

Criminal Law and the Courts
CRM 260 – Spring 2018
Section 901
Strong Hall – Room 203

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Office hours: Tuesday – immediately after class or by appointment

Office Location: Strong Hall Room 203

Class Schedule

Tuesday and Thursday: Tu class – 5:30 p.m. – 6:45 p.m., Tr class - online
Strong Hall – Room 203

Course Description

This course will examine the American legal system, civil and criminal justice, its history, and alternative systems of justice. Law, the courts, and the key players—judges, attorneys, and prosecutors, will be examined. In order to provide a better understanding of the American system of justice, there will be a comparison with European systems. Particular attention will be placed on legal education, the practice of law, plea bargaining, arbitration and mediation, the appellate process, and the role of the Supreme Court.

Course Textbook

Required: Howard Abadinsky, *Law, Courts, and Justice in America*, 7th ed., Long Grove, IL: Waveland Press, 2014 (**campus bookstore**).

Required: R. Dwayne Betts, *A Question of Freedom: A Memoir of Learning, Survival, and Coming of Age in Prison*, Avery Press, 2010 (**campus bookstore**).

Other readings, which may be assigned throughout the semester, will be given to you.

Course Outline and Readings

- An Introduction to Law. Chapter 1
- Law Schools and Legal Education. Chapter 2
- Lawyers and the Practice of Law. Chapter 3
- Structure and Administration of the Courts. Chapter 4
- Appellate Process and Judicial Review. Chapter 5
- The Supreme Court. Chapter 6
- Judges, Prosecutors, & Criminal Defense Attorneys. Chapter 7
- Criminal Justice. Chapter 8
- Negotiated Justice. Chapter 9
- Civil Justice. Chapter 10
- Juvenile Justice. Chapter 11

- Alternative Justice. Chapter 12
- **Student Report:** R. Dwayne Betts, *A Question of Freedom: A Memoir of Learning, Survival, and Coming of Age in Prison*, Avery Press, 2009

Grades:

This course will follow a standard ten-point grading scale.

90-100 = A

80-89 = B

70-79 = C

60-69 = D

00-59 = F

Your grade will be divided into four parts:

Exam I: 25%

Exam II: 25%

Exam III: 25%

Student Report: 15%

Class Participation, Attendance, Courtroom tours, Quizzes 10%

Exams:

Each of the three exams may consist of multiple choice, short answer, and essay questions covering the previous section's material. None of the exams are overtly cumulative, including the final exam (which will merely be a third exam), although some material may inherently carry over from exam to exam. No outside material may be used during an exam – they are closed book and closed note. All you will need to bring for the exams is a pencil or two. All other materials will be provided.

Class Participation, Attendance, and Quizzes:

Class participation and attendance will account for 10% of your final grade. Roll will be called frequently. Students are expected to read assigned materials in advance of each class and be prepared to answer questions on the required reading material. While there will be formal lecture on the course reading, it is expected that students will be able to articulate their understanding of the readings to facilitate class discussion. If class participation and/or attendance become an issue, pop quizzes will be implemented to ensure students are grasping course materials.

Course Schedule:

Each week we will endeavor to cover one or more chapters' worth of the required reading material. This schedule is tentative. Should we fall behind, material and dates will be adjusted accordingly. Should we get ahead of schedule, we will not rush ahead but will take extra time to discuss and better understand the material covered thus far. The final two weeks are designated as catch-up weeks and review so as to allow for additional time to be taken as needed earlier in the semester.

University Policies:**Statement on Academic Dishonesty**

Missouri State University is a community of scholars committed to developing educated persons who accept the responsibility to practice personal and academic integrity. You are responsible for knowing and following the University's academic integrity policy plus additional more-specific policies for each class. The University policy, formally known as the "Student Academic Integrity Policies and Procedures" is available online at http://www.missouristate.edu/policy/Op3_01_AcademicIntegrityStudents.htm and also at the Reserves Desk in Meyer Library. Any student participating in any form of academic dishonesty will be subject to sanctions as described in this policy.

Attendance Policy

Because class attendance and course grade are demonstrably and positively related, the University expects students to attend *all* class sessions of courses in which they are enrolled. Each instructor has the *responsibility* to determine specific attendance policies for each course taught, including the role that attendance plays in calculation of final grades and the extent to which work missed due to non-attendance can be made up. On the *first day of class*, each instructor will make available to each student a written statement of the specific attendance policy for that class. The University encourages instructors not to make attendance a disproportionately weighted component of the final grade. The University expects instructors to be reasonable in accommodating students whose absence from class resulted from: (1) participation in University-sanctioned activities and programs; (2) personal illness; (3) temporary military orders or Veterans Administration medical appointments; or (4) family and/or other compelling circumstances. Instructors have the right to request documentation verifying the basis of any absences resulting from the above factors. Any student who believes that his or her final grade for a course has been reduced unfairly because of attendance factors has the right to appeal that grade under the process outlined below.

Appeal process for attendance-related grade reductions:

The process of grade appeal based upon attendance factors is intended to render a timely and peer-based judgment and is outlined as follows:

- A. The student should first attempt to resolve the grade conflict with the instructor on an informal basis. If satisfactory resolution is not reached, formal appeal should be initiated as outlined in (2) below.
- B. The student initiates the formal appeal process as follows:
 - a. The student writes a formal letter to the instructor (or to the appropriate department head if the instructor is no longer on campus) requesting a re-evaluation of his or her grade. The letter should include the following information: student's name and BearPass Number; the course code, number, and section; the year and semester the course was taken; the instructor's name; and a clear statement of the grade change request and reasons which justify the request. This formal letter must be initiated no later than the end of the first semester after the grade in question is received (excluding summer semester).
 - b. The instructor (or the appropriate department head if the instructor is no longer on campus) must respond to the formal appeal within ten (10) school days of the receipt of the formal letter:
 - a. If it is determined that the student's request is justified, the instructor (or department head, as appropriate) will prepare a Grade Change Authorization and submit it to the department head, who will forward it to the Office of the Registrar. If the grade change is in a course taken for graduate credit, the department head must also notify the Graduate College.
 - b. If it is determined by the instructor (or department head, as appropriate) that the student's request is *not* justified, the instructor (or department head) will write a formal response to the student justifying his or her decision.
 - c. Should the student desire to continue the appeal process, he or she may request a formal hearing before the Attendance Appeal Board (AAB)¹ as follows:
 - a. The student will submit to the Office of the Vice President for Student Affairs a completed AAB Request for Hearing Form (including a release of information on grades awarded on examinations and assignments, and attendance data, for the specific course in question); the student's formal letter to the instructor (or department head, as appropriate); and the instructor's (or department head's) response.

- b. Upon receipt of the specified documentation, the AAB will determine if the grade reduction is attendance related and potentially unreasonable and/or at variance with the instructor's stated attendance policy. If it is so determined, the AAB will convene a hearing *at the earliest possible date* based upon the schedules of the involved parties. The hearing will be conducted in an attempt to determine the facts associated with the appeal and the intent is that a recommendation will be rendered by the end of the semester in which the appeal was filed.
- c. The AAB is advisory only. The Board will forward all documentation and its recommendation to the Provost. Based upon those data, the Provost will make a ruling to the extent that: (1) the grade should be changed including the new grade to be awarded; or (2) the grade should not be changed.

^lThe Attendance Appeal Board will consist of five members as follows: The Board Chair will be the Vice President for Student Affairs or his/her designee. The Vice President for Student Affairs will also select one faculty member from among those serving on the Faculty Student Judicial Commission and three students from among those serving as Justices on the Campus Judicial Board.

Students are not automatically dropped for non-attendance. Failure to properly drop or withdraw will result in F grade(s) and a continued financial obligation.

Statement of Non-Discrimination

Missouri State University is an equal opportunity/affirmative action institution, and maintains a grievance procedure available to any person who believes he or she has been discriminated against. At all times, it is your right to address inquiries or concerns about possible discrimination to the Office for Institutional Equity and Compliance, Park Central Office Building, 117 Park Central Square, Suite 111, 417-836-4252. Other types of concerns (i.e., concerns of an academic nature) should be discussed directly with your instructor and can also be brought to the attention of your instructor's Department Head. Please visit the OED website at www.missouristate.edu/equity/.

Statement of Disability Accommodation

If you are a student with a disability and anticipate barriers related to this course, it is important to request accommodations and establish an accommodation plan with the University. Please contact the Disability Resource Center (DRC) (<https://www.missouristate.edu/disability/>), Meyer Library, Suite 111, 417-836-4192, to initiate the process to establish your accommodation plan. The DRC will work with you to establish your accommodation plan, or it may refer you to other appropriate resources based on the nature of your disability. In order to prepare an accommodation plan, the University usually requires that students provide documentation relating to their disability. Please be prepared to provide such documentation if requested. Once a University accommodation plan is established, you may notify the class instructor of approved accommodations. If you wish to utilize your accommodation plan, it is suggested that you do so in a timely manner, preferably within the first two weeks of class. Early notification to the instructor allows for full benefit of the accommodations identified in the plan. Instructors will not receive the accommodation plan until you provide that plan, and are not required to apply accommodations retroactively.

Cell Phone Policy

As a member of the learning community, each student has a responsibility to other students who are members of the community. When cell phones or pagers ring and students respond in class or leave class to respond, it disrupts the class. Therefore, the Office of the Provost prohibits the use by students of cell phones, pagers, PDAs, or similar communication devices during scheduled classes. All such devices must be turned off or put in a silent (vibrate) mode and ordinarily should not be taken out during class. Given the fact that these same communication devices are an integral part of the University's emergency notification system, an exception to this policy would occur when numerous devices activate simultaneously. When this occurs, students may consult their devices to determine if a university emergency exists. If that is not the case, the devices should be immediately returned to silent mode and put away. Other exceptions to this policy may be granted at the discretion of the instructor.

Emergency Response Statement

At the first class meeting, students should become familiar with a basic emergency response plan through a dialogue with the instructor that includes a review and awareness of exits specific to the classroom and the location of evacuation centers for the building. All instructors are provided this information specific to their classroom and/or lab assignments in an e-mail prior to the beginning of the fall semester from the Office of the Provost and Safety and Transportation. Students with disabilities impacting mobility should discuss the approved accommodations for emergency situations and additional options when applicable with the instructor. For more information go to <http://www.missouristate.edu/safetran/51597.htm> and <http://www.missouristate.edu/safetran/erp.htm>.

Religious Accommodation

The University may provide a reasonable accommodation based on a person's sincerely held religious belief. In making this determination, the University reviews a variety of factors, including whether the accommodation would create an undue hardship. The accommodation request imposes responsibilities and obligations on both the individual requesting the accommodation and the University. Students who expect to miss classes, examinations, or other assignments as a consequence of their sincerely held religious belief shall be provided with a reasonable alternative opportunity to complete such academic responsibilities. It is the obligation of students to provide faculty with reasonable notice of the dates of religious observances on which they will be absent by submitting a *Request for Religious Accommodation Form* to the instructor by the end of the third week of a full semester course or the end of the second week of a half semester course.

Mental Health and Stress Management

As a student you may experience a range of personal issues that can impede learning, such as strained relationships, increased anxiety, alcohol/drug problems, feeling down, difficulty concentrating and/or lack of motivation. These mental health concerns or stressful events may lead to diminished academic performance and may reduce your ability to participate in daily activities. You can learn more about free and confidential Missouri State University Counseling Center services available to assist you at <https://counselingcenter.missouristate.edu/>.

Title IX Policy

Missouri State University has a Title IX policy that guides our response to instances of sexual violence. Sexual Violence includes: Rape, Sexual Assault, Sexual Misconduct, Sexual Discrimination, Domestic Violence, Dating Violence, Stalking, Sexual Harassment and Pregnancy issues. The Title IX policy can be located on the MSU Title IX website at www.missouristate.edu/titleix/. This website is also a good resource for any questions or issues involving Title IX and contains contact information for the MSU Title IX Office and staff. Read an [overview of the Title IX office](#).

If an MSU student discloses a Title IX related issue to a MSU faculty or staff member who is deemed to be a "Responsible Employee" under the policy, that faculty or staff member is required to report such disclosure to the Title IX Coordinator. A responsible employee includes any employee who has the authority to take action to redress sexual violence; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate school designee; or whom a student could reasonably believe has the authority or duty to take

action. Taylor Health employees and MSU Counseling Center Clinicians are not considered to be Responsible Employees under the policy, and therefore, are not required to report Title IX issues to the Title IX Coordinator.

Chosen Name Policy

A student may choose a name other than their legal name to identify themselves at Missouri State University. A chosen name is different than the student's legal name. Refer to the [Chosen Name policy](#) for more information. Students can provide their chosen first and middle names in the *Profile* tab of [My Missouri State](#).

Audio and Video Recording Course Activity Policy

Students who wish to record lectures or class activities for study purposes should inform the faculty member first. Distribution or sale of recordings or other course materials is prohibited without the written permission of the instructor and other students who are recorded. Distribution without permission is a violation of copyright law and the Code of Student Rights and Responsibilities (Sections 4.6, 4.8, 4.9).