**Criminal Courts**

CRIM 408-003, 3 Credits, Fall 2019

M 7:20PM-10:00PM, Room: Robinson Hall B105

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| Instructor: Evan Lowder, Ph.D. | Office: Enterprise Hall 308 |
| Email: elowder@gmu.edu | Office Hours: Thursdays 9-11am and by appointment |

**Course Overview:**

This course will provide an upper-level undergraduate overview of the criminal court system in the United States. You will learn about the primary roles and processes of criminal courts in the United States, including their foundational assumptions (and how those assumptions have been challenged and changed over time). This course will focus heavily on applied examples and empirical research. Thus, you will learn not only about the broad organization and purpose of the United States’ criminal court system but also how it functions in practice. We will consider the roles of multiple actors in the court system, including those beyond judges, jurors, prosecutors, and defense attorneys. We will critically examine key stages in criminal processing, including the pretrial process, plea bargaining, trials, sentencing, and the postconviction process. The course will conclude with an in-depth look into how the criminal court system has changed in the last few decades to meet the challenges of the 21st century. The required text will provide a general overview of each week’s topic; supplemental readings will provide a critical look at key issues in the criminal court system; and class activities will provide a platform to consolidate information from the text, research articles, and class lecture. This course will have a research-oriented emphasis, and you will be encouraged to adopt a scientifically critical frame of reference.

**Prerequisite:** CRIM 100 or GOVT 301

**Student Learning Outcomes:**

1. Describe the basic structure and organization of criminal courts in the United States.
2. Summarize current controversies in the United States’ criminal court system.
3. Synthesize relevant empirical research on criminal courts in the United States.
4. Use public speaking skills through in-class presentations.
5. Compare and contrast criminal case processing through written coursework.

**Required Text\*:**

Spohn, C., Hemmens, C., & McCann, W. S. (2019) *Courts: A text/reader.* 3rd Edition. Los Angeles: SAGE.

ISBN: 978-1544307947 (Rent at Mason Bookstore: $45.10; Purchase at Mason Bookstore: $72.00)

\*This text will be available on reserve at the Fairfax campus library starting in September 2019.

**Course Management:**

Blackboard will be used for assignment descriptions, readings, and some assignment submissions.

**Grading:**

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| A+ 97-100% | B+ 87-89% | C+ 77-79% | D 60-69% |  |
| A 93-96% | B 83-86% | C 73-76% | F <60% |  |
| A- 90-92% | B- 80-82% | C- 70-72% |  |  |

Note: Grades will not be automatically rounded (e.g., a 92.99 will be graded as an A-, not an A).

**Course Requirements:**

* Take three exams (50% of final grade; 150 points)
  + Each exam will cover the readings and lecture/discussion material and count equally toward your final grade (50 points each). Exams will consist of multiple choice, short-answer, and essay questions.
* Complete the Criminal Case Comparison Paper (20% of final grade; 60 points)
  + Your major assignment in this course will be to select one of four predetermined criminal cases detailed in Steve Bogira’s *Courtroom 302*. Using publicly available records (e.g., media reports, case records, etc.), you will select a high-profile case (i.e., celebrity, other well-known or influential individual) involving similar charges (the case must have been disposed). The final assignment will be a 5-7 page paper comparing and contrasting the criminal processing of both cases (50 points). You will prepare both an outline and written draft of the paper for in-class peer-review feedback (5 points each). You will find additional instructions as well as a grading rubric for this assignment on Blackboard.
* Group Discussion Leader (10% of final grade; 30 points)
  + In groups of 3-4, you will be responsible for organizing and leading a discussion or discussion-oriented activity for the class based on assigned peer-reviewed (primarily empirical) journal readings. These articles will provide the basis for active and engaging in-class discussions. On the first day of class, you will sign up for a specific class period to serve as discussion leader. In your role as discussion leader, you should first prepare a brief and engaging activity to review key article findings. You will also be responsible for providing the class with six discussion questions that integrate readings, which you will then use to guide an in-class discussion (or a discussion-oriented activity). These questions should be emailed to me one week prior to your group’s assigned discussion date. Your grade will be determined based on the level of preparation and quality of the discussion or activity (20 points) and group (5 points) and self (5 points) evaluations.
* Prepare and Present a Group Presentation (10% of final grade; 30 points)
  + We will dedicate the last class period to group presentations on topics not previously covered in class. A list of possible topics is available on Blackboard. Other topics may be approved at the discretion of the instructor. In groups of 4-5, you will sign up for a presentation topic (on Blackboard) by Nov. 4th. Presentations should be around 15-20 minutes in length and include an overview of the topic, historical perspectives, key court actors, key processes, and emerging research (20 points). As part of this assignment, you will also receive group (5 points) and self (5 points) evaluations. Further description of this assignment is available on Blackboard.
* Participation in Class Activities (10% of final grade; 30 points)
  + To earn participation points, you must attend class and participate fully in all class activities (30 points). In-class quizzes and assignments may occur. Points are earned, not automatically given.

**My Expectations:**

* Attend class
  + I expect that you will attend class regularly. Lecture material and in-class exercises are designed to help you learn and understand the material. Material presented in class (including discussions and in-class activities) will be tested in exams, and you are responsible for this information. If you need to miss class for any reason, you are responsible for all material presented and for any course schedule changes made in your absence. I will not provide copies of the lectures; you will need to get notes from a classmate. Attendance and high-quality participation in class may be considered in resolving borderline grades.
* Be Timely
  + I expect that you will be on-time to each class period. Late arrivals are understandable in emergency circumstances, but, if habitual, can interfere with the learning environment. If you are going to be late, I ask that you send me an email prior to class as a courtesy. In return, I will do my best to start class on time and end class on time.
* Complete Assigned Readings
  + I expect that you will complete all assigned readings. Adequate preparation for class is essential for active discussion and class participation. In-class reading quizzes may be administered.
* Participate in Exam Review
  + Exam review sessions will be held for the first two exams on the class before the exam. These sessions are designed to be fun, interactive, and useful for your exam preparation. My expectation is that you will attend (and benefit from!) these review sessions.

**Contacting the Instructor:**

The best way to contact me is by email or during my weekly office hours. If you cannot attend office hours due to a conflict, we can arrange an alternative time to meet. I will check email regularly during the workweek. You can expect a response within 24-48 hours of sending me an email during the workweek; however, there is no guarantee of a response over weekends and holidays. Be proactive! Do not save your questions or concerns until the last minute.

**Technology Policy:**

Cell phones, laptops, tablets, and other forms of “smart” technology are not allowed during class lectures, presentations, or at my discretion. They should be stowed away in your bag. Yes, this means you must take notes by hand (in a notebook). This is beneficial for your comprehension of course material: <http://www.scientificamerican.com/article/a-learning-secret-don-t-take-notes-with-a-laptop/>. You may use laptops or a tablet to access course readings during in-class discussions; however, keep in mind that engaging in activities not related to the course (e.g., gaming, email, chat, etc.) will result in a significant deduction in your participation grade.

**Food Policy:**

I understand that our class falls near the dinner hour and you may find yourself needing to grab dinner before class. However, the sights and smells of meals brought into the classroom can be distracting to your peers and your instructor. Please do your best to eat dinner before class and refrain from bringing your dinner to class. You are welcome to bring small snacks into the classroom (e.g., granola bar, piece of fruit, yogurt, etc.) as well as beverages.

**Late Assignments and Makeup Exams:**

Late assignments will only be accepted in the case of a documented medical emergency or at my discretion. Make-up exam sessions will only be held for documented, excused absences. Excused absences for medical reasons require a signed note from a medical professional stating that you are not able to attend class on that date. If an exam is missed for any other reason than a documented, excused absence, it will be taken during the final exam period (in addition to the final exam). There will be no exceptions to this policy. Tests will be held on the days listed on the class scheduled; if there are inclement weather days, the schedule will be adjusted and updated accordingly.

**Academic Misconduct Policy:**

Academic misconduct is a serious offense, and I will take seriously any instances of plagiarism in this course. If you are found responsible for academic misconduct, the default sanction will be a failing grade (i.e., “0” on that assignment). Exceptions to the policy will be made on a case by case basis. Acting with academic integrity means that you (1) submit your work and your work alone and 2) use a documented citation style (e.g., APA style) to properly attribute the works and ideas of others. If you are ever in doubt, err on the side of over-citing. You are welcome to seek clarification from me when you are unclear about the rules or guidelines for a given assignment. For more information on the Honor Code, please see: <https://oai.gmu.edu/mason-honor-code/>

**Other Information:**  
Inclusive Classroom: I am committed to creating a respectful, just, and inclusive learning environment for students. I welcome and value students and their differences including as a function of race, economic status, gender expression and identity, sex, sexual orientation, ethnicity, national origin, first language, religion, age, and ability. You are encouraged to engage with material personally and to be open to exploring and learning from others who have experiences different from your own.

Disability Services: Disability Services at George Mason University is committed to upholding the letter and spirit of the laws that ensure equal treatment of people with disabilities. Under the administration of University Life, Disability Services implements and coordinates reasonable accommodations and disability-related services that afford equal access to university programs and activities. If you have an approved accommodation, please see me to discuss your accommodation. If you are looking to make an accommodation, you can begin the registration process with Disability Services at any time during your enrollment at George Mason University. If you are seeking accommodations, please visit http://ds.gmu.edu/ for detailed information about the Disability Services registration process. Disability Services is located in Student Union Building I (SUB I), Suite 2500. Email: [ods@gmu.edu](mailto:ods@gmu.edu) | Phone: (703) 993-2474

Sexual Harassment, Sexual Misconduct, and Interpersonal Violence: As a faculty member and designated “Responsible Employee,” I am required to report all disclosures of sexual assault, interpersonal violence, and stalking to Mason’s Title IX Coordinator per university policy 1412. If you wish to speak with someone confidentially, please contact the Student Support and Advocacy Center (703-380-1434), Counseling and Psychological Services (703-993-2380), Student Health Services, or Mason’s Title IX Coordinator (703-993-8730; [cde@gmu.edu](mailto:cde@gmu.edu)).

Privacy: Students must use their MasonLive email account to receive important University information, including communications related to this class. I will not respond to messages sent from or send messages to a non-Mason email address.

Course Attempts: There is a limit of three graded attempts for this course. A W does not count as a graded attempt. Please see AP.1.3.4 in the University Catalog and consult with your academic advisor if you have any questions.

Support Resources: Please note that Mason has many resources to support students experiencing academic or personal difficulties. A full list of resources can be found here: <https://stearnscenter.gmu.edu/knowledge-center/knowing-mason-students/student-support-resources-on-campus/>

Peer Support:Take a minute to introduce yourself to two or more classmates who can serve as a resource for missed notes, course deadlines, etc. Record their names and contact information here:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mason Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Mason Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| **Date** | **Topic** | **Reading** | **Assignments** |
| Week 1: 8/26/19 (M) | Introduction & Syllabus | Spohn pp. 1-28 |  |
| No Class: 9/2/19 (M) | No Class – Labor Day |  |  |
| Week 2: 9/9/19 (M) | Research on the Court System | Spohn pp 29-62 |  |
| Week 3: 9/16/19 (M) | The Evolution of Law | Spohn pp. 63-85  Chemerinsky (2017)  Chin (2017)  Kreit (2017) |  |
| Week 4: 9/23/19 (M) | Roles: Attorneys | Spohn pp. 119-134  Helm et al. (2018)  Kim et al. (2015) | CCC Paper - Case Selection Due |
| Week 5: 9/30/19 (M) | Roles: Judges and Jurors | Spohn pp. 165-187  Bornstein et al. (2017)  Rachlinski & Wistrich (2017) |  |
| Week 6: 10/7/19 (M) | **Exam 1** |  |  |
| Week 7: 10/15/19 (Tu) | Pretrial Processing | Spohn pp. 209-217  Heaton et al. (2017)  Schlesinger (2015)  Wooldredge et al. (2015) | CCC Paper – Detailed Outline Due |
| Week 8: 10/21/19 (M) | Trials | Spohn pp. 217-227; 243-251  Blandon-Gitlin et al. (2011) |  |
| Week 9: 10/28/19 (M) | Plea Bargaining | Spohn pp. 255-269  Scott & Stuntz (1992)  Bibas (2004)  Redlich et al. (2017) | CCC Paper – Rough Draft Due |
| Week 10: 11/4/19 (M) | Sentencing | Spohn pp. 303-328  Bushway & Piehl (2001)  Englich et al. (2002)  Monahan & Skeem (2016) | Presentation Sign-Up Due |
| Week 11: 11/11/19 (M) | **Exam 2** |  |  |
| Week 12: 11/18/19 (M) | Appeals | Spohn pp. 361-379; 396-417  Risinger (2006) |  |
| Week 13: 11/25/19 (M) | Specialty Courts | Spohn pp. 419-430  Skeem et al. (2013)  Goodale et al. (2013)  Lowder et al. (2017) | CCC Paper – Final Paper Due |
| Week 14: 12/2/19 (M) | Class Presentations |  |  |
| Week 15: 12/16/19 (M) | **Final Exam 7:30-10:15pm** |  |  |

**Course Schedule** (Subject to change with advance notice)