Decide 10.2 & 10.3] Take-home Midterm Examination Open (Canvas) |
| 13 | Tuesday 11/10/15 | Reading: <i>Text (Lippman) Chapter 11 – Law and Racial and Ethnic Inequality</i> Lecture & Discussion: <i>Critical Race Theory; African Americans and the Criminal Justice System; Racial Profiling; Race and Stand Your Ground Laws; Race and the War on Drugs</i> [You Decide 11.1 & 11.2] |

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| | Thursday 11/12/15 | Reading: <i>Text (Lippman) Chapter 11 – Law and Racial and Ethnic Inequality (continued)</i> Lecture & Discussion: <i>Hate Crimes; The Color of Immigration Law; Law and Diversity – The Cultural Defense; International Perspective – Global Trafficking</i> [You Decide 11.3 to 11.5] Take-home Midterm Examination Due (online & in class) |
| 14 | Tuesday 11/17/15 | Reading: <i>Text (Lippman) Chapter 12 – International Human Rights and International Crime</i> Lecture & Discussion: <i>The Evolution of International Law and Human Rights; The United Nations and Human Rights; The United Nations Human Rights System; Domestic Enforcement of International Human Rights; Conflicting Perspectives on International Human Rights</i> [You Decide 12.1 to 12.3] |
| | Thursday 11/19/15 | Reading: <i>Text (Lippman) Chapter 12 – International Human Rights and International Crime (continued)</i> Lecture & Discussion: <i>Domestic Courts and Human Rights; US Congressional Statutes and Human Rights; Child Soldiers and Humanitarian Law of War; Corporations and Human Rights; Drones and Counterterrorism; Torture and Crimes Against Humanity</i> [You Decide 12.3 & 12.6] |
| 15 | Tuesday 11/24/15 | No Class (online film) – “To Kill a Mocking Bird” |
| | Thursday 11/26/15 | No Class – Thanksgiving Holiday |
| 16 | Tuesday 12/1/14 | Reading: <i>Text (Lippman) Chapter 13 – Privacy and Surveillance</i> Lecture & Discussion: <i>Does Privacy Matter?; A Brief History of the Law of Privacy; The Law of Privacy; The Constitutional Right to Privacy</i> [You Decide 12.3 & 12.6] |
| | Thursday 12/3/15 | Reading: <i>Text (Lippman) Chapter 13 – Privacy and Surveillance (continued)</i> Lecture & Discussion: <i>The Panopticon Society; Governmental Surveillance; Private Sector Online Data Collection; Identity Theft; Cybercrime; A Digital Constitution; Drug Testing; DNA</i> [You Decide 12.3 & 12.6] Short Answer You Decide Essay 2 Due |
| 17 | Tuesday 12/8/15 | Final Examination Review |
| | Thursday 12/10/14 | Final Examination: <i>(12:15 p.m. to 2:30 p.m.)</i> |