

San José State University
College of Health and Human Sciences / Department of Justice Studies
JS 205, Seminar in Law and Courts, Section 01, Fall, 2018

Course and Contact Information

Instructor:	Edith Kinney
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Office Hours:	Thursdays 10:40 a.m. – 12:40 p.m. and by appointment
Class Days/Time:	Tuesdays, 4:30 – 7:15 p.m.
Classroom:	MacQuarrie Hall 526
Prerequisites:	Graduate standing

Course Format

This seminar meets in person weekly. Students in JS 205 will need access to a computer and the Internet to access course readings and video materials, and to submit assignments on the course website on Canvas.

Course Description

SJSU Catalog description: “Roles of the law in society. Analysis and critique of courts, attorneys, judges and juries; dispute resolution; race, class, sex inequality; law’s symbolic functions and unintended consequences; new socio-legal research; and comparative perspectives.”

This course critically examines the structure and function of law and the court system in the United States, with particular attention to the role of law in settling disputes, exerting social control, establishing norms, regulating behavior and promoting equality. Significant attention will be devoted to court systems including the role of the jury in American jurisprudence.

As a graduate seminar, the course’s emphasis is on reading, discussion, and oral and written analysis. Class participation is a significant part of the success of our seminar, so it will be essential for you to keep up with the readings, attend class regularly, and contribute to discussions in class and online.

Course Goals

Students in JS 205 will explore the role of law as a mechanism of social control as well as social change, and discuss and debate the difference between “law on the books” and “law in action.” Successful completion of this course will enable students to appreciate, describe and critique the various roles law and courts play in society, including the function of dispute settlement, regulating and controlling the behavior of individuals and organizations, sanctioning misbehavior and rights violations, and promoting equality and justice. In addition, students will be able to analyze fundamental concepts of the law as it relates to citizens and institutional actors by examining specific cases as well as the role of mass media and underlying political debate shaping the popular perception of law and its role in society.

Course Learning Outcomes (CLO)

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

- CLO 1: Gain a thorough understanding of the structure and function of law and courts in the United States.
- CLO 2: Identify and understand the roles played by participants in the United States justice system, including judges, attorneys, parties, witnesses and jurors.
- CLO 3: Critically analyze how developments in society can affect court decisions and the impact of court decisions on society.
- CLO 4: Gain a thorough understanding of how to read, dissect, and interpret judicial opinions and case law.
- CLO 5: Complete a research paper that applies theoretical concepts, analyzes current literature that relates to the topic, applies current APA citation formats, and offers directions for future research based on a comprehensive understanding of the research topic.

Department of Justice Studies Writing Philosophy

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

Required Texts/Readings

Textbook

Lippman, Matthew. (2018). *Law and Society* (2nd ed.). Sage Publications. ISBN-10: 1506362273

Link to textbook companion website: <https://study.sagepub.com/lippmans2e>

Other Readings

Reiter, K. (2016). *23/7: Pelican Bay prison and the rise of long-term solitary confinement*. Yale University Press. ISBN 0300240198.

Stevenson, Bryan. (2014). *Just Mercy: A Story of Justice and Redemption*, New York: Spiegel & Grau. ISBN97890812994520. Available at <http://bryanstevenson.com/the-book/>

Students in JS 205 are expected to report on and discuss current events relating to Law and Courts. Sign up for daily email updates on justice issues from The Marshall Project's "Opening Statement":

<https://www.themarshallproject.org/subscribe/#.h6KtCUAMy>

Supplemental articles and readings assigned by topic will be posted on the Canvas website. The course reading schedule is subject to change to facilitate class discussion, to address current events, to accommodate guest speakers, etc.

Library Liaison

For help with library resources and library research (including the use of databases and online research materials—such as journal search engines), students are strongly encouraged to contact the Justice Studies Library Liaison: Silke Higgins, silke.higgins@sjsu.edu, (408) 808-2118.

Course Requirements and Assignments

University statement on course preparation time: “Success in this course is based on the expectation that students will spend, for each unit of credit, a minimum of 45 hours over the length of the course (normally three hours per unit per week) for instruction, preparation/studying, or course related activities, including but not limited to internships, labs, and clinical practica. Other course structures will have equivalent workload expectations as described in the syllabus.”

Law & Courts in the News: Current Event Analyses (15% of final grade) CLOs 1, 2, 3, 5

Over the course of the semester, students will identify and analyze at least 3 current events related to Law & Courts – one on a civil case, one on a criminal case, and one on a U.S. Supreme Court case (5% each). Post a 1 page report on the “Law & Courts in the News” Discussion on Canvas. Your post should provide a concise explanation of the case, a description of the relevance of law and/or courts to the issue, how the media source framed the case/issue, and your thoughts/observations/critiques regarding the issue. Students will give the class an oral report of their news analysis.

Grading Rubric:

10% Citation (APA format) and link provided

10% The topic is related to topics we are studying in Law & Courts, and the analysis links to course readings, topics, or themes (broadly understood).

60% The written news report shows analysis and thought. The source is vetted and fact-checked. The points made are supported by examples.

10% Poses at least 1 substantive discussion question in written report.

10% In-class presentation of current event that describes the case and poses your substantive discussion question to the class.

Classroom Activities, Quizzes, Discussion, and Participation (10% of final grade) CLOs 1, 2, 3, 4, 5

Active participation is key to the success of our seminar and your learning experience. Students are required to keep up with the assigned reading, to contribute to discussions in class, and to pose at least 1 substantive discussion question and contribute at least 3 comments during each class meeting. Be mindful to engage others and ensure others are able to contribute to discussion. Students will sign up to be “on call” for one class session and will be responsible for summarizing key readings and explaining cases during class discussion. The participation grade will be based on contributions to class discussion, posts and responses to our Canvas discussion board regarding video assignments and current events, short quizzes on assigned readings, and any reflection papers submitted on (optional) extra credit activities.

Grading Rubric:

Discussions: Complete/Incomplete

Quizzes: Points out of 100

Participation: Contribute at least one comment and one question per class meeting; enhance participation by posting on Canvas.

Book Reviews (20% of final grade)

CLOs 1, 2, 3, 5

Students will complete two book reviews (each worth 10%). The book review should summarize the key points of the book and examine key cases and policy debates regarding law and courts. The book review should be 2-3 page reflection paper (typed, 12-point font, 1-inch margins, double spaced, citations in APA format—though no outside research, title page, or running headers is necessary) based on the assigned readings for that week. Each

book review should consist of four main parts: 1) title, author, and citation; 2) summary of the text; 3) critical analysis of the text; and 4) discussion questions to pose to the class.

Grading Rubric:

10% Complete citation (APA format)

30% The summary of the book is thorough, provides a clear overview of the main points, and avoids extensive quotes (summarize in your own words).

50% The book review shows critical analysis and thought. The points made are supported by examples, caselaw, and/or scholarship, not speculation or personal viewpoints.

10% Poses at least 1 substantive question for discussion; avoids factual questions.

Court Observation and Reflection (10% of final grade)

CLOs 1, 2

Students will observe the proceedings of a local court and write a 2-page summary reflection of their experience linking it to course readings and concepts. You may attend at least one-hour of court proceedings at any time during the semester; instructions and suggestions will be provided in class. Post to Canvas by 12/4/18 and prepare to discuss in class.

Grading Rubric:

20% Completed at least 1 hour of courtroom observation

20% Report includes preliminary information identifying the court and session observed.

40% Report provides substantive descriptions of courtroom personnel, interactions, and relates observations of court activity to analysis of court readings, themes, and discussions.

20% report is clear, concise, proofread, spell-checked.

Law in Action Research Paper Project (30% of final grade)

CLOs 3, 4, 5

Students are required to write an original 15-20 page research paper that addresses an issue of your choosing (in consultation with the professor) related to law and courts. Papers will be evaluated based on the quality and organization of their writing, as well as evidence of substantial effort to edit and respond to feedback. Review the writing guidelines and detailed rubric available on Canvas. This assignment observes that writing is a process; to complete the research paper, students will submit the following benchmarks, each worth 2 points (for a total of 10 possible points on the final paper grade):

Benchmarks:

1. Office Hour consultation regarding paper topic (before 9/25) (2 points possible)
2. Paper Proposal (due 10/2) (2 points possible)
3. Outline of your paper (2 pages), plus a reference list (APA format) of at least three empirical, peer reviewed journal articles that you intend to use in your paper (due 10/16) (2 points possible)
4. A rough draft for peer review (due 11/27) (2 points possible)
5. Complete a peer review (due by 12/10) (2 points possible)
6. The final paper, incorporating responses to the peer review and feedback (due by 12/15) (90 points possible)

Final Presentation (5% of final grade)

CLOs 3, 5

Students will give a brief presentation to the class on their research project. Students should distribute a one-page summary to the rest of the class and the instructor. The student should prepare a PowerPoint/Google Slides / Prezi to present to the class.

Mock Trial (10% of final grade)

CLOs 1, 2

Students will learn about evidence, argumentation, and trial courts through a mock trial exercise. Teams and topics will be assigned in class. The Mock Trial will be part of the final culminating activity during our scheduled final time on Tuesday, December 18, 5:15 – 7:30 p.m.

Final Examination or Evaluation

Students in JS 205 will complete a mock trial for the final culminating activity during the scheduled final examination period: Tuesday, December 18, 5:15 – 7:30 p.m.

Determination of Grades

In order to receive a grade for this course, all course requirements must be met and every assignment must be completed. Failure to complete any one assignment may result in a failing grade for this course. Late assignments/papers will lose 5% for every calendar day that they are late, including weekend days. Contact the professor before deadlines pass if you think you may not be able to submit an assignment on time. There will be four opportunities to earn extra credit throughout the semester, such as public lectures and campus events related to course themes. Students may complete extra credit opportunities to earn up to 4 extra points towards their final participation grade.

Grades will be calculated based on the percentage of points earned and completion of class activities and discussions during the seminar and on Canvas. There is no set percent of grades in each grade category.

Grading Information

A plus = 100-96%	A = 95-93%	A minus = 92-90%
B plus = 89-86%	B = 85-83%	B minus = 82-80%
C plus = 79-76%	C = 75-73%	C minus = 72-70%
D plus = 69-66%	D = 65-63%	D minus = 62-60%
F = 59-0%		

Classroom Protocol

1. This course depends on participation, discussion, and interaction. Students are expected to be on time to class out of respect for your colleagues and instructor. Prepare for class to ensure you can contribute to discussion and debate.
2. Please turn off/mute all cell phones and other devices. Computers and electronic devices may only be used for note taking and accessing electronic readings. Students using electronic devices will be “on call” to answer questions and look up pertinent research questions online.
3. All classroom participants are expected to foster an environment that encourages respectful participation, rather than silencing others (be respectful to one another, do not insult or intimidate others, evaluate alternative views with an open mind). We will discuss ground rules and develop classroom standards of conduct at the beginning of the semester.
4. Students are expected to complete all readings and assignments by the dates indicated on the syllabus. Be sure to check the course Canvas website regularly for updates.
5. Students are responsible for any and all notes and materials missed in their absence.
6. The class will discuss ground rules and guidelines for the course to ensure engaged participation and equitable behavior in our seminar.
7. Readings about law, discrimination, violence, and injustice can 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 525A MacQuarrie Hall).

If you or a friend is in need of emotional support, please visit SJSU's Counseling and Psychological Services (CAPS) www.sjsu.edu/counseling service. Phone: (408) 924-5910. Location: Student Wellness Center, Room 300.

University Policies

Per University Policy S16-9, university-wide policy information relevant to all courses, such as academic integrity, accommodations, etc. will be available on Office of Graduate and Undergraduate Programs' [Syllabus Information web page](http://www.sjsu.edu/gup/syllabusinfo/) at <http://www.sjsu.edu/gup/syllabusinfo/>

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.”

Student Technology Resources

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.

JS 205 / Seminar in Law and Courts, Fall 2018, Course Schedule

*Note: schedule is subject to change with fair notice to accommodate guest speakers, class discussion, and course activities. Updates will be posted via the course website on Canvas.

Course Schedule

Week	Date	Topics, Readings	Assignments and Due Dates
1	8/21	Introductions and Course Overview	
2	8/28	Law and Society: Approaches to Justice Lippman, Ch. 1, “An Introduction to Law and Society” Begin reading Stevenson, <i>Just Mercy</i> (Introduction, Ch. 1-2).	
3	9/4	Law on the Books, Law in Action: Making the Law, Breaking the Law Lippman, Ch. 3 “The Structure and Function of Courts, Legislatures, and Administrative Agencies” Lippman, Ch. 10, “Law and Social Movements” (p. 425-434) Continue reading Stevenson, <i>Just Mercy</i> (Ch. 3-6)	In-class Quiz – Lippman Ch. 1 & 3
4	9/11	Dispute Resolution and Access to Justice in the Adversarial System Lippman, Ch. 5, “Access to Justice and Legal Ethics” Lippman, Ch. 6, “Dispute Resolution” Marc Galanter, “Why the Haves Come Out Ahead: Speculations on the Limits of Legal Change” (excerpts on Canvas) Continue reading Stevenson, <i>Just Mercy</i> (Ch. 7-8)	Canvas Activity: <i>Access to Justice and Judicial Elections:</i> Watch the following video and comment on the “Justice for Sale” Discussion on Canvas by Tuesday 9/18. http://www.pbs.org/moyers/journal/02192010/watch.html Assignment Due: Law & Courts in the News - Civil Case Current Event Analyses
5	9/18	U.S. Constitution, Bill of Rights, and Amendments Lippman, Ch. 11, “Law and Racial and Ethnic Inequality” Continue reading Stevenson, <i>Just Mercy</i> (Ch. 9-12)	Canvas Activity: <i>Constitution Day</i> Watch the videos and post a response to the Canvas discussion.
6	9/25	Courts and the Criminal Process Lippman, Ch. 7, “Criminal Courts”	Canvas Activity: <i>The Confessions</i>

		<p>Packer, “Two Models of the Criminal Process” (excerpts on Canvas)</p> <p>Lippman, Ch. 10, “The Impact of Court Decisions on Criminal Justice” (p. 412-419)</p> <p><i>Miranda v. Arizona</i> <i>Mapp v. Ohio</i> <i>Gideon v. Wainwright</i></p>	<p>Negotiated Justice: In-class Plea Bargaining Activity</p> <p>Meet with Prof. Kinney to discuss research paper proposal by 9/25</p>
7	10/2	<p>Law and Social Control: Capital Punishment and Mass Incarceration</p> <p>Lippman, Ch. 9, “Law and Social Control” (p. 313-342)</p> <p>Lippman, Ch. 10, “The Impact of Court Decisions on Criminal Justice” – Prison Reform (p. 419-424)</p> <p>Seminar discussion of Stevenson’s <i>Just Mercy</i> (finish reading Ch. 13-Postscript)</p>	<p>Assignment Due: Research Paper Proposal Due</p> <p>Assignment due: Book Review 1 – <i>Just Mercy</i></p>
8	10/9	<p>Law and Social Change</p> <p>Lippman, Ch. 10, “The Impact of Law on Society”</p> <p>Begin reading Reiter, 23/7</p>	<p>Canvas Activity: Indigenous Rights, Violence Against Women</p>
9	10/16	<p>Reproductive Justice</p> <p>Oyez, <i>The Body Politic: The Supreme Court and Abortion Law</i>, https://projects.oyez.org/body-politic/</p>	<p>Assignment Due: Research Paper Outline</p>
10	10/23	<p>Human Trafficking, Prostitution & Pornography</p> <p>Lippman, Ch. 9, “Law and Social Control” – section on “Victimless Crimes” and Obscenity</p> <p>Selected readings on Canvas</p>	
11	10/30	<p>Civil Rights, Courts and the Democratic Process: Juries</p> <p>Lippman Ch. 8, “Juries”</p> <p>American Bar Association, Public Education: Law & the Courts - Vol. 3 Juries</p> <p><i>Before the Law</i>, Juries in Historical Context; Race and Sex Discrimination in Jury Selection</p> <p><i>Batson v. Kentucky</i> <i>J.E.B. v. Alabama ex rel. T.B.</i></p>	<p>Assignment Due: Law & Courts in the News - Criminal Case Current Event Analyses</p>

		Equal Justice Initiative (2010) “Illegal Racial Discrimination in Jury Selection: A Continuing Legacy” (5-27; 35-37; 38-41)	
12	11/6	Civil Rights, Courts and the Democratic Process: Voting Rights Readings on Canvas. Criminal Justice Reform and Reentry	
13	11/13	Privacy, Surveillance and the War on Terror Lippman, Ch. 12, “Privacy and Surveillance”	Assignment Due: Law & Courts in the News - Supreme Court Case Current Event Analyses
14	11/20	Solitary Confinement and Prisoners’ Rights Movements Discussion of Reiter, 23/7	Assignment Due: Book Review 2 – Reiter, 23/7
15	11/27	Research Paper Presentations and Colloquium	Assignment Due: Research paper rough draft Assignment Due: Research Paper Presentation
16	12/4	Conclusions and Conceptual Slam	Assignment: Peer Review – due by 12/10 Assignment Due: Post Court Observation to Canvas
Final	12/18	Culminating Activity: Mock Trial Tuesday, December 18, 5:15 – 7:30 p.m.	Assignment Due: Mock Trial