

CJ120 SYLLABUS – SPRING, 2018

INTRODUCTION TO THE JUDICIAL PROCESS

General Information

Instructor Information and Availability

Instructor: Elijah R. L. Brown, J.D.

Contact: **LBCC Office:** South Santiam Hall (SSH), Room 205;
LBCC Phone: (541) 917-4524 (checked weekly)

Law Office: 135 5th Ave. SW, Albany, OR 97321;
Law Office: (541) 791-7114

Office Hours: **LBCC Office:** Tuesdays, 4:50—5:50 p.m., in classroom
Law Office: by appointment

Schedule: Tuesday evenings, 6:00—8:50 p.m. (two-part classes)

E-mail address: browne@linnbenton.edu
 eli@erlblaw.com

Course Information

Course name: Introduction to the Judicial Process

Section number: CJ 120-01

CRN: 40972

Scheduled time/days: Tuesdays, 6:00—8:50 p.m.

Number of credits: Three (3)

Classroom(s): North Santiam Hall (NSH) Room 107/106

Course Materials

Required: Lubet, et al., Mock Trials, NITA Publishing 2d Ed. (2014); and
 Mock Trial Packet: *State v. Caufield*

Course Description

This course surveys the process of justice from arrest through rehabilitation; the jurisdiction of city, county, state and federal police agencies, and the constitutional rights of individuals using the medium of the mock trial. Students study, investigate and present a criminal trial, acting as lawyers, witnesses and investigators.

Student Learning Outcomes

Upon successful completion of this course, students will be able to (1) identify and articulate the components of a criminal trial; (2) identify and articulate the role of attorney, judge, investigator and witnesses in a criminal trial; (3) identify and articulate the basic rules of evidence; (4) identify and articulate the rules governing courtroom etiquette and decorum and (5) Apply analytical skills to social phenomena in order to understand human behavior.

Course-Specific Requirements

The legal profession is one that requires professionalism. Professional courtesies and conduct are necessities in this class. You will be assigned to groups and each person assigned various tasks in those groups. Attendance at class is necessary for you to succeed. The best way to learn is *to do*. Consequently, this is an interactive class. **If you cannot attend a class, I ask that you email your group and copy me on the email.** That email should include a brief explanation of your absence and your availability to catch up with any group assignments.

At one point, you will be asked to attend a court hearing or procedure of some type. This will be in lieu of part 2 of one of the classes (see below). You can do this in your groups or individually. Additionally, you can attend the court of your choosing. We will learn in class how to access a court calendar in Oregon as well as how to attend a court hearing or trial.

Class Policies

Behavior and Expectations

As stated above, this class is aimed in part at teaching professionalism. You will hear this a lot. As a result, the expectation is that students will conduct themselves accordingly.

In addition to professionalism, you are held accountable to the [Student Code of Conduct](#), which outlines expectations pertaining to academic honesty (including cheating and plagiarism), classroom conduct, and general conduct.

- **Guidelines for communication**

Email is generally the best way to contact me. Please use your student email from LBCC. In each email, please use full sentences and full word spelling—“you” rather than “u.” Refrain from emojis, slang, or unprofessional language. Please be sure to include your name in a signature block. If you need to schedule a time to meet, please provide your availability.

If you need to contact me with any urgent matter, please use my law office number, 541-791-7114. Feel free to set up an appointment at either the campus or at my downtown Albany location. My assistant, Jane, can schedule a time for us to meet.

- **Use of cell phones**

Unless otherwise noted, please do not use cell phones during class. If you have a family emergency or otherwise expect a phone call, please let me know before class or quietly stand up and exit the back of the room to take a call or place a text.

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| Attendance/Tardiness Policy |
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Each class is broken up into two components: the first part will consist of lecture and discussion with the whole class. The second part will be a break-out session with our groups and will include some sort of interactive lesson. Each section has a graded component to it. If you are going to miss class, please email your group and include me on the email.

Make-up classes will only be allowed if I am notified in advance of any anticipated absence.

If you have to leave class for a personal or family emergency, please try to notify me beforehand. If you must go in the middle of class, please do so quietly and respectfully.

Grading

| Grade | Percentage | Performance |
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| A | 90-100% | Excellent Work |
| B | 80-89% | Good Work |
| C | 70-79% | Average Work |
| D | 60-69% | Poor Work |
| F | 0-59% | Failing Work |

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| Daily assignments or quizzes | 40 points total (4 points per day) |
| Daily break-out activities | 40 points total (4 points per day) |
| Daily Participation | 20 points total (2 points per day) |
| Courtroom activity | 20 points |
| Mid-term paper | 30 points |
| Mock trial preparation | 50 points |
| Mock trial participation | 100 points |
| TOTAL POINTS | 300 points total |

The “dailies”

You will see that each class is broken up into three daily sections: each quiz or assignment in class is worth 4 points per day; break-out activities are worth 4 points; and student participation/engagement is worth 2 points—meaning, each class is worth 10 points, and in total, your attendance and effort in class are 1/3 of your total grade.

Courtroom Activity

At one point during the semester, you will be expected to attend one (1) criminal proceeding at a court of your choosing. If you attend arraignments or pre-trial conferences, you should attend for 1 hour.

If you attend a trial, you can earn extra credit (double the points available) by attending the entire trial, or at least one day of a multi-day trial.

Midterm Paper

The midterm paper will be based on a rule of evidence of your choosing. It should be no more than four (4) pages, no less than three (3) with 1.5 spacing. You can use the citation form that you are most familiar with, but that citation format *should remain consistent throughout the paper*. If you are not sure of how to properly cite papers, please contact the resources available at the library.

Mock Trial Preparation

All other things being equal, he who is prepared wins. A trial is about winning. It is the end-goal. Throughout the semester, you will gain tools that should help aid in your trial preparation. **Your team will have a trial binder.** That binder will have all of the documents that you have prepared in anticipation of trial. Each team member will have contributed.

This is worth 50 points total, or in other words—17% of your grade. I grade this first by the overall preparation (worth 25 points). This will be passed to all of the team. I then base the remaining 25 points on your contributions to that effort.

Mock Trial

Worth 1/3 of your grade, the mock trial is the ultimate final. Your preparation, knowledge of the case, knowledge of the rules, and efforts will all be the underlying basis for your grade. Your team efforts *will not* be passed on to you in this portion. Additionally, whether you “win” or not will not be calculated into your final grade, although my experience has been that those who have prepared better, win.

Homework

Your “homework” is going to be confined to reading the material in Lubet, which will help inform how to manage a case and prepare for trial. You will also be reading the case alongside your Lubet reading. Although the case is relatively short, you should be revisiting it frequently as you learn additional principles outlined in Lubet.

While you will not have homework in the traditional sense, it is important that you maintain your reading schedule.

Late Assignment Policy

Assignments are generally done in class. If you miss a class, or anticipate missing a class, upon a showing of good cause, I will accept up to two missed or late assignments.

College Policies

LBCC Email and Course Communications

You are responsible for all communications sent via Moodle and to your LBCC email account. You are required to use your LBCC provided email account for all email communications at the College. You may access your LBCC student email account through Student Email and your Moodle account through Moodle.

Disability and Access Statement

Students who may need accommodations due to documented disabilities, who have medical information which the instructor should know, or who need special arrangements in an emergency should speak with their instructor during the first week of class. If you believe you may need accommodations but are not yet registered with the Center for Accessibility Resources (CFAR), please visit the [CFAR Website](#) for steps on how to apply for services or call 541-917-4789.

Statement of Inclusion

To promote academic excellence and learning environments that encourage multiple perspectives and the free exchange of ideas, all courses at LBCC will provide students the opportunity to interact with values, opinions, and/or beliefs different than their own in safe, positive and nurturing learning environments. LBCC is committed to producing culturally literate individuals capable of interacting, collaborating and problem-solving in an ever-changing community and diverse workforce.

Title IX Reporting Policy

If you or another student are the victim of any form of sexual misconduct (including dating/domestic violence, stalking, sexual harassment), or any form of

gender discrimination, LBCC can assist you. You can [report](#) a violation of our sexual misconduct policy directly to our Title IX Coordinator. You may also report the issue to a faculty member, who is required to notify the Coordinator, or you may make an appointment to speak confidentially to our Advising and Career Center by calling 541-917-4780.

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| Public Safety/Campus Security/Emergency Resources |
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In an emergency, call 911. Also, call LBCC Campus Security/Public Safety at 541-926-6855 and 541-917-4440.

From any LBCC phone, you may alternatively dial extension 411 or 4440. LBCC has a [public safety app](#) available for free. We encourage people to download it to their cell phones. Public Safety also is the home for LBCC's Lost & Found. They provide escorts for safety when needed. Visit them to learn more.

Class Schedule

| Class | Agenda |
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| Week 1 - April 2 | <p>Part 1: Review syllabus; class introduction; class introduction assignment; learning about lawyers, and what we do. Accessing the courts and court calendars.</p> <p>Part 2: <i>Part 1:</i> Anatomy of a case; Anatomy of trial. Review jury instructions. <i>Part 2:</i> break-out groups established; discussions on collaborating with groups.</p> |
| Week 2 - April 9 | <p>Reading: Lubet, chapters 1—2; Defendant’s Proposed Jury Instructions; <i>State v. Caufield</i>.</p> <p>Part 1: Lecture on Lubet Chapters 1—2; quiz.</p> <p>Part 2: Break-out activity—elements of a crime, theory of a case, and the theme and story presented at trial.</p> |
| Week 3 - April 16 | <p>Reading: Lubet, chapters 3—5. The entire file of <i>State v. Caufield</i> should be read.</p> <p>NO CLASS. (Chapter 5 of Lubet should be heavily reviewed).</p> <p>A proposed Courtroom Activity should be emailed me no later than midnight of April 19. This email will serve as your 10 points for the class period.</p> |
| Week 4 - April 23 | <p>Reading: Lubet, chapters 6 and 7.</p> <p>Part 1: Lecture on Lubet, chapters 5, 6 and 7. Quiz on Evidence (Chapter 5, Lubet).</p> <p>Part 2: Break-out session—physical evidence that you want introduced. Identifying exhibits, chain of custody, and methods to introduce tangible evidence.</p> |
| Week 5 – April 30 | <p>Reading: Lubet, chapter 8.</p> |

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| | <p>Part 1: Lecture on Lubet, chapter 8; activity on cross-examination vs. direct examination questions.</p> <p>Part 2: Break-out session—drafting cross-examination questions.</p> |
| Week 6 - May 7 | <p>Reading: Lubet, chapters 9—10.</p> <p>Part 1: Lecture on Lubet, chapters 9 and 10; quiz on impeachment evidence.</p> <p>Part 2: Break-out session. Part A: organize and report each team-member's role. Part B: discussion on the trial binder and trial file.</p> |
| Week 7 - May 14 | <p>Reading: Lubet, chapter 12.</p> <p>Part 1: Lecture on Lubet, Chapter 12; objections activity (quiz with groups).</p> <p>Part 2: Break-out session—trial preparation. The prosecution will meet with the instructor and will their grand jury indictment and evidence. Each member should prepare to answer questions regarding the case. The defense will prepare their witnesses and case.</p> |
| Week 8 - May 21 | <p>Reading: Lubet, chapter 11.</p> <p>Part 1: Lubet, Chapter 12; experts.</p> <p>Part 2: Break-out session—trial preparation. The defense will meet with the instructor and should have their witness list and theory of the case prepared. Each team member should be prepared to answer questions regarding the case. The prosecution will use this time to prepare their case in chief.</p> |
| Week 9 - May 28 | <p>Reading: Lubet, chapters 13 and 14.</p> <p>Part 1: Lecture, Lubet, chapter 13—14; quiz—opening vs. closing; a theme established.</p> |

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| | Part 2: Break-out session— trial preparation. This time should be used to ask final questions. |
| Week 10 - June 3 | <p>No reading assignment, but all teams should be doing trial preparation.</p> <p>Part 1: Reviewing each part of the trial with the prosecution. Defense to meet outside of class.</p> <p>Part 2: Reviewing each part of the trial with the defense. Prosecution to meet outside of class.</p> |
| Week 11 - June 10 | Special presentation. |

Disclaimer

I reserve the right to change the contents of this syllabus due to unforeseen circumstances. You will be given notice of relevant changes in class, through a Moodle Announcement, or **through LBCC email.**