

San José State University
College of Applied Sciences and Arts/Justice Studies Department

Justice Studies 140 – Fall 2015
Record Clearance Project – Practical Legal Skills

Instructor:	Margaret (Peggy) Stevenson
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Office hours:	Tu / Thu 10:30 – 11:45 and by arrangement
Class Days /Time:	Tuesdays & Thursdays 3:00 – 4:15 p.m.
Classroom:	MacQuarrie Hall 322
Prerequisites:	Upper Division standing, 100W
Competency area:	F – Experiential learning

Catalog Description

RCP teaches students to give community education presentations and advise clients regarding court procedures to clear criminal convictions. Students learn legal interviewing, counseling, ethics, reading rap sheets, performing legal research and writing, the mechanics of court interpreting and related skills.

This is a service-learning course in that students (under attorney supervision) provide valuable legal information regarding expungement law and procedure at community sites through presentations and individual advice sessions. Following their community service, students reflect on their experiences as a group and in writing. Grading includes an evaluation of students' abilities to integrate the learning derived from service.

Course Description

Record Clearance Project (RCP). Students taking Record Clearance Project gain the legal skills necessary to help eligible individuals prepare petitions to clear their criminal convictions. These skills are applicable in other legal settings as well. Completion of this course is a prerequisite to the RCP Representation course (JS 141) in which students directly assist clients.

In RCP, students learn to interview clients, apply the law regarding dismissal of criminal convictions, understand legal ethical and professional obligations, read criminal histories (“rap sheets”), draft legal petitions seeking to dismiss criminal convictions, perform basic legal research, make community education presentations, and related tasks. Students attend two court hearings on record clearance petitions (scheduled during class time) and conduct several client interviews at two Speed Screening events.

Justice Studies reading and writing philosophy

It is departmental policy to include the following paragraph in every JS course syllabus: 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.

Course Goals and Learning Outcomes

After satisfactorily completing RCP, students are ready to assist their own clients in the RCP Representation class (under attorney supervision), and have background skills applicable in other situations that involve assisting clients in a legal setting. By the end of the course, in addition to skills, students should have gained experience and insight regarding the criminal justice system, those involved in it, and some of the ways in which processes might be improved.

Specifically, students have the following course learning outcomes (CLOs), as measured by the assignments noted (assignments described more fully in section below):

1. Practice and develop legal interviewing and counseling skills involved in legal work.
2. Apply ethical and professional obligations involved in legal work to real clients' situations.
3. Practice, develop and use public speaking skills and legal concepts in delivering legal information effectively to community groups.
4. Write effectively and prepare legal paperwork for court, apply facts to the law, and use advocacy in presenting material to the court.

Required Texts/Readings

Textbook There is no textbook. A photocopied 500-page course reader is available at Maple Press, 481 E. San Carlos St, San Jose (408) 297-1000; approximate cost: \$ 40. All materials are posted on the website.

Reading assignments for each day are to be completed before coming to class. Additional readings are assigned beyond those in the syllabus as the semester progresses. Occasionally I post articles on related events on the course website.

Course website:

Course materials including the syllabus, readings, class notes, sample documents, resources and other materials are found on the course website on SJSU's Canvas at <https://sjsu.instructure.com/> Use your SJSUOne account to log in.

Course Requirements and Assignments

Standard university policy provides the following: SJSU classes are designed such that in order to be successful, it is expected that students will spend a minimum of forty-five hours for each unit of credit (normally three hours per unit per week), including preparing for class, participating in course activities, completing assignments, and so on. More details about student workload can be found in [University Policy S12-3](http://www.sjsu.edu/senate/docs/S12-3.pdf) at <http://www.sjsu.edu/senate/docs/S12-3.pdf>.

NOTE that University policy F69-24 provides, “Students should attend all meetings of their classes, not only because they are responsible for material discussed therein, but because active participation is frequently essential to insure maximum benefit for all members of the class. Attendance per se shall not be used as a criterion for grading.”

Class and assignments. Attending all classes is particularly important in JS 140. Complete reading assignments before class; participate in training, including taking and passing quizzes to indicate mastery of content; maintain professional integrity by observing all ethical and legal obligations; present information to a community group regarding record clearances; participate in Speed Screening interviewing with clients; represent the Record Clearance Project and SJSU professionally in all interactions; attend workshops on special training areas and turn in all written assignments as indicated on the Course Calendar, following.

Scheduling. Some RCP events occur outside our class meeting time. These events appear on the Course Calendar, for your information. Workshops on specific training subjects will be scheduled based student and trainer schedules, so that everyone can attend a workshop. Attendance at other RCP-related events scheduled outside our class time is strongly encouraged. Other events such as community education presentations will be scheduled outside class time, according to student and attorney availability, in accordance with host agencies.

The syllabus is subject to change. When I know of a change, I will post an announcement on the Canvas website. Make sure that your email listed with Canvas is a functioning one!

Reading assignments. All material in the course reader, as well as additional material, is posted on the class website. You are responsible for mastering the content of the reading material, and for being familiar with the contents of the reference information. (CLOs 1-4)

In-class exercises. We have several in-class exercises, such as mock interviews or practice community education presentations. Most exercises require reading and preparing for the exercise ahead of time; please do so thoroughly. Obviously, you need to be in class to participate in (and receive points for) these exercises. (CLOs 1-4)

Homework assignments. Homework assignments are short, open-book exercises designed to demonstrate mastery of a specific topic. Complete them by the date listed on the syllabus. Turn them in via email to me, or turn in hard copy in class. Keep a back-up copy of the document in case of loss. Late assignments are not accepted unless cleared by me as soon as possible, for good cause situations like medical and family emergencies.

Workshops. Workshops led by advanced RCP students provide practice and further in-depth training on scheduled topics. You are required to attend a workshop in each of the areas: (1) legal eligibility, (2) reading rap sheets, (3) community education presentation practice, (4) interviewing practice, (5) Speed Screening practice, and (6) legal writing.

Reserve workshop space ahead of time by signing up in class. Once you sign up, you are expected to attend except in the case of an emergency. This is because we plan workshop sessions specifically based on the number of people attending.

After you attend each workshop, email me a statement regarding (1) when you attended, (2) what you did well at the workshop, and (3) where – if at all - you feel the workshop helped you improve. Include the details that you learned, not just a summary. For example, don't write, "I learned what a wobblers felony is." Instead write: "I practiced determining whether a felony was a wobbler by looking up whether it could be charged either as a felony or a misdemeanor" and adding more detail. This enables me to see whether indeed you understand and whether there is any confusion to clear up. It also reinforces to you what you learned and did, by writing it clearly. (CLOs 1-4)

Community education presentations. Each student will be part of a team that presents information to community groups and people in jail regarding how people can dismiss eligible convictions, and the services of the SJSU RCP. These are scheduled according to community group meeting needs and student availability. Turn in your top three choices for a session so you can begin practicing with your team.

Your team **MUST** schedule time and give your presentation to me at least two days before your actual presentation. If you are not ready to present, then you will be asked to observe and present at another time (assuming time remains in the semester). (CLOs 1, 3)

Speed Screenings are sessions of individual interviews with clients during which students, under attorney supervision, review clients' rap sheets to determine which convictions are eligible to be dismissed and advise clients regarding their next steps in the expungement process.

RCP students who have satisfactorily completed other coursework participate in Speed Screening interviews, as part of an interviewing team. Students who have not satisfactorily completed the quizzes and other coursework are not permitted to participate in Speed Screening, and consequently earn 0 points for Speed Screening-related work. (CLOs 1-4)

Court session. Students are encouraged to attend at least one court session at which a judge decides RCP cases. The hearings are set at various times outside class hours. As we will cover, professional dress and comportment are required at court hearings. (CLOs 1-4)

Written assignments. There are two written assignments for class: a Speed Screening client profile and a mock record clearance petition described below. (CLOs 1-4). Turn these assignments in by the due dates to me via email. Please keep a copy in case of loss.

Speed Screening client profile. The Speed Screening client profile is a 3-4 page description of one or more people you interviewed at a Speed Screening. The goal of this assignment is to encourage reflection on the process of your legal interview. Among things you might write about are: how the person corresponds to the profile of other RCP participants we have seen or read about, how effectively (or not) the law provides a remedy for the client’s situation. What were your impressions of the client and interview? Was there anything surprising regarding the person? What went well in your interview? What will you improve on next time, if anything? How well prepared for the interview did you feel? Was there additional training or information that would have helped you be prepared? (CLOs 1-4)

Mock petition. Students prepare a mock record clearance petition, based on a role-played in-class interview. As we will cover in class, the “shell” is the boilerplate portion of the petition that includes material from a rap sheet or conviction history. The Notice is the first part of the “shell” to let the Court and the District Attorney know of the petition and the general legal remedy/ies sought. The second part of the "shell," is the Points and Authorities. It lists the charges involved, outlines the related law, and requests relief. It must accurately reflect the details of the case presented, following the outline in a model shell.

The Declaration portion of the Mock Petition presents the client’s statement regarding his/her case. It must be accurate and persuasive. It should include sufficient detail so as to complete the picture of the “defendant,” reflecting how “that was then, this is now” to convince the judge that the “interests of justice” support dismissing the conviction. (CLOs 1-4)

Quizzes. Quizzes are similar to the homework assignments but are given in class with time constraints and are closed book. They are further described in class and in the course materials. (CLOs 1-4) There is no final exam; instead a lecture is presented at the time of the final.

Grading Policy

Grading is based on accumulated points earned from work on the above. Relative weight of each component appears in the following table. Related course learning outcomes (CLOs) are listed following the assignment.

Total points: Point totals are calculated and posted on the course website. For exceptional quality, I may add one or two points to totals for regular activities or assignments.

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.

Grading Category	CLOs	#	pts for each	total pts	% of grade
In-class exercises	1-4	5	2	10	5
Homework exercises	1-4	3	10	30	16
Workshop participation	1-4	6	5	30	16

Speed Screening client profile	1-4	1	10	10	5
Mock petition "shell" and Declaration	1-4	1	15	15	8
Community education presentation: preparation and presentation	1, 3	1	15	15	8
Speed screening participation, preparation and completion of forms	1-4	2	12	24	13
Quizzes	1-4	2	25	50	27
TOTAL				184	100

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 earning 90 percent and above likely will get an A; those earning 80 – 89 percent likely will get a B. I will adjust points based on how the class does as a whole at the end of the class.

Since RCP work involves real clients, professional liability and reputational concerns mean that those students earning below 80 percent likely will be asked to leave the class and will receive a NC or WU. Obviously, this is a situation everyone would like to avoid, so if it looks like this is where things are heading, let's discuss early on. Students need to earn a B or above in order to be admitted into JS 141, the RCP internship.

Classroom Protocol

Timeliness and communication. Check the course website at least twice a week for updates. Check your email daily and respond promptly to notes to you from teaching assistants and me.

Read your email on a real computer, not a handheld. This allows you to read the entire email and the attachments. I try to put several topics in one email, so please read through the email in its entirety.

Cell phones and computers. Please save your texting and emailing for outside the classroom. If you must respond to an urgent call or text, please leave the classroom to do so. We use laptops in several class sessions to learn legal research or editing techniques, and students are encouraged to follow lectures on their computers as well. Please stay on topic and avoid being distracted or distracting others.

Problems. Please check with me if you experience or anticipate any problems or issues regarding class. Since problems are best dealt with early on, getting in touch sooner rather than later is best.

University Policies

Dropping and Adding

Students are responsible for understanding the policies and procedures about add/drop, grade forgiveness, etc. Refer to the current semester's [Catalog Policies](http://info.sjsu.edu/static/catalog/policies.html) section at <http://info.sjsu.edu/static/catalog/policies.html>. Add/drop deadlines can be found on the current academic year calendars document on the [Academic Calendars webpage](http://www.sjsu.edu/provost/services/academic_calendars/) at http://www.sjsu.edu/provost/services/academic_calendars/. The [Late Drop Policy](#) is available at

<http://www.sjsu.edu/aars/policies/latedrops/policy/>. Students should be aware of the current deadlines and penalties for dropping classes.

Information about the latest changes and news is available at the [Advising Hub](http://www.sjsu.edu/advising/) at <http://www.sjsu.edu/advising/>.

This class involves professional interaction with real people – and attendant responsibilities. Therefore, if you do not consistently meet the serious and important course requirements that assure the ethically required legal competence and professionalism, you will be asked to leave the class and not receive credit for any work you may have performed. This may happen at any time in the semester when it appears that a student is unable for whatever reason to meet class requirements. Therefore, **it is particularly important that students meet requirements and understand the heightened risk in JS 140 of not receiving credit for work done that is involved in this class.**

Consent for Recording of Class and Public Sharing of Instructor Material

[University Policy S12-7](http://www.sjsu.edu/senate/docs/S12-7.pdf), <http://www.sjsu.edu/senate/docs/S12-7.pdf>, requires students to obtain instructor's permission to record the course.

- “Common courtesy and professional behavior dictate that you notify someone when you are recording him/her. You must obtain the instructor's permission to make audio or video recordings in this class. Such permission allows the recordings to be used for your private, study purposes only. The recordings are the intellectual property of the instructor; you have not been given any rights to reproduce or distribute the material.”
 - It is suggested that the greensheet include the instructor's process for granting permission, whether in writing or orally and whether for the whole semester or on a class by class basis.
 - In classes where active participation of students or guests may be on the recording, permission of those students or guests should be obtained as well.
- “Course material developed by the instructor is the intellectual property of the instructor and cannot be shared publicly without his/her approval. You may not publicly share or upload instructor generated material for this course such as exam questions, lecture notes, or homework solutions without instructor consent.”

Academic integrity

Your commitment as a student to learning is evidenced by your enrollment at San Jose State University. The [University Academic Integrity Policy S07-2](http://www.sjsu.edu/senate/docs/S07-2.pdf) at <http://www.sjsu.edu/senate/docs/S07-2.pdf> 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. The [Student Conduct and Ethical Development website](http://www.sjsu.edu/studentconduct/) is available at <http://www.sjsu.edu/studentconduct/>.

Violations of academic integrity rules may affect your graduation and career plans. Please scrupulously observe all academic integrity requirements. I take violations seriously and will

refer violations and suspected violations of the academic integrity policies to the university for further investigation.

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](http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf) at http://www.sjsu.edu/president/docs/directives/PD_1997-03.pdf requires that students with disabilities requesting accommodations must register with the [Accessible Education Center](http://www.sjsu.edu/aec) (AEC) at <http://www.sjsu.edu/aec> to establish a record of their disability.

Student Technology Resources (Optional)

Computer labs for student use are available in the [Academic Success Center](http://www.sjsu.edu/at/asc/) at <http://www.sjsu.edu/at/asc/> located on the 1st floor of Clark Hall and in the Associated Students Lab 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 DV and HD digital camcorders; digital still cameras; video, slide and overhead projectors; DVD, CD, and audiotape players; sound systems, wireless microphones, projection screens and monitors.

SJSU Peer Connections (Optional)

Peer Connections, a campus-wide resource for mentoring and tutoring, strives to inspire students to develop their potential as independent learners while they learn to successfully navigate through their university experience. You are encouraged to take advantage of their services which include course-content based tutoring, enhanced study and time management skills, more effective critical thinking strategies, decision making and problem-solving abilities, and campus resource referrals.

In addition to offering small group, individual, and drop-in tutoring for a number of undergraduate courses, consultation with mentors is available on a drop-in or by appointment basis. Workshops are offered on a wide variety of topics including preparing for the Writing Skills Test (WST), improving your learning and memory, alleviating procrastination, surviving your first semester at SJSU, and other related topics. A computer lab and study space are also available for student use in Room 600 of Student Services Center (SSC).

Peer Connections is located in three locations: SSC, Room 600 (10th Street Garage on the corner of 10th and San Fernando Street), at the 1st floor entrance of Clark Hall, and in the Living Learning Center (LLC) in Campus Village Housing Building B. Visit [Peer Connections website](http://peerconnections.sjsu.edu) at <http://peerconnections.sjsu.edu> for more information.

SJSU Writing Center (Optional)

The SJSU Writing Center is located in Clark Hall, Suite 126. All Writing Specialists have gone through a rigorous hiring process, and they are well trained to assist all students at all levels within all disciplines to become better writers. In addition to one-on-one tutoring services, the

Writing Center also offers workshops every semester on a variety of writing topics. To make an appointment or to refer to the numerous online resources offered through the Writing Center, visit the [Writing Center website](http://www.sjsu.edu/writingcenter) at <http://www.sjsu.edu/writingcenter>. For additional resources and updated information, follow the Writing Center on Twitter and become a fan of the SJSU Writing Center on Facebook. (Note: You need to have a QR Reader to scan this code.)



SJSU Counseling Services (Optional)

The SJSU Counseling Services is located on the corner of 7th Street and San Fernando Street, in Room 201, Administration Building. Professional psychologists, social workers, and counselors are available to provide consultations on issues of student mental health, campus climate or psychological and academic issues on an individual, couple, or group basis. To schedule an appointment or learn more information, visit [Counseling Services website](http://www.sjsu.edu/counseling) at <http://www.sjsu.edu/counseling>.

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).)

Course Schedule

This schedule is subject to change. Notice of changes will be emailed to students at the email address they supply and posted on the course website. Workshop sessions will be scheduled to accommodate student availability.

Week #	Date	Topic	In-class exercise	Homework assignments – to be completed <u>before</u> class
	8.14.15	PRACTICAL LEGAL SKILLS – JS 140	Tues & Thurs 3:00 – 4:15 MacQuarrie Hall 322	When students are asked to meet outside regular class time, it is noted with an * in the "week #" column
1	8.20	Introductions Guest speakers: former RCP clients Why expungement matters		Read text portion of "Helping Clients Clear Criminal Convictions"; skim attachments

2	8.25	Description of course Who is eligible for an “expungement”?		
2	8.27	Summary of legal eligibility for record clearances		Review legal eligibility sections of “Helping Clients Clear Criminal Convictions” and read Rap Sheet attachments
2	TBD	WORKSHOP 1 – record clearance law		
3	9.1	Reading criminal histories (rap sheets)		Read reading rap sheets module and section of manual Submit Workshop 1 report
3	9.3	Reading criminal histories (cont’d) – using the conviction organizer	Rap sheet & review of answers in-class exercise (1)	Turn in top three preferences for community education presentations (from list posted on website)
3	TBD	WORKSHOP 2 – rap sheet analysis		
4	9.8	Giving community education presentations		Read community education module materials and review “nutshell” presentation in detail Submit Workshop 2 report
4	9.10	Community education presentations (cont’d)	Give community education presentations in-class exercise (2)	Practice with partner presenting community education presentation
4	TBD	WORKSHOP 3 – Community education presentations & critique		
*	TBD 5:00 – 6:30 pm	Moot hearing at Santa Clara Law School Moot Courtroom	SCU Law School moot courtroom Bergin Hall, 500 El Camino Real, Santa Clara	Hearing prep for clients – critiquers needed

5	9.15	Guest speaker Nellie Rochon-Ellis - Professional dress Legal ethics and professionalism		Read ethics & professionalism module Submit Workshop 3 report
5	9.17	Legal ethics and professionalism (cont'd)		
6	9.22	Legal research	Legal research treasure hunt – bring laptop if you have one -- in-class exercise (3)	Read legal research module Complete ethics and professionalism homework exercise (1)
6	9.24	Review & prep for quiz		
7	9.29	QUIZ 1		Complete legal research treasure hunt homework exercise (2) Study for quiz
7	10.1	Interviewing: gathering information from clients	Demonstration interview	Read interviewing module and “Helping Clients” Appendix 1
8	10.6	Interviewing: gathering information from clients (cont'd)	Class interview of mock “client” regarding criminal history	
8	10.8	Interviewing: conveying information to clients		Review the RCP declaration and materials for the “client” you will be role-playing
9	10.13	Interviewing practice	Critiqued individual role-play interviews (switch client / interviewer roles) in-class exercise (4)	
9	10.15	Speed Screening training: forms and procedures		Review Speed Screening materials, especially the Interview Record and Client follow-up checklist Review Resource info for clients (to be familiar with what resources exist; you don't need to know the content)

9	TBD	WORKSHOP 4 – legal interviewing		
10	10.20	Speed Screening training: interviewing and ethics refresher		Submit Workshop 4 report
10	10.22	Speed Screening: mock interviews	In-class exercise: Speed Screening mock interviews in-class exercise (5)	Complete interviewing / Speed Screening homework exercise (3)
10	TBD	WORKSHOP 5 – Speed Screening interviews		
11	10.27 3:00 – [later]	Speed Screening 1	Location TBD, possibly: Maranatha Christian Center 1811 S. 7 th Street, San José	Arrive early if you can help set up
11	10.29	Speed Screening de-brief Using “track changes”	Bring laptop if you have one for practice using “track changes” function	Submit Workshop 5 report
12	11.3	Legal writing: grammar and style		Read redacted declarations from website for examples of how to tell client stories in legal format
12	11.5	Legal writing: declarations		
13	11.10	Legal writing: shells Choosing the right form		
13	11.12	Legal writing: petitions Mock interview	Mock interview for assignment - Turn “client’s” story into a mock record clearance petition	
13	TBD	WORKSHOP 6 – Legal writing		
14	11.17	QUIZ 2		
14	11.19 3:00 – [later]	Speed Screening 2 (location TBD)		

*	TBD 5:00-6:30 pm	Moot hearing at Santa Clara Law School Moot Courtroom	SCU Law School moot courtroom Bergin Hall, 500 El Camino Real, Santa Clara	Hearing prep for clients – critiquers needed
15	11.24	Speed Screening debrief		Turn in mock petition
15	11.26	THANKSGIVING HOLIDAY – no class		
16	12.1	Dedicated Speed Screening for 18-24 year-olds (tentative)	Location TBD	
16	12.3	Legal interpreting and working with interpreters		Turn in Speed Screening client profile
17	12.8	Legal interpreting and working with interpreters: practice		Read Legal interpreting module
*	12.14 2:45 – 5:00 p.m.	Employment rights of people with convictions [note: this class is in lieu of the final exam]		