

San José State University
College of Health and Human Sciences / Justice Studies Department

Justingrid.zuniga@sjsu.edu **Justice Studies 140 – Fall 2019**
Record Clearance Project – Practical Legal Skills

Instructor:	Margaret (Peggy) Stevenson
Office:	MH 521
Telephone:	(650) 248-7067
Email:	Margaret.stevenson@sjsu.edu (preferred)
Office hours:	Tu / Thu 10:30 – 11:45 a.m. and by arrangement
Class Days /Time:	Tuesdays & Thursdays 3:00 – 4:15 PM
Classroom:	MacQuarrie Hall 523
Prerequisites:	Upper Division standing, 100W
Competency area:	F – Experiential learning

Catalog Description

RCP teaches students to give community education presentations and advise clients regarding court procedures to clear criminal convictions. Students learn legal interviewing, counseling, ethics, reading rap sheets, performing legal research and writing, the mechanics of court interpreting and related skills.

This is a service-learning course in that students (under attorney supervision) provide valuable legal information regarding expungement law and procedure at community sites through presentations and individual advice sessions. Following their community service, students reflect on their experiences as a group and in writing. Grading includes an evaluation of students' abilities to integrate the learning derived from service.

Course Description

Students taking this course gain the legal skills necessary to help eligible individuals prepare petitions to clear their criminal convictions. These skills are applicable in other legal settings as well. Completion of this course is a prerequisite to the RCP internship courses (JS 141 and 142) in which students directly assist clients. (Note that admission into JS 141 and JS 142 is **not guaranteed** upon completion of JS 140, but is by permission of the instructor only. Usually the decision as to whether a student is admitted to complete an internship is made only after the submission of the last course assignment, a mock petition such as internship students prepare for clients.)

In RCP, students learn to interview clients, apply the law regarding dismissal of criminal convictions, understand legal ethical and professional obligations, read criminal histories (“rap sheets”), draft legal petitions seeking to dismiss criminal convictions, perform basic legal research, make community education presentations, and related tasks. Students attend court hearings on record clearance petitions and conduct client interviews at Speed Screening events.

Course Goals and Learning Outcomes

After satisfactorily completing RCP, students are ready to assist their own clients (under attorney supervision), and have background skills applicable in other situations that involve assisting clients in a legal setting. By the end of the course, in addition to skills, students should have gained experience and insight regarding the criminal justice system, those involved in it, and some of the ways in which processes might be improved.

Specifically, students have the following course learning outcomes (CLOs), as measured by the assignments noted (assignments described more fully in section below):

1. Practice and develop legal interviewing and counseling skills involved in legal work.
2. Apply ethical and professional obligations involved in legal work to real clients' situations.
3. Practice, develop and use public speaking skills and legal concepts in delivering legal information effectively to community groups.
4. Write effectively and prepare legal paperwork for court, apply facts to the law, and use advocacy in presenting material to the court.

Required Texts/Readings

Textbook: There is no textbook. A photocopied 500-page course reader is available at Maple Press, 330 S. 10th Street, San Jose (408) 297-1000; approximate cost: \$ 40 (cash or check only). All materials are posted on the website. Reading assignments for each day are to be completed before coming to class.

Course website: Course materials including the syllabus, readings, class notes, sample documents, resources and other materials are found on the course website on SJSU's Canvas at <https://sjsu.instructure.com/> . Use your SJSUOne account to log in.

Check the "Modules" tab on the left side of the course listing for the readings organized by units. I frequently post Announcements on Canvas, so please make sure that your email listed with Canvas is a functioning one!

Course Requirements and Assignments

This class involves professional interaction with real people – and attendant responsibilities. Students who do not consistently meet the serious and important course requirements that assure the ethically required legal competence and professionalism, are asked to leave the class without receiving credit for any work performed. This may happen at any time in the semester when it appears that a student is unable for whatever reason to meet class requirements. Therefore, **it is particularly important that students meet requirements and understand the heightened risk in JS 140 of not receiving credit for work done that is involved in this class.**

Class and assignments. Attending all classes is fundamental to meeting course objectives in JS 140. See University policy F15-12 (at <http://www.sjsu.edu/senate/docs/F15-12.pdf>) regarding the expectation that students will attend all meetings for the class. In class, students practice legal skills as outlined in the course schedule.

In JS 140, students must complete reading assignments before class; participate in training, including taking and passing quizzes to indicate mastery of content; maintain professional integrity by observing all ethical and legal obligations; present information to a community group regarding record clearances; participate in Speed Screening interviewing with clients; represent the Record Clearance Project and SJSU professionally in all interactions; attend workshops on special training areas and turn in all written assignments as indicated on the Course Calendar.

Scheduling. Some RCP events occur outside our class meeting time; these are arranged in accordance with student schedules. Seven workshop sessions on specific training subjects are scheduled according to student and trainer availability. Similarly, community education presentations are scheduled outside class time, according to student and attorney availability, in accordance with host agencies. Attendance at other RCP-related events scheduled outside our class time is strongly encouraged.

Workshops. Workshops lasting from one to two hours are led by RCP staff and advanced (JS 141) students. Workshops provide practice and further in-depth training on six scheduled topics. You are required to attend a workshop in each of the areas: (1) reading rap sheets and determining legal remedies for expungement, (2) community education presentation practice, (3) Speed Screening forms and practice (two sessions), (4) using sample petitions, (5) legal writing, and (6) legal interviewing.

Reserve workshop space ahead of time by signing up in class. Once you sign up, you are expected to attend except in the case of an emergency. This is because we plan workshop sessions specifically based on the number of people attending.

After you attend each workshop, email me at Margaret.stevenson@sjsu.edu (i.e., not thru Canvas) a statement regarding (1) when you attended, (2) what you did well at the workshop, and (3) where – if at all - you feel the workshop helped you improve. Include the details that you learned, not just a summary. For example, don't write, "I learned what a wobbler felony is." Instead write: "I practiced determining whether a felony was a wobbler by looking up whether it could be sentenced to either jail or prison or jail or 1170(h)," and adding more detail. This enables me to see whether indeed you understand and whether there is any confusion to clear up. It also reinforces to you what you learned and did, by writing it clearly. (CLOs 1-4)

Community education presentations. Each student will be part of a team that presents information to community groups or people in jail regarding how to dismiss eligible convictions, and the services of the SJSU RCP. These are scheduled according to community group meeting needs and student availability.

Your team **MUST** schedule time and give your presentation to me at least two days before your actual presentation. If you are not ready to present, then you will be asked to observe and present at another time (assuming time remains in the semester). (CLOs 1, 3)

Speed Screenings are sessions of individual interviews with clients during which students, under attorney supervision, review clients' rap sheets to determine which convictions are eligible to be dismissed and advise clients regarding their next steps in the expungement process.

RCP students who have satisfactorily completed other coursework can participate in Speed Screening interviews, as part of an interviewing team. Students who have not satisfactorily completed the quizzes and other coursework may observe only. (CLOs 1-4)

Reading assignments. All material in the course reader, as well as additional material, is posted on the class website. You are responsible for mastering the content of the reading material, and for being familiar with the contents of the reference information. (CLOs 1-4)

In-class exercises. We have several in-class exercises, such as mock interviews and practice community education presentations. Most exercises require reading and preparation for the exercise ahead of time; please do so thoroughly. Obviously, you need to be in class to participate in these exercises. (CLOs 1-4)

Homework assignments. Homework assignments are short, open-book, on-line exercises designed to demonstrate mastery of a specific topic. They are located in the "Quizzes" folder on Canvas. Complete them by the date listed on the syllabus. Late assignments are not accepted unless I am promptly notified regarding situations like medical and family emergencies that reflect a good reason for the inability to complete the work on time.

Written assignments. There are two written assignments for class: a Speed Screening client profile and a mock record clearance petition described below. (CLOs 1-4). Turn these assignments in by the due dates to me via email at margaret.stevenson@sjsu.edu. Please keep a copy in case of loss.

Speed Screening client profile. The Speed Screening client profile is a 3-4 page description of one or more people you interviewed at a Speed Screening. The goal of this assignment is to encourage reflection on the process of your legal interview. Among things you might write about are: how the person corresponds to the profile of other RCP participants we have seen or read about, how effectively (or not) the law provides a remedy for the client's situation. What were your impressions of the client and interview? Was there anything surprising regarding the person? What went well in your interview? What will you improve on next time, if anything? How well prepared for the interview did you feel? Was there additional training or information that would have helped you be prepared? (CLOs 1-4)

Mock petition. Students prepare a mock record clearance petition, based on a role-played, in-class interview. As we will cover in class, the “shell” is the boilerplate portion of the petition that includes material from a rap sheet or conviction history. The Notice is the first part of the “shell” to let the Court and the District Attorney know of the petition and the general legal remedy/ies sought. The second part of the "shell," is the Points and Authorities. It lists the charges involved, outlines the related law, and requests relief. It must accurately reflect the details of the case presented, following the outline in a model shell.

The Declaration portion of the Mock Petition presents the client’s statement regarding his/her case. It must be accurate and persuasive. It should include sufficient detail so as to complete the picture of the “defendant,” reflecting how “that was then, this is now” to convince the judge that the “interests of justice” support dismissing the conviction. (CLOs 1-4)

Quizzes. There are two quizzes similar to the in-class and homework assignments. One is in class, the other is on-line. They are further described in class and in the course materials. (CLOs 1-4) There is no final exam; instead a lecture is presented at the time scheduled for the final exam.

SJS4 Registration. Because this course is a service learning course, you are required to place yourself in the Spartans 4 Service (SJS4). The SJS4 database facilitates student placement as approved learning sites and collects data needed to assess SJSU’s impact on our community, and the impact of these activities on student learning, and ultimately on retention and graduation rates. You are to log your hours on the system at the end of the semester. This tutorial shows you how to place yourself:

https://docs.google.com/presentation/d/1tXhR3cLU2H7g2aNuYkVDfrgkdymOeLSsZ5Ui4w2cng/pub?start=false&loop=false&delayms=3000&slide=id.g119583dea1_0_0

Grading Policy

Grading is based on accumulated points earned from work on the above. Relative weight of each component appears in the following table. Related course learning outcomes (CLOs) are listed following the assignment.

Total points: Point totals are calculated and posted on the course website. For exceptional quality, I may add one or two points to totals for regular activities or assignments.

Please check each week to assure that the points posted accurately reflect the assignments you have turned in. The totals are calculated automatically, but please double-check the accuracy of the calculations. It is your responsibility to assure that you are meeting class requirements.

Grading Category	CLOs	#	pts for each	total pts	% of grade
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Workshop participation	1-4	6	5	30	24
Homework exercises	1-4	4	7	28	22
Community education presentation: preparation and presentation	1, 3	1	10	10	8
Speed Screening client profile	1-4	1	5	5	4
Mock petition "shell" and Declaration	1-4	1	15	15	12
Quizzes	1-4	2	20	40	31
TOTAL				167	100

Grades are calculated based on the percentage of points earned, superimposed on a rough curve. There is no set percent of grades in each category (thus not a strict curve). As a starting point, those earning 90 percent and above likely will get an A; those earning 80 – 89 percent likely will get a B. I will adjust points based on how the class does as a whole at the end of the class.

Since RCP work involves real clients, professional liability and reputational concerns mean that those students earning below 80 percent likely will be asked to leave the class and will receive a NC or WU. Obviously, this is a situation everyone would like to avoid, so if it looks like this is where things are heading, let's discuss early on.

Classroom Protocol

Timeliness and communication. Check the course website at least twice a week for updates. Check your email daily and respond promptly to notes to you from teaching assistants and me. Read your email on a real computer, not a handheld. This allows you to read the entire email and the attachments. I try to put several topics in one email, so please read through the email in its entirety.

Cell phones and computers. Please save your texting and emailing for outside the classroom. If you must respond to an urgent call or text, please leave the classroom to do so.

Problems. Please check with me if you experience or anticipate any problems or issues regarding class. Since problems are best dealt with early on, getting in touch sooner rather than later is best.

Student Success Center: The Student Success Center in the College of Health and Human Sciences (MH 533) provides advising for undergraduate students majoring or wanting to major in programs offered in the College's Departments and Schools. Students are invited to stop by the Center for general education advising, help with changing majors, academic policy related questions, meeting with peer advisors, and/or attending various regularly scheduled presentations and workshops. If you are looking for academic advice or even tips about how to navigate your way around SJSU, check out the Student Success Center: [408.924.2910](tel:408.924.2910). Website: <http://www.sjsu.edu/casa/ssc/>. The Student Success Center also provides study space and laptops for checkout.

Library Liaison

The Department's library liaison is Silke Higgins, [408-808-2118](tel:408-808-2118), silke.higgins@sjsu.edu .

University Policies

Please review the university-wide policy information relevant to all courses, such as academic integrity, accommodations, dropping / adding and other important information and resources on the Office of Graduate and Undergraduate Programs (GUP)'s Syllabus Information web page at <http://www.sjsu.edu/gup/syllabusinfo/> .

Justice Studies reading and writing philosophy

It is departmental policy to include the following paragraph in every JS course syllabus: The Department of Justice Studies is committed to scholarly excellence. Therefore, the Department promotes academic, critical, and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives—personal, professional, economic, social, political, ethical, and cultural. Graduates of the Department of Justice Studies leave San José State University prepared to enter a range of careers and for advanced study in a variety of fields; they are prepared to more effectively identify and ameliorate injustice in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific course, semester, or academic program but also over the span of a lifetime.