

CALIFORNIA STATE UNIVERSITY, SACRAMENTO
Criminal Justice Division

CrJ 175
Structure and Function of the American Courts
Spring 2009
LIVE SECTION
T/Th 10:30am - 11:45am

Professor Kubicek
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OFFICE HOURS ARE BY APPOINTMENT
CONTACT DEBBIE MULLIN AT (916) 278-6485 FOR SCHEDULE

Required Text: America's Courts and the Criminal Justice System; Ninth Edition, by David W. Neubauer, West/Wadsworth Publishing Co., 2007.

Leading Cases on Criminal Justice; by Lloyd Weinreb, Foundation Press Inc., 2006.

Grading & Examinations:

The course grade is calculated on the basis of a mid-term examination (30%), a final examination (30%), writing project (30%), and class participation (10%). Students are expected to prepare all assigned reading in advance and to participate in class discussions and oral case briefing. In addition students are required to participate in an online classroom utilizing Web CT (instructions follow in this syllabus.) All exams are closed book. Make up exams are strongly discouraged and will only be permitted with prior approval by the instructor. Make up exams must be taken in the testing center in Lassen Hall and students are responsible to make the appointments and coordinate their make-up exam with the instructor. Exams may consist of a combination of multiple choice, true or false, or essay questions.

Grading Scale:

A	93-100	B	83-86	C	73-76	D	63-66
A-	90-92	B-	80-82	C-	70-72	D-	60-62
B+	87-89	C+	77-79	D+	67-69		

Course Procedure:

This course is a "Distance & Distributed Education" course offered on local cable TV and online. The lectures are videotaped on campus with a "live" class, and "distance learners" will participate through an online classroom in SacCT. The course is an overview of the American court system. The material includes a study of the law as it relates to court procedure, the structure and function of courts and the various roles people play in the daily administration of courts. It requires significant outside reading and excellent note taking during class lecture and discussion. Students are required to participate in briefing cases in class and must prepare case briefs in advance of lecture to facilitate their participation.

Web CT Component:

You will be required to utilize Web CT, a virtual online classroom, for this course. You must have a Saclink account in order to utilize Web CT. If you have questions or need technical assistance visit the UCCS help-desk in ARC 3010 to for assistance. For each chapter in the Neubauer text book there is an outline available to download which you may utilize as you participate in class. It should serve as a "skeleton" for your class notes and will allow you to take notes on the material I discuss during class rather than copying down the information from the power point presentations that accompany weekly lectures.

Student Assistance:

The university has a Skills Center in Lassen Hall, available to assist you as needed with study skills – do not hesitate to take advantage of this resource if you feel you will need the help. There is also an English Writing Center in Calaveras Hall, room 128, where you can be assigned a tutor to help strengthen your writing skills. If you have a disability and require accommodations, you need to provide disability documentation to SSWD, Lassen Hall 1008, (916) 278-6955. Please discuss your accommodation needs with me after class or during my office hours early in the semester. Additional questions about courses or major requirements should be directed to the Criminal Justice Student Services Office in Alpine Hall, Room 133.

Support with Writing Assignments

The College of Health and Human Services Writing Center, located in Solano Hall 5000, is a program designed to assist students with all stages of writing from pre-writing through editing a text utilizing a peer-tutoring environment. The Center is staffed by graduate students from the English Department. Hours will be posted at the beginning of the Fall 2008 semester. If you have questions about the Center, please call (916) 278-7255.

Plagiarism

Students in this course will be held to the highest standard of personal accountability with regard to issues of plagiarism and cheating. *If you engage in either plagiarism or cheating on course work or examinations you will fail this course and will be referred to the Office of Student Affairs for University level discipline.*

The learning objectives of this course are as follows:

Upon conclusion of the course and diligent study of the assigned material, successful students will be able to demonstrate a thorough understanding of the structure and function of the American Courts. The course is inclusive of both the federal and state systems. You will develop a detailed knowledge of the Bill of Rights as it relates to constitutional criminal procedure. The particular subject matter is outlined below in each specified reading assignment. Student writing skills should be enhanced through the preparation of case briefs, participation in predominantly essay format exams, and completion of a court visitation assignment with a report. The specific objectives include but are not limited to:

1. Demonstrate analysis of complex law cases together with logical reasoning requisite to their application to legal contextual situations.
2. Demonstrate a thorough understanding of the structures and functions of the American Court System(s).
3. Describe our common law heritage together with state-federal sources of law, jurisdiction, venue, civil law and civil liability concepts in criminal justice, state and federal court organization, judicial administration and the hierarchy of courts.
4. Express an understanding of the courthouse workgroup, roles of the prosecutor, defense attorney, judge, probation officials, victims and witnesses.
5. Conduct and report observations of criminal court proceedings in order to garner an understanding of the courtroom, arraignments, preliminary hearings, trials, motions, jury selection, bail and pre-trial release, discovery, pleas, negotiated justice, sentencing decisions, appeals as a right and a matter of judicial discretion.
6. Identify the usage of the Grand Jury at federal and state levels together with its advantages and disadvantages.
7. Demonstrate knowledge and understanding of Constitutional Rights associated with criminal legal process including juvenile courts i.e. those engendered by the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments.

Class Assignments and Exams by Week:

This schedule is intended as a guide and is subject to change by the instructor as necessary. For Book:
T = Neubauer text book and C = Weinreb case book.

Week	Chapter	Book	Topic/Case
1			INTRODUCTION
1	1	T	Crime, Courts & Controversy
		C	14th Amendment
			A. The Legal System
1	2	T	Law & Crime
1		C	Bill of Rights
2	3	T	The Federal Courts
3	4	T	The State Courts
			B. Legal Actors
4	5	T	The Courthouse and People Who Work There
		C	Barker v. Wingo
5	6	T	Prosecutors, Discretion Immunity, etc.
		C	U.S. v. Armstrong
6	7	T	Defense Attorneys, Right to Counsel, etc.
6		C	Gideon v. Wainwright, Douglas v. California, Faretta v. California, Ross v. Moffit
7	8	T	Judges
	9	T	Defendants & Victims
8			Review for Final Exam
8			Mid-Term Exam – Date TBA
			C. Processing the Accused
9	10	T	Arrest to Arraignment
9		C	Coleman v. Alabama, Gerstein v. Pugh, County of Riverside v. McLaughlin
10	11	T	Bail Issues
10		C	Stack v. Boyle, U.S. v. Salerno
11	12	T	Disclosing & Suppressing Evidence
11		C	Mapp v. Ohio, Chimel v. CA, Maryland v. Buie
12	13	T	Negotiated Justice
13			COURT VISITATION PROJECT DUE ON 4/21/09!!!
14	14	T	Trials and Juries
14		C	Illinois v. Allen, Estelle v. Williams, Sheppard v. Maxwell
15	19	T	Juvenile Courts
15			Catch up and review for final exam
			Final Examination – Thursday, May 21st, 10:15am-12:15pm

COURT VISITATION ASSIGNMENT – Due on Tuesday, April 21st!!!

Court Visitation Assignment

Refer to the end of this syllabus for assignment details. Students are required to attend and report on a variety of different types of court proceedings. This assignment is intended to give the student an opportunity to see the practical application of concepts learned in class lecture and assigned readings. You will be required to attend three (3) separate ½ day long court sessions. **Each of the three sessions should typically last between 2-1/2 and 3-1/2 hours.**

EVERY student must visit:

1. A ½ day of arraignments

Choose any two of the following for your other two court visits:

2. A ½ day of preliminary hearings
3. A ½ day of jury selection
4. A ½ day of trial proceedings
5. A ½ day of motion arguments in a criminal case (i.e. motion to suppress evidence)

There are centrally located courts at both the federal and state level here in Sacramento. The Clerk's office can tell you when certain proceedings are held so that you can plan your schedule. You should begin the visitation component of this project immediately. The visitation must be complete and the project which is required to meet the format requirements listed at the end of this syllabus is due no later than **Tuesday, April 21, 2009 IN CLASS. Do NOT visit civil proceedings - only criminal proceedings will satisfy the requirement for the project.**

For each of the three types of proceedings you are required to visit for this project you must prepare a separate summary to be included in your project. For each type of proceeding you must begin by doing the following:

1. Utilize **Lexis-Nexis** or another online database to search for a law review article. Find and select a law review article about the proceeding you are going to visit. **Choose an article published after 1998.** A law review article is distinguishable from other periodicals by looking at its title or citation. An example of a law journal title would be “Cleveland State Law Review” and it would be abbreviated “Clev. St. L. Rev.” in the citation to the article. If the article comes from a news media source – it is NOT a law review article. You can find law review articles using cites such as www.findlaw.com, but the largest database you have access to is Lexis-Nexis through the CSUS library. In the video taped lecture for week 4 of the course, I provide a demonstration on how to search using Lexis-Nexis.
2. Review the chapter in the text which describes the type of proceeding you plan to visit.
3. Conduct your court visit after you have read the above items.

Project Requirements...PLEASE FOLLOW CLOSELY!!!

Using the information acquired during your visits to criminal court proceedings and through your readings prepare a report summarizing each court visit. Each visit (e.g. Preliminary Hearings) can be one section of your project. Include a heading for each section which details the **following required information**:

1. The name, address, date and department of the court
2. The name of the judge who presided over the session
3. A summary of the proceedings
4. An evaluative comparison of your experience and the readings including your law review articles, text books, and any other academic resources. The evaluation should focus on a comparison between what you have read and what you actually observed. Was your visitation experience similar or different from your expectations? What opinions did you garner from the visit? Describe the quality of the proceedings and the participants. Your paper should utilize proper APA citation format – be careful to cite when necessary, “if in doubt, cite!”

Format & Page Limits:

Your papers must each be entirely your own work. The paper must have a title page and a listing of works cited for each text chapter and law review article you cite. The paper must be type written, double-spaced, and use 12 point font with no larger than 1" page margins. Your entire project (all three summaries) must be a minimum of 10 pages.

Important Criteria:

You paper will be graded on preparation of the project, your use of an appropriate source for your research component and your use of the text. You will also be graded on you thoughtful assessment of the proceeding itself as well as your completion of the visitation description (court, address, etc.) **You are required to include the title page and properly formatted references.** You will also be graded on your basic college level writing skills including organization, neatness, spelling and Standard English grammar and usage.