

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

Instructor:	Dr. Edith Kinney, JD
Office Location:	MacQuarrie Hall, Room 525B
Email:	edith.kinney@sjsu.edu
Office Hours:	Tuesday & Thursday 3-4, or by appointment
Class Days/Time:	Tuesday & Thursday 12:00 – 1:15
Classroom:	MacQuarrie Hall, Room 523
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

Readings:

This course does not have a designated textbook. E-readings will be available on Canvas and via the Online Syllabus on Google Drive (through your @sjsu.edu email account).

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

1. This course depends on participation and interaction. Students are expected to be on time to class out of respect for your colleagues and instructor.
2. All classroom participants are expected to foster an environment that encourages participation, rather than silencing others (be respectful to one another, do not insult or intimidate others, and so forth).
3. Students are expected to complete all readings and assignments by the dates indicated on the syllabus.
4. Readings about legal studies may involve discussions of violence, injustice, discrimination, which may be challenging intellectually, personally, and emotionally. All students are encouraged to engage in self-care. This means that if particular topics or course materials raise emotional or other personal issues, you can simply choose not to speak or to leave the room without being questioned or penalized. Should you have any questions or concerns, free to contact the professor in person or anonymously (e.g., a note slipped under Dr. Kinney's office door of 525B MacQuarrie Hall).
5. Students are responsible for any and all notes and materials missed in their absence.
6. Please turn off all cell phones, pagers, PDA's or any other electronic device. The use of anything that beeps or vibrates during class is disruptive and will not be tolerated. If you are caught using a telephone (even silently, e.g. texting), you will be asked to leave the classroom. Computers may be used for e-readings and class activities, but you will be "on call" to answer questions about the readings if your computer is open.
7. Students may not use recording devices without the written 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

Readings

Students are expected to complete readings before the class session indicated on the course schedule. Students should come to class prepared to discuss the assigned readings such that class time is not wasted, and we can engage the material together. Though readings are not a graded assignment per se, the final and midterm exams will certainly focus on students' ability to recall, understand, and integrate readings in their responses. Substantively, the readings in this course are designed to expose students to international and domestic tensions and perspectives on how fundamental rights and dignity for human and non-human animals might be defined and realized. Readings are intentionally designed to represent the culturally and politically diverse field from which discussions of fundamental rights and dignity emerge.

Assignments & Grading

Grading: Writing assignments will be graded on a 100-point scale and evaluated on content, clarity, and thoroughness. See Canvas for a detailed rubric and writing resources. Students must submit all assignments online at the Canvas website and submit a paper copy in class.

Examination and Evaluation: A student's final evaluation shall consist of one midterm examination, Posts to Canvas Discussions, a Case Brief, a Legal Research Assignment, and a final examination. Each assignment/exam shall consist of 100 points and weighted as follows:

Grade Item	Weight
Midterm Examination (SLO's 1-3, 5)	30%
Canvas Discussion Postings	15%
Case Brief	10%
Legal Research Assignment	5%
Class Participation	5%
Final Examination	35%
Total	100%

Examinations consist of multiple choice, short answer and essay questions derived from the reading assignments, online activities, 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.

Optional Extra Credit

Students will periodically have the opportunity to complete extra credit by attending lectures or presentations related to human rights. Opportunities will be announced in class and via email; students must write a 1-page reflection paper to receive credit for attending, viewing or participating in such events. Students can receive up to five percentage points extra credit on their final grade (e.g., to offset lower grades on the midterm). Assignments can be turned in to the instructor any time before the last day of instruction

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

98-100:	A+	77-79:	C+
94-97:	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-
		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.

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.

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 and the following items to be included in the syllabus:

“Common courtesy and professional behavior dictate that you notify someone when you are recording him/her. You must obtain the instructor’s written/emailed 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.”

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.”

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

TA for JS 12: Chelsea van Aken, Graduate Student, Justice Studies
Email: <chelsea.vanaken@sjsu.edu>

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
	Thursday 1/22	<p>Reading: <i>None</i></p> <p>Introduction: <i>Introduction; Syllabus; Class Mechanics; Class Policy and Procedures; the Syllabus, Why do we need Law?</i></p>
1	Tuesday 1/27	<p>Reading:</p> <ol style="list-style-type: none"> 1) California Bar Association, "When You Turn 18...", http://www.calbar.ca.gov/Portals/0/documents/ConsumerInformation/2014_18_English_2014-R.pdf 2) California Bar Association, "Guide to Legal Literacy", http://www.calbar.ca.gov/Public/Pamphlets/GuidetoLegalLiteracy.aspx (You may skim/skip pages 32-42 of the .pdf; a Legal Glossary is provided at the end of the Guide to reference throughout the semester). <p>Lecture & Discussion: <i>What is the Law? Characteristics of Culture and Their Relationship to Law; Beliefs, Values, Norms, Symbols, Technology and Language</i></p>
	Thursday 1/29	<p>Reading: United States Constitution and Bill of Rights Lippman, Chapter 1 – <i>An Introduction to Law & Society</i></p> <p>Lecture & Discussion: <i>What is the Law? What are the Families of Law? How does Culture and Society Influence Law? Consensus and Conflict Perspectives on Law & Society</i></p>
2	Tuesday 2/3	<p>Reading: Lippman, Chapter 3 – <i>The Structure and Function of Courts, Legislatures, and Administrative Agencies</i> (read pgs. 69 – 92).</p> <p>Guest Lecture by Professor Margaret Stevenson, Esq.</p>
	Thursday 2/5	<p>Reading: Lippman, Chapter 3 – <i>The Structure and Function of Courts, Legislatures, and Administrative Agencies</i> (excerpts) - Read p. 92 – 106; Skim "Administrative Agencies" (92 - 111); Read p. 112 – 113; Read "Law Enforcement" (113 - 118); Skim/skip International Perspective (119 - 121)</p> <p>Lecture & Discussion: <i>Common law; Precedent and Stare Decisis; Sources of law; Sources of Individual Rights (Bill of Rights); Judicial Review – Marbury v. Madison</i></p> <p>Podcast: Life of the Law, 13, "A Life on the Bench"</p>

3	Tuesday 2/10	<p>Reading: “Java Jive: Genealogy of a Juridical Icon,” in <i>Distorting the Law: Politics, Media, and the Litigation Crisis</i>, McCann & Haltom</p> <p>Lecture & Discussion: <i>What is Justice? Dispute Pyramid; Legal Realism; Law and Power; Civil Justice System</i></p>
	Thursday 2/12	<p>Reading: Galanter, “Why the Haves Come Out Ahead”</p> <p>Lecture & Discussion: <i>Law, Money, and Power in Politics and the Civil Justice System; Access to Justice</i></p> <p>Video and Canvas Assignment: Frontline, <i>Justice for Sale</i>, http://video.pbs.org/video/1418584020/ Post your response to the <i>Justice For Sale?</i> Canvas Discussion Board before class meets on 2/17</p>
4	Tuesday 2/17	<p>Reading: Packer, “Two Models of the Criminal Process” (excerpts) Excerpts from Lippman, Chapter 9, “Law & Social Control”</p> <p>Lecture & Discussion: <i>Law & Social Control; Introduction to the Criminal Justice System; Mass Incarceration; Zero Tolerance and Broken Windows Policing</i></p>
	Thursday 2/19	<p>Reading: “The Pelican Bay Hunger Strike: Resistance within the Structural Constraints of a US Supermax Prison,” <i>The South Atlantic Quarterly</i> 113:3 (2014).</p> <p>“5 Core Demands,” Prisoner Hunger Strike Solidarity</p> <p>Guest Lecture: Chelsea van Aken, Justice Studies Graduate Student</p> <p>Lecture & Discussion: <i>Law & Social Control; 8th Amendment and Prisoners’ Rights; Solitary Confinement</i></p>
5	Tuesday 2/24	<p>Reading: <i>Gideon v. Wainwright</i> and the Right to Counsel (Canvas)</p> <p>Guest Lecture: Emily Dahm, San Francisco Public Defender</p>
	Thursday 2/26	<p>Reading: <i>Mapp v. Ohio</i>, <i>Miranda v. Ohio</i>, additional selected cases on Canvas Excerpts from <i>The Illustrated Guide to Criminal Procedure</i></p> <p>Lecture & Discussion: <i>Purpose of Criminal Procedure Law; Sources of Criminal Procedure law; Search & Seizure and the Fourth Amendment; Stop & Frisk; Arrest; Searches (Reasonable Expectation of Privacy; Exceptions to the Warrant Requirement)</i></p>

6	Tuesday 3/3	<i>Class Activity: Contemporary Challenges in Criminal Procedure</i> Readings and Materials on Canvas
	Thursday 3/5	<u>Midterm Examination Review</u>
7	Tuesday 3/10	<u>Midterm Examination</u>
	Wed. 3/11	<i>Ann Lucas Lecture – Prof. Hadar Aviram, UC Hastings School of Law, Cheap on Crime: Recession-Era Politics and the Transformation of American Punishment</i>
	Thursday 3/12	<u>Reading:</u> Aviram, <i>Cheap on Crime</i> , Ch. 1 and 6. Michelle Alexander, “A System of Racial and Social Control,” Frontline, <i>Locked Up in America</i> , http://www.pbs.org/wgbh/pages/frontline/criminal-justice/locked-up-in-america/michelle-alexander-a-system-of-racial-and-social-control/ <u>Podcast:</u> Life of the Law, #7, “Felony Factory”; Life of the Law, #2, “Jailhouse Lawyers” <u>Lecture & Discussion:</u> <i>Punishment and Social Control; Prisons; California’s Correctional Crisis</i>
8	Tuesday 3/17	<u>Reading:</u> Lippman, “Capital Punishment” in Ch. 9 of <i>Law and Society</i> (319 – 330) Justice John Paul Stevens, “On the Death Sentence,” Review of David Garland’s <i>Peculiar Institution</i> , New York Review of Books, 12/23/10, http://www.nybooks.com/articles/archives/2010/dec/23/death-sentence/?pagination=false <u>Podcast:</u> Death Penalty Information Center, Podcast Episode 15: Supreme Court <u>Lecture & Discussion:</u> <i>Death Penalty in the Courts; Interpreting the 8th Amendment; Cruel and Unusual Punishment; Abolition Movements</i>
	Thursday 3/19	<u>Reading:</u> <i>Case Study: Capital Punishment in California – Courts, Cases and Controversies</i> Readings & Discussion on Canvas <u>Podcasts and Canvas Discussion Activity</u> NPR: Listen to a brief podcast describing the evolution of Supreme Court Justice Blackmun’s stance on the Death Penalty: http://www.npr.org/templates/story/story.php?storyId=1749684

		<p>Life of the Law, “One Reporter on California’s Death Row,” http://www.lifeofthelaw.org/reporter-on-death-row-2/?s=podcast</p> <p>Life of the Law, Podcast 42, “In the Name of the Father” on the Scottsboro Boys</p> <p>Lecture & Discussion: <i>Capital Punishment; Lethal Execution; Innocence Projects; Exonerations</i></p>
9	Tuesday 3/24	<p>No Class – Spring Break</p> <p>Law in Everyday Life ~ Spring Break Photo Assignment: Reading: Silbey & Cavicchi, “The Common Place of Law: Transforming Matters of Concern into the Objects of Everyday Life,” in MAKING THINGS PUBLIC: ATMOSPHERES OF DEMOCRACY, Bruno Latour and Peter Weibel (Eds.), ZKM Center for Art and Media Karlsruhe, MIT Press: Cambridge, MA (2005), pgs. 556-565.</p> <p>Canvas Assignment: Find or take a picture that exemplifies “Law in Everyday Life.” Post to <i>Law in Everyday Life</i> Discussion by 4/1</p>
	Thursday 3/26	<p>No Class – Spring Break</p>
10	Tuesday 3/31	<p>Reading: Laura Beth Nielsen, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment,” 34 LAW & SOCIETY REVIEW, 1055 – 1089 (2000)</p> <p>Lecture & Discussion: <i>Legal Consciousness; Street Harassment; First Amendment; Civil Rights and Personal Safety in Public Spaces</i></p>
	Thursday 4/2	<p>Reading: Juries American Bar Association, Public Education: <i>Law & the Courts - Vol. 3 Juries</i></p> <p><i>Before the Law</i>, “The Jury in a Historical and Cultural Context,” (408-413); “Trial by Jury in the United States,” Alexis de Tocqueville, <i>Before the Law</i> (419 – 421).</p> <p>Lecture & Discussion: <i>Trial by Ordeal; Trials, Juries and Jury Selection; Jury Service as Civic Duty and Civil Right; Defining a “Jury of One’s Peers”</i></p>
11	Tuesday 4/7	<p>Reading: Jury Selection and Discrimination Equal Justice Initiative (2010) “Illegal Racial Discrimination in Jury Selection: A Continuing Legacy” (excerpts)</p> <p>Podcast: Life of the Law, “Jury Nullification,” http://www.lifeofthelaw.org/jury-nullification/?s=podcast</p>

		Lecture & Discussion: <i>Juries; Race, Sex, Sexual Orientation Discrimination in Jury Selection; Jury Nullification</i>
	Thursday 4/9	<p>Film and Class Activity – TBA</p> <p>Reading:</p> <p>“Background on Grand Juries and Federal Civil Rights Suits for Berkeley Law Students,” Berkeley Law</p> <p>Lecture & Discussion: <i>Prosecutors; Grand Juries; Federal Civil Rights Suits; Community Policing; Official Accountability in the Criminal Justice System</i></p> <p>Extra Credit Opportunity: Human Rights Lecture and Workshops – Afternoon of 4/9</p> <p>Canvas Assignment: Post to <i>Juries</i> Discussion on Canvas by 4/14</p>
12	Tuesday 4/14	<p>Reading: Social Problems, Justice, and Collaborative Courts Smith, “Mental Illness, Homelessness, Drug Addiction: Do These Sound Like Crimes? Why are we letting these serious social problems be handled by the criminal justice system?” <i>The Nation</i>, 10/9/14</p> <p>Canvas Discussion Activity: Read the Smith article and watch the following videos, then participate in a Canvas Discussion about the de/merits of collaborative courts in the criminal justice system.</p> <p><u>A Psychotic Episode Shouldn’t End in a Jail Cell</u></p> <p><u>Jail Time Is a Terrible Way to Treat Substance Abuse</u></p> <p><u>When Not Having a Roof Over Your Head Is a Crime</u></p> <p>Lecture & Discussion: <i>Discussion of 4/9 Human Rights Lecture; Revolving Door of the Criminal Justice System; Collaborative Courts</i></p>
	Thursday 4/16	<p>Reading: Open Society Foundation, “Law and Policy Affecting Sex Work,” http://www.opensocietyfoundations.org/sites/default/files/sex-work-laws-policies-20120713.pdf</p> <p>Canvas Readings: Selected readings and legal advocacy materials regarding prostitution, sex work, and trafficking</p> <p>Lecture & Discussion: <i>Policing Vice; What is a Vice Crime? Prostitution and Commercialized Vice</i></p>
13	Tuesday 4/21	<p>Reading: Noy Thrupkaew, Sept. 16, 2009, “The Crusade Against Sex Trafficking,” http://www.thenation.com/article/crusade-against-sex-</p>

		<p>trafficking#</p> <p>Lecture & Discussion: <i>Raids, Rescues, Rights, and Wrongs: Human Trafficking Campaigns in the U.S. and Thailand</i></p>
	Thursday 4/23	<p>Reading: Lippman, <i>Law and Society</i>, "The Impact of Law on Society" (excerpts from Ch. 10)</p> <p><i>The Law and Social Change – Brown v. Board of Education, the Courts, and School Desegregation</i> (Cases and Readings on Canvas)</p> <p>Video: Implementing Desegregation Orders: Integration, Busing & Community Backlash "Desegregation and the Public Schools," http://www.nytimes.com/2013/09/09/booming/desegregation-and-the-public-schools.html?src=recg&r=0</p> <p>Lecture & Discussion: <i>What is Social Change? The Law as a Cause of Social Change; Social Movements and the Law; Strategic Litigation; The United States Supreme Court's Role in Social Change; Civil Disobedience and Social Change</i></p>
14	Tuesday 4/28	<p>Reading: <i>The Law and Social Change – Brown v. Board of Education, the Courts, and School Desegregation</i> (Continued)</p>
	Thursday 4/30	<p>Reading: Lippman, <i>Law and Society</i>, Ch. 10 (excerpt)</p> <p>Canvas Readings: Selected Cases and Legal Advocacy Campaign Materials</p> <p>Lecture & Discussion: <i>The Law and Social Change – Women's Rights, the Right to Privacy, and Reproductive Justice</i></p>
15	Tuesday 5/5	<p>Reading: Maddox, "The U.S. Supreme Court and the Politics of Gay and Lesbian Rights," in Seidman, Fischer & Meeks, in <i>Introducing the New Sexuality Studies</i> (SJSU Library e-Book)</p> <p>Canvas Readings: Selected Cases and Legal Advocacy Campaign Materials</p> <p>Lecture & Discussion: <i>Sexual Privacy; LGBT Rights in the Courts; Strategic Litigation; Cultural Conflict in the Courts</i></p>
	Thursday 5/7	<p>Class Activity: Law in Action</p>
16	Tuesday 5/12	<p>Final Examination Review</p>
	Monday 05/15/15	<p>Final Examination: 9:45 – 12:00</p>

