

Courts & Criminal Law - CRJU 335-001
Course Syllabi

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Office Hours – Spring 2006 Semester
MWF 10am-11am, Fridays 1:30-3:00pm & by Appointment

I. Course Overview:

The course examines the role of criminal courts in the United States, the structure and organizations of courts and the disposition of cases at all levels of the criminal justice system. Topics covered include the roles of central actors and the decision-making process in criminal courts. It also examines the impact of social inequality on the structure and operation of criminal courts and considers prospects for reforming criminal courts.

II. Course Objectives:

- Upon successful completion of this course students will:
- ✓ Demonstrate an understanding of the American legal system.
 - ✓ Articulate the role of courts in constitutional democracies.
 - ✓ Understand the processes by which one becomes a judge.
 - ✓ Demonstrate a critical understanding of judicial power and the requisite checks and balances.
 - ✓ Explain judicial decision-making.
 - ✓ Articulate concepts of statutory and constitutional interpretation.
 - ✓ Understand the role of trial courts and the impact of judicial decisions.
 - ✓ Express an analytical view of the judiciary and its' multiple impacts on criminal justice policy.

III. Required Text:

Courts, Judges & Politics. 6th Edition. Murphy, Walter & C. Pritchett, et. al.
McGraw-Hill 2006. ISBN# 0072977051

Optional (Recommended) Text:

The Criminal Justice Student Writer's Manual. 3rd Edition. Johnson, Rettig, et.
Al. Pearson Prentice-Hall 2005. ISBN #0-13-124506-6

IV. Course Expectations & Information:

Students are expected to attend class regularly with course material read prior to class. Should a student need to miss a class, they are requested to email or call Prof. Wright, prior to the class to explain their absence. Students are expected to take scheduled exams and submit assignments on time, as penalties for lateness and missed exams are described below.

Students are strongly recommended to continually ask questions and encourage debate. **To achieve a critical view of the courts and the criminal justice system, questions and discussion is essential.** It is also recommended that as needed, students meet with Prof. Wright to ensure their comprehension of the course material, clarification of its application to contemporary crime problems and/or assistance in the writing assignments. Students are expected to work independently on their writing assignments but may seek assistance for the BSC Writing Studio.

Students are required to enroll on this course's companion Blackboard site. Students must enroll using their *@bridgew.edu email address. To enroll, go to blackboard.bridgew.edu and select this course either by course name and number or the instructor. Students are required to routinely check the Blackboard site as critical documents, announcements and information will be regularly posted.

V. Exams, Assignments & Grading:

1. Exams -

The course will include two examinations, a mid-term and the final exam. The exams may be composed of all-essay questions. Exams will cover material in the textbook, class discussions and any additional materials provided in class. Students will be expected to be fully prepared for exams. **There are NO make-up exams. In the event of an extreme emergency and a student misses an exam, Prof. Wright MAY assign the student an additional writing assignment. In this rare situation, students will be required to provide documentation of situation (e.g., hospital admitting record, death certificate).**

2. Writing Assignments -

This course requires two writing assignments. The first assignment is a review of the confirmation hearings of Supreme Court nominee Samuel Alito. The second paper is an assignment on judicial accountability.

a) Writing Assignment #1: Review of Alito Confirmation Hearings:

As will be discussed throughout the course, the U.S. Supreme Court has a profound effect on our lives. On October 30th, 2005, Federal Appeals Court Judge Samuel Alito was nominated as an Associate Justice on the Supreme Court to replace Justice Sandra Day O'Connor who resigned. Judge Alito's nomination is considered critical for a number of reasons.

First, Judge Alito was President Bush's third choice to replace O'Connor. John Roberts was the President's initial choice but his nomination was withdrawn and resubmitted to replace Chief Justice Rehnquist, when Rehnquist died in September 2005. Harriet Miers, an attorney in the Office of White House Counsel and a former private attorney of the President was the second choice to replace O'Connor. Ms. Miers, whose nomination was viewed as very controversial, withdrew her nomination in October of '05. The President then nominated Judge Alito.

Secondly, if confirmed, Judge Alito would replace Justice Sandra Day O'Connor. Justice O'Connor was often considered the "swing vote" in many controversial issues, particularly, when the court was divided often among ideological lines (e.g., conservative vs. liberals). In cases involving crime, environmental protection, the death penalty, Justice O'Connor was often the deciding vote on an issue's legality.

Judge Alito's confirmation hearings begin on January 9th, 2006. It is expected that the hearings, conducted by the Senate Judiciary Committee, will last 3 to 5 days. Judiciary Committee Chairman, Senator Arlen Specter (R-PA) will preside over the hearings with the other 17 members (9 Republican, 8 Democratic) asking questions of Judge Alito. After the hearings, the Judiciary will vote as to whether they recommend that Alito is appointed to the Supreme Court. Their vote is non-binding and after the hearing, the full Senate will vote on the nomination. It is after the full Senate has voted that Judge Alito will either be confirmed or rejected.

The entire confirmation hearings will be broadcast and regularly replayed on C-SPAN, a cable TV station for the coverage of politics. Much of the hearings will also be replayed on network television stations including PBS, CBS, ABC, NBC, CNN, FoxNews, etc. Additionally, the Maxwell library is purchasing the DVD's of C-Span's coverage of the confirmation hearings.

Although many of the issues raised during the confirmation hearings will be very specific points of law and legal precedence, it is critical that students are aware of and informed about the hearings. The public debate on this nomination has focused on how, if confirmed to the court, Judge Alito would rule on such controversial issues such as the constitutionality of Roe V. Wade (right to privacy/an abortion), the death penalty, the power of the President to hold "enemy combatants" indefinitely, the separation of church and state, rights of criminal defendants and many others.

Students are required to watch at least TWO (2) HOURS of coverage of the confirmation hearings. Students are free to watch on their own and may borrow the DVD's from the library from this assignment. Should students have C-SPAN at their residence, they should check C-SPAN's website for dates and times that the confirmation hearings will be rebroadcast. Students can find the re-broadcast information at www.c-span.org and click on the upper left hand corner link "Supreme Court." If broadband internet access is available, students are also free to watch the hearings online at C-Span's website, www.c-span.org. Students are also free to watch the hearings on other network or broadcast TV stations.

After watching the confirmation hearings students will write a four (4) to six (6) page paper, discussing the following questions and issues:

1. Summarize the key issues and questions which were raised during the portion of the hearings you watched.
2. How do you think the members Senate Judiciary Cmte. are determining whether or not they should vote to confirm Judge Alito?
3. What criteria do you think should be used to determine whether Alito should be confirmed to the Supreme Court?
4. Given that appointment to the Supreme Court is a lifetime appointment, and that the Court is the "final arbiter" of constitutionality, do you think a nominee should be required to disclose either their political views OR how they would rule on controversial issues? Why or Why not?

Students are allowed to use limited supplemental materials (e.g., newspaper coverage) to aid their discussion of the Alito nomination. Should students use newspaper coverage, they are limited to three (3) articles. Should students use supplemental material, they must cite it correctly.

b) Writing Assignment #2: "Judicial Accountability"

As discussed throughout the semester and throughout the criminal justice program, there is a great deal of concern over how judges should be held accountable for their behavior and decisions. Yet, the nature of a judge's role is, in effect to rule for one party over another. By the nature of the adversarial relationship of our legal system and the judges' influence it is very common that the "losing" party in a case may hold a "grudge" against the judge or try to discredit the judge.

Some states have decided that the way to hold judges accountable is make judicial selection an elected (as opposed to appointed) position. Others have considered a mandatory retirement age or term limit that a judge must adhere to. Some states have proposed tightening judicial ethics guidelines. There have been instances of impeachment or political recall of appointed judges. Some federal lawmakers have taken the position to publicly criticize the judiciary as “activist” or unaccountable. Some defendants have even decided the way to hold a judge accountable is murder.

For this writing assignment, students will be provided a small reading packet and will write a four (4) to six (6) paper on the following:

1. Discuss what system(s)/process(es) you believe best holds judges accountable for their behavior and decisions? Why? What are the strengths and weaknesses of that system(s) or process(es)?
2. Given that judges will inevitably render unpopular decisions (which may have very serious consequences - e.g., overturning a murder conviction, ruling a mistrial involving a child molester, or deciding that the President cannot indefinitely hold terrorists without criminal charging them), how would you ensure that judges are protected from threats, retaliation or violence to ensure their impartiality?

LATE PAPERS

If a student submits any writing assignment late, the student will receive a penalty on that paper. ***For each class session any paper is late, the paper will be lowered by one full grade.*** In extreme exceptions, the professor may grant an extension. This will only be done in extraordinary circumstances and will require documentation from the student as to the reason for the extension.

PLAGIARISM:

The purpose of these papers is to demonstrate an awareness of the courts and their impact on the criminal justice system. It is critical that students understand that these assignments are individual and original writing and plagiarism will NOT be tolerated.

Plagiarism, or the misappropriation and/or misattribution of another person’s work to one’s individual efforts are severely discouraged. Plagiarism, one form of academic misconduct, may result in a failure for the course in which the violation took place. A record of the violation is kept and may result in suspension or dismissal from the college. Students should refer to the BSC student handbook or (<http://www.bridgew.edu/Handbook/PoliciesProcedures/academicmisconduct.cfm>) for questions regarding academic misconduct penalties and procedures.

Forms of plagiarism include but are not limited to utilizing ANY online paper writing/delivering service, “cutting and pasting” text from other works, uncited sources, having another individual write all or portions of a student’s paper, and/or altering other published material. When in doubt, students should appropriately cite a work, consult with library staff and Prof. Wright.

For either writing assignment students may conduct additional research. If additional research is conducted, the following guidelines are in effect.

- Appropriate sources include governmental websites, academic journal articles, books, interviews with criminal justice personnel and select newspapers or magazines.
- Select online sources are acceptable. Acceptable websites include university or government based research sites (*.gov or *.edu) and national criminal justice sites (ncjrs.org, etc.) Reputable newspapers (e.g., the Boston Globe, Herald, New York Times, etc.) are acceptable. Students are discouraged from using advocacy websites. If a student is in question about the acceptability of any source, contact the professor. As with all sources, all online information used, must be appropriately cited.

- All writing assignments, utilizing any research, must adhere to the American Psychological Association (APA) guidelines for in-text citations and the bibliography. See the BSC library for guidance on APA formatting.
<http://www.bridgew.edu/Library/styleman.cfm>

ADDITIONAL PAPER GUIDELINES:

Students should utilize **The Criminal Justice Student Writer's Manual 3rd Edition** for help in writing, revising and citing their papers.

- All papers must be typed and formatted with an 11 or 12 point font, 1" margins, stapled, and double-spaced with appropriate page numbers.
- To ensure that students do not plagiarize material, all papers will be submitted to www.turnitin.com. Turnitin.com is an anti-plagiarism service the college subscribes to. When writing assignments are due, students will hand in a paper copy AND will upload, via Blackboard, an electronic copy of their paper. Papers will receive a "plagiarism" score identifying what and how much of a paper was plagiarized.

3. Preparedness/Attendance & Participation -

In order to understand judges, the courts and their many impacts on the criminal justice system and to develop a critical view of its operation, **students are required to attend class fully prepared and to participate in class discussions.** Students must stay current with the course readings and be prepared to offer their own observations and questions. Preparedness and participation has been allocated to count for 10% of the student's grade.

4. Grading -

Students' grades are composed of the following:

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| a) Writing Assignment #1 - Review of Alito Confirmation Hearings | - 20% of grade. |
| b) Writing Assignment #2 - Judicial Accountability | - 20% of grade. |
| c) Mid-term examination | - 20% of grade. |
| d) Final Examination | - 30% of grade. |
| e) Preparedness/Attendance/Participation | - 10% of grade. |

VI. Extra Credit

At his discretion, Prof. Wright may offer one extra credit assignment during the semester. If such an assignment is offered, it will be a short 2-4 page writing assignment of Prof. Wright's choosing. If offered, Prof. Wright will provide written guidelines for the assignment. Additionally, if offered the assignment may add 2-4 points to a student's cumulative final average.

VI. Course Outline & Reading Assignments:

The following is a schedule of reading and written assignments and their corresponding due dates. Pay close attention to the dates that assignments are due and exams conducted. As mentioned earlier, there are NO MAKE-UP EXAMS! Changes to this schedule may occur throughout the semester. Please check with Prof. Wright (and on Blackboard) for any in-class modifications to the schedule.

<u>Date</u>	<u>Assignment</u>
Week 1 - Wk. of 1/16 Week 2 - Wk. of 1/23	Introductions, Review of Syllabi, Course Goals, Policies & Assignments Chapter 1: Political Jurisprudence
Week 3 - Wk. of 1/30	Chapter 2: Courts in Constitutional Democracies
Week 4 - Wk. of 2/6	Chapter 3: Judicial Organization
Week 5- Wk. of 2/13	Chapter 4: Judicial Selection and Retention Chapter 5: The Bar
Week 5 - Wed. Feb. 15th	Writing Assignment #1: Alito Confirmation Hearings Paper Duel
Week 6 - Wk. of 2/20	Chapter 5: The Bar
Week 7 - Wk. of 2/27 Monday Feb. 27th	Chapter 6: Access to Judicial Power Review for Mid-term Exam (Chapters 1 -5)*
Week 7 - Wed. March 1st	Mid-term Examination!
Week 7 Fri March 3 rd	Chapter 6: Access to Judicial Power
Week 8 - Wk. of 3/6 Week 9 - Wk. of 3/13	Spring Break - No Classes
Week 10 - Wk. of 3/20	Chapter 7: Instruments of Judicial Power
Week 11 - Wk. of 3/27	Chapter 8: Limitations on Judicial Power
Week 11 - Mon. March 27th	Writing Assignment #2: Judicial Accountability Duel
Week 12 - Mon. 4/3	Chapter 9: Fact Finding in the Courts
Week 13 - Wk. of 4/10	Chapter 10: Precedents and Legal Reasoning
Week 14 - Wk. of 4/17	Chapter 11: Statutory Interpretation Chapter 12: Constitutional Interpretation
Week 15 - Wk. of 4/24	Chapter 12: Constitutional Interpretation Chapter 13: The Processes of Judicial Decision-Making
Week 16 - Week of 5/1	Chapter 13: The Processes of Judicial Decision-Making Chapter 14: The Impact of Judicial Decisions
Friday May 5th	Review for Final Exam
Week 17	Final Exam - TBA

* The mid-term examination will tentatively cover these chapters.

Please note that there are NO CLASSES on
Monday Feb. 20th (President's Day) & Monday April 17th (Patriots Day)!
As per college policy, Classes on Monday Feb. 20th will be held on Tuesday Feb. 21st.