

San José State University
College of Social Sciences / Justice Studies Department

Justice Studies 140: RCP Practical Legal Skills – Fall 2022

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Class Days /Time: Tuesdays & Thursdays 1:30 – 2:45 p.m.
Classroom: Sweeney Hall 434
Competency area: E – 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 to community groups 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. Thus, students are encouraged to locate alternative internship placements, particularly if the internship is needed for graduation in the upcoming semester.)

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 (online or in-person) and conduct client interviews at advice sessions called “Speed Screenings” (online).

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 ways in which processes might be improved.

In other classes, students learn that the criminal justice system is not neutral: Black and Latinx people are stopped by police, held in custody pretrial, charged with more serious crimes, offered less favorable pleas, and sentenced more severely than others. In the RCP, students see the personal consequences of this discrimination and, in their affirmative antiracist work, alter the lives of some of those affected.

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. Instead, there is a 450-page course reader. It is available at Maple Press near campus for pick-up or mailing (for a fee). Check www.maplepress.net/readers. It has cost under \$40 in the past. Additionally, the PDF version is posted on Canvas so that students can take it to their local print shop for copying if they wish. 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.

We post confidential client information on the course website as well. **You must attach your sjsu.edu email to Canvas.** This is required by the SJSU campus internet security team to assure that all information stays within the SJSU domain.

We frequently send out Announcements via Canvas, so please check your sjsu.edu email frequently.

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. Six workshops (split into seven 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 and 142) 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 practice (two parts), (4) using sample petitions, (5) legal interviewing, and (6) legal writing.

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, submit a workshop write-up to Judy through Canvas. The write-up should state (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 us 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 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. Some presentations are online; others in person.

Your team **MUST** schedule time to give your presentation to Judy before your actual presentation. Please confer with your team and send Judy your available times at least one week in advance of your presentation. If you are not ready to present, then we will ask you 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 types of other information that we have available for clients' use, if applicable. (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 attend the session to participate in these exercises. (CLOs 1-4)

Homework assignments. Homework assignments are short, open-book, online 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 you notify us promptly 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. Please keep a copy in case of loss.

Speed Screening client profile. The Speed Screening client profile is a roughly four-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 online quizzes similar to the class exercises and homework assignments. They are further described in class and in the course materials. (CLOs 1-4) There is no final exam; instead we finish up with class and debrief the semester 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.

After registering in the beginning of the semester, please log your hours on the system at the end of the semester. Normally this will be 120 hours. This tutorial shows you how to use place

yourself:

https://docs.google.com/presentation/d/1tXhR3cLU2H7g2aNuYkVDfrgkdymOeLSsZ5Ui4w2cn/g/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. You can earn an additional point for exceptional quality 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 |
|--|------|---|--------------|-----------|------------|
| Workshop attendance, participation, & write-ups | 1-4 | 6 | 5 | 30 | 23 |
| Homework exercises | 1-4 | 3 | 8 | 24 | 18 |
| Community education presentation: prep & perform | 1, 3 | 1 | 10 | 10 | 7 |
| Speed Screening client profile | 1-4 | 1 | 5 | 5 | 4 |
| Mock petition "shell" and Declaration | 1-4 | 1 | 15 | 15 | 11 |
| Quizzes | 1-4 | 2 | 25 | 50 | 37 |
| TOTAL | - | - | - | 134 | 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. We will adjust points based on how the class does as a whole at the end of the class. It is possible – and desired! – that everyone in class will earn an A.

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.

Academic integrity. SJSU Academic Integrity Policy [University Policy F15-7](#) provides definitions of cheating and plagiarism. Please take this seriously. **We report all incidents of suspected violation**, in accordance with the policy:

Faculty members are required to report all alleged violations of the Academic Integrity Policy to Student Conduct and Ethical Development. Instances of academic dishonesty will not be tolerated. Cheating or plagiarism (presenting the work of another as your own, or the use of another person's ideas without giving proper credit) [will result in] an Academic Sanction and administrative sanctions by the University. For this class, all assignments are to be completed by the individual student unless otherwise specified. If you would like to include in your assignment any material you have submitted, or plan to submit for another class, please note that San José State's Academic Integrity Policy requires approval of instructors.

Classroom Protocol

Timeliness and communication. Check the course website at least twice a week for updates. Check your sjsu.edu 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.

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.

ACCESS Student Success Center:

The Academic Counseling Center for Excellence in the Social Sciences (ACCESS) provides General Education advising for undergraduate students majoring or intending to major in any of the departments in the College of Social Sciences (CoSS). ACCESS Academic Advisors are committed to helping you develop a clear path to graduation and supporting your academic success.

Fall 2022 Office Hours: Monday-Thursday 8:15 AM - 4:45 PM and Friday 9:00 AM-4:30 PM. You can schedule an appointment and find more information at sjsu.edu/access.

Library Liaison

The Department's library liaison is Nyle Monday, nyle.monday@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.