

SYLLABUS
MCJ 6210 (Seminar: Judicial Administration)

Fall 2013
Online Class

Professor: David Lynch, J.D., Ph.D.

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Online Office Hours: MWF, 11:00am-12:00 noon; Tu/Th, 3:00-4:00; or by appointment

Textbook: Spohn, Cassia and Craig Hemmens. "Courts: A Text/Reader, 2nd edition. (2012). Los Angeles: Sage Publications.

Course Description:

This course will expose students to the dynamics of the American criminal courthouse. Students will examine how defense attorneys, defendants, prosecutors, judges, juries and others interact and contribute to America's version of criminal case disposition. The course will examine the mechanics of criminal case processing, as well as how the system is supposed to work, how it really does work, and the implications for American democracy.

Please **DO NOT** use Canvas mail. Submit all written assignments (and general email inquiries) directly to: dlynch@weber.edu. Special Note: I have been told that Internet Explorer does not work well with Canvas! Google Chrome or Firefox work much better. Try to use one of those while navigating inside Canvas. Of course, assignments will be emailed directly to me anyway so this should not be too big an issue as far as submitting assignments to me goes.

Course objectives

Students taking this course will:

1. Familiarize themselves with the professional lives and duties of defense attorneys, prosecutors, and judges, and understand how these professionals interact with one another both formally and (especially) behind the scenes.
2. Learn about the system's heavy reliance on plea bargains instead of trials, the unfulfilled promise of an "adversarial system" of justice, and the reality instead of a system of justice based upon the so-called "courtroom work group."
3. Review how jury trials are conducted.
4. Learn about the dynamics of courtroom sentencing.

Course Mechanics in a Nutshell (See Course Schedule below for details):

This course involves basically four types of activities (there will be no exams or quizzes):

1. Read those materials of the course textbook as requested according to the schedule (see Course Schedule below). The name of the textbook is listed

near the top of this syllabus. The textbook is actually a combination textbook and depository for scholarly articles (a so-called “Text/Reader”).

2. Submit each week your written answers to certain “Discussion Questions” based on the assigned course book readings for that week. Your answers will be graded. Each answer should be about a small paragraph in length. These answers will be due each week by Friday at 11 pm. You are to email these answers to: dlynch@weber.edu.
3. OK, here is the creative part of the course: You are to have a 20 minute one-on-one telephone conversation with the course instructor each week (at your convenience) to discuss the reading topic(s) of that week. You will need to have read the assigned textbook readings (but not necessarily to have submitted your answers to the Discussion Questions yet) prior to this phone call. This discussion will be graded pass/fail. You will receive a half-letter grade reduction in your course grade for any missed telephone chats or for any chats you otherwise might fail. Don’t worry: this will be fun. I will be teaching you, not grilling you. This one-on-one discussion with me will be the interactive element for this course, in lieu of such things as “discussion boards” and “chat rooms.” If having a phone conversation is not your “thing,” arrangements can be made to have this chat in person in my office: whatever you find most convenient and comfortable.
4. Write a total of three thought papers , 7-8 pages long apiece, based on various topics and concepts found in the course textbook . Each paper will be due at the end of one of the three modules built into this course (see the last week in each of the three modules for paper details). These papers will of course be graded.

Academic Honesty: The policy of Weber State University is that no cheating of any sort will be tolerated. I agree with this philosophy and will enforce it. This means that all graded work (e.g., written answers to the assigned discussion questions plus the three “end of module” papers) must be completely your own work. Penalties for being dishonest will range from a reduction in grade for a minor offense to failing the course for a major offense.

Handicaps: If you suffer from any handicap that might cause you difficulty in completing the requirements for this course, please let me know and we’ll work together to make this course happen for you.

Grading: Your course grade will be determined as follows:

1. Your average score on the weekly submitted written answers to the assigned Discussion Questions: 40 percent of your course grade.
2. Your score on each of the three “end of module” papers: 20 percent of your course grade per paper, for a total of 60 percent of your course grade for all three papers combined. Grading Rubric: Grammar/Spelling: 30%; Substance/Content: 70%.
3. If you missed any of the weekly telephone chats (graded pass/fail), your course grade will be docked by a half letter grade (five percentage points) for each such chat missed. Five of the weeks will have no weekly telephone chats (see Course Schedule below). These five weeks include the three weeks when “end of module” papers are

due; a week in October when the instructor is at a conference; and the week that includes Thanksgiving.

COURSE SCHEDULE

MODULE 1

Week 1 (week of Monday, August 26)

Assignments:

1. Email Dr. Lynch at dlynch@weber.edu as early in the week as you can—or even before the course starts if you’d like-- and let him know your quick contact information: your best telephone number and preferred email address.
2. Read the “Introduction” (pages 1-26) in the course textbook “Courts: A Text Reader, 2nd Edition,” (2012), by Cassia Spohn and Craig Hemmens.
Answer the 10 “Discussion Questions” found on p.27 of this textbook.
Email your answers (about a small paragraph per answer) to dlynch@weber.edu by Friday of this week at 11 p.m. Please do NOT use Canvas mail. Just email your answers directly to dlynch@weber.edu.
3. Telephone Dr. Lynch at his office by Wed. at 801-626-6714 during the day hours to arrange a time for this week’s (and subsequent weeks’) one-on-one, 20 minute telephone chats. Leave return phone number if I am not in when you call. If you cannot call during the daytime, call me at home in the evening at 801-876-3260.
4. Telephone Dr. Lynch for one-on-one telephone chat at the designated time and day (see #3 just above).

Week 2 (week of Monday, Sept 2)

Special Note: Monday of this week is the Labor Day Holiday. Campus closed that day so no office hours (via telephone or in person) that day.

Assignments:

1. Read the textbook discussion on “Historical and Contemporary Perspectives on Courts” on pages 29-41.
Answer the 5 Discussion Questions on page 41 (remember, each answer should be about a short paragraph in length). Email these answers by Friday, 11pm to dlynch@weber.edu

2. Read the scholarly article, “The Process is the Punishment” found in the course book on pages 46-54.
Answer the 7 Discussion Questions on pages 54-55 of the book. Email these answers by Friday, 11pm to dlynch@weber.edu
3. Telephone Dr. Lynch for one-on-one telephone chat at the designated time and day you set up with him the first week of the course.

Week 3 (week of Monday, Sept 9)

Assignments:

1. Read the scholarly article, “The Honest Politician’s Guide to Juvenile Justice in the Twenty-First Century” on pages 55-67.
Answer the 8 Discussion Questions on page 67. Email these answers by Friday, 11 pm to dlynch@weber.edu
2. Read the scholarly article, “The Rehnquist Court and Criminal Justice” on pages 68-83.
Answer the 6 Discussion Questions on page 83. Email these answers by Friday, 11pm to dlynch@weber.edu
3. Read the scholarly article, “Wrongful Conviction” on pages 84-106.
Answer the 7 Discussion Questions on page 107. Email these answers by Friday, 11pm to dlynch@weber.edu
4. Telephone Dr. Lynch for one-on-one telephone chat at the designated time and day you set up with him previously.

Week 4 (week of Monday, Sept 16)

Assignments:

1. Read the textbook discussion on “Prosecutors and Defense Attorneys” on pages 109-123.
Answer the 11 Discussion Questions on page 124. Email these answers by Friday, 11 pm to dlynch@weber.edu
2. Read the scholarly article, “Violated Trust,” on pages 125-138.
Answer the 7 Discussion Questions on page 138. Email these answers by Friday, 11pm to dlynch@weber.edu
3. Read the scholarly article, “Prosecutorial Justifications for Sexual Assault Case Rejection” on pages 139-163.
Answer the 8 Questions for Discussion on pages 163-164. Email these answers by Friday, 11pm to dlynch@weber.edu

4. Telephone Dr. Lynch for one-on-one telephone chat at the designated time and day you set up with him previously.

Week 5 (week of Monday, Sept 23)

Assignments:

1. No Readings for this week. Instead, work on your 7-8 page paper due Saturday by noon.
2. NO Telephone Chat this week since there are no readings.
3. *** Paper (7-8 pages long) due by Saturday, noon. Submit your paper directly to: dlynch@weber.edu (do not use Canvas mail).

Instructions for Paper: Using materials found in your textbook and helpful information you can find on the internet, write a 7-8 page paper describing modern day prosecutors and defense attorneys. In your paper, be sure to answer the following questions (don't forget to cite websites and other sources whose ideas you use):

What are the various duties and roles of prosecutors? What are the various duties and roles of criminal defense attorneys? Whom do you admire more, prosecutors or criminal defense attorneys (explain)? If you had to be one, would you rather work as a prosecutor or as a criminal defense attorney (why)? Who has the harder job in your opinion (explain)? What personality traits should a person wanting to be a prosecutor possess? What personality traits should a person wanting to be a criminal defense attorney possess? Is it ethical, in your opinion, for criminal defense attorneys to represent someone whom they know for a fact is guilty? Is it ethical for prosecutors to initially overcharge people in order to get a fair plea bargain in the end? Are prosecutors and defense attorneys sufficiently adversarial when it comes to processing cases?

(Once again, email your paper (7-8 pages total) by Saturday, 12:00 noon, directly to dlynch@weber.edu)

MODULE 2

Week 6 (week of Monday, Sept 30)

Assignments:

1. Read the scholarly article, "Prosecutorial Discretion in Seeking Death" on pages 164-173.

Answer the 7 Discussion Questions on page 174. Email these answers by Friday, 11 pm to dlynch@weber.edu

2. Read the scholarly article, “Representing the Accused: Professional Values and Professional Choices of Small-town Lawyers” on pages 174-194.
Answer the 6 Discussion Questions on page 194. Email these answers by Friday, 11pm to dlynch@weber.edu
3. Read the scholarly article, “Indigent Defenders Get the Job Done and Done Well” on pages 195-212.
Answer the 5 Discussion Questions on page 212. Email these answers by Friday, 11 pm to dlynch@weber.edu
4. Telephone Dr. Lynch for one-on-one telephone chat at the designated time and day you set up with him previously.

Week 7 (week of Monday, Oct 7)

Special Note: Professor out of town at a conference this week (Tues-Friday).

Consequently, there will be No one-on-one telephone “chat” this week with the Professor!!

Assignments:

1. Read the textbook discussion on “Judges and Jurors” on pages 213-236.
Answer the 13 Discussion Questions on page 237. Email your answers by Friday, 11 pm to dlynch@weber.edu
2. Since the instructor is out of town this week, and since item one above has quite a few discussion questions to answer, we’ll let that suffice for your readings and discussion questions for this week.
3. There will be NO telephone chat this week since professor is out of town at an academic conference.

Week 8 (week of Monday, Oct 14)

Special Note: Fall Break is Friday of this week. Campus closed that day. So, there will be no office hours (via telephone or in person) on that day; but one-on-one telephone chats will take place with the professor as usual (see #4 below if your chat time falls on Fridays).

Assignments:

1. Read the scholarly article, “Judges and the Politics of Death” on pages 238-259.
Answer the 4 Discussion Questions on page 259. Email these answers by Friday, 11 pm to dlynch@weber.edu

2. Read the scholarly article, "Reflections on a Rape Trial," on pages 260-272. Answer the 7 Discussion Questions on page 272. Email these answers by Friday, 11 pm to dlynch@weber.edu
3. Read the scholarly article, " Racially Based Jury Nullification" on pages 273-293. Answer the 6 Discussion Questions on pages 293-294. Email these answers by Friday, 11 pm to dlynch@weber.edu
4. Telephone Dr. Lynch for a one-on-one chat at the designated time and day you set up with him previously. Since Friday is Fall Break Day, if your designated "call in" day is usually on a Friday, please call Lynch at home at 801-876-3260 instead of to his office phone.

Week 9 (week of Monday, Oct 21)

Assignments:

1. Read textbook discussion on "Pretrial Proceedings" on pages 295-302. Answer the 4 Discussion Questions on page 302. Email these answers by Friday, 11 pm to dlynch@weber.edu
2. Read the scholarly article, "The Impact of Race, Gender, and Age on the Pretrial Decision" on pages 313-326. There are no Discussion Questions associated with this article. So, instead, please write a 1-2 page summary of the article's key findings and their relevance. Email this summary by Friday, 11 pm to dlynch@weber.edu
3. Read the scholarly article, "Plea Bargaining and Trial Dynamics" on pages 347-359. Answer the 9 Discussion Questions on page 360. Email these answers by Friday, 11 pm to dlynch@weber.edu
4. Telephone Dr. Lynch for a one-on-one chat at the designated time and day you set up with him previously.

Week 10 (week of Monday, Oct 28)

Assignments:

1. No Readings this week. Instead, work on your 7-8 page paper due on Saturday by Noon.
2. NO Telephone chat this week since there are no readings.

3. *** Paper (7-8 pages long) due by Saturday, noon. Do not use Canvas mail. Submit your paper directly to: dlynch@weber.edu.
Instructions for Paper:
 - a. Pick 3 key terms from each of the “Key Term” lists found on pages 236, 302, and 360 (9 key terms in total) that you believe represent concepts that average members of the general public would find most disturbing. Elaborate upon and explain your choices.
 - b. Pick 3 Key Terms from each of the same 3 lists (9 Key Terms in total) that you feel represent concepts that you find comforting about the court system. Elaborate and explain your choices.

(Once again, email your paper (7-8 pages total) by Saturday, 12:00 noon, directly to dlynch@weber.edu).

MODULE 3

Week 11 (week of Monday, Nov 4)

Assignments:

1. Read the scholarly article, “Prosecutorial Discretion and Plea Bargaining in the United States, France, Germany, and Italy” on pages 361-382.
Answer the 6 Discussion Questions on page 382. Email these answers by Friday, 11pm to dlynch@weber.edu
2. Read the scholarly article, “Variation in Trial Penalties Among Serious Violent Offenses” on pages 398-419.
Answer the 7 Discussion Questions on page 419. Email these answers by Friday, 11 pm to dlynch@weber.edu
3. Telephone Dr. Lynch for a one-on-one chat at the designated time and day you set up with him previously.

Week 12 (week of Monday, Nov 11)

Assignments:

1. Read the textbook discussion on “Sentencing” on pages 427-446.
Answer the 8 Discussion Questions on page 447. Email these answers by Friday, 11 pm to dlynch@weber.edu
2. Read the scholarly article, “Is Preferential Treatment of Female Offenders a Thing of the Past?” on pages 449-465.

Answer the 6 Discussion Questions on page 465. Email these answers by Friday, 11 pm to dlynch@weber.edu

3. Telephone Dr. Lynch for a one-on-one chat at the designated time and day you set up with him previously

Week 13 (week of Monday, Nov 18)

Assignments:

1. Read textbook discussion “Beyond Conviction and Sentencing” on pages 495-505.
Answer the 5 Discussion Questions on page 505. Email these answers by Friday, 11 pm to dlynch@weber.edu
2. Read the scholarly article, “The Federal Habeas Corpus Process: Unraveling the Issues” on pages 506-521.
Answer the 3 Discussion Questions on page 521. Email these answers by Friday, 11 pm to dlynch@weber.edu
3. Read the scholarly article, “Criminal Justice System Reform and Wrongful Conviction” on pages 521-538.
There are no Discussion Questions associated with this article to answer. Instead, write a 1-2 page summary of this article’s key findings in your own words. Email this summary by Friday, 11 pm to dlynch@weber.edu
4. Telephone Dr. Lynch for one-on-one chat at the designated time and day you set up with him previously.

Week 14 (week of Monday, Nov 25)

Special Note: Thanksgiving Break is Thurs/Fri of this week. Consequently, there will be no one-on-one chat this week with the Professor!!! Nor will there be office hours (via telephone or otherwise) on Thurs/Fri.

Assignments:

1. Read the textbook discussion on “Specialized Courts and Other Trends in Adjudication” on pages 539-549.
Answer the 4 Discussion Questions on page 549. Email these answers by Friday, 11 pm to dlynch@weber.edu
2. Read the scholarly article, “The Baltimore Drug Treatment Court” on pages 550-563.

Answer the 4 Discussion Questions on page 563. Email these answers by Friday, 11 pm to dlynch@weber.edu

3. Read the scholarly article, "Combating Domestic Violence" on pages 564-577.

Answer the 5 Discussion Questions on page 577. Email these answers by Friday, 11 pm to dlynch@weber.edu

4. Note: NO weekly telephone chat with the professor this week due to Thanksgiving.

Week 15 (week of Monday, Dec 2)

Assignments:

1. No Readings this week. Instead, work on your 7-8 page paper.
2. NO Telephone chat this week since there are no readings.
3. ***Paper (7-8 pages long) due by Saturday, noon. Do NOT use Canvas mail. Instead, email your paper directly to dlynch@weber.edu.
Instructions for Paper: Once again, you will use Key Terms found in your book to help you write your paper, but the instructions will be different this time around. This time, the Key Terms are found listed on pages 446, 505, and 549.
 - a. As to the Key Terms found solely on page 446, pick 3 terms from this one list (3 total terms) that you believe represent concepts that average members of the general public would find most disturbing. Elaborate upon and explain your choices.
 - b. Also, from this same one list (key terms on page 446), pick 3 other key terms that you personally feel represent concepts that you find comforting about the court system. Elaborate upon and explain your choices.
 - c. As to the Key Terms found solely on page 505, pick the 3 Key Terms from this one list that represent concepts that you find to be the most profound on the list. Discuss and elaborate.
 - d. As to the Key Terms found solely on page 549, pick the 3 types of specific courts found mentioned on the list that you think are the most worthwhile. Explain.

(Once again, email your paper (7-8 pages total) by Saturday, 12:00 noon directly to dlynch@weber.edu).

THIS COMPLETES THE THREE MODULES AND ALL OF THE WORK NECESSARY FOR THIS COURSE. Thanks for all of your good efforts!