

PS 205—Law and Justice
NCSU— Spring 2010
John C. Kuzenski (jkuzens@ncsu.edu)

COURSE SYLLABUS

Introduction / Purpose

Welcome to PS 205! This course is designed to get you to think about the terms “law” and “justice” in some critical depth—what do we accept as an appropriate definition for these words? How do we carry those definitions into practice in a democratic society? To what extent are law and justice related, and how might they be *unrelated*? We will discuss these and other questions during the semester, but please keep in mind as an overarching focus for the course that we will *always* be coming back to these two terms in an attempt to understand them better as we engage in our readings and discussions. By the end of this semester, you should find yourself better able to understand the intricate connections—as well as the (hopefully only) occasional disjunction—between these concepts, and be able to think about and discuss them critically and objectively across a range of issues in both civil and criminal law.

The primary teaching method for this course is the class lecture, so it is important that you attend regularly (also, see attendance policy below). In addition to the lectures, however, there is a critical group of readings that will help guide our in-class discussions; please follow the reading schedule on this syllabus and keep up with it faithfully throughout the term, unless you hear to the contrary in class or via WolfWare’s “class email list” system, which I use regularly for out-of-class communication. At the class website, <http://www4.ncsu.edu/~jkuzens/>, there is another document entitled “Course Policies” which is considered an official and binding part of this syllabus, and goes into more detail about grading policies, class policies, etc. In the case of conflict between that document and this one, however, this one controls.

My primary means of communication with you outside of class will be email; if you have a non-urgent question, comment, request, etc., you should please feel free to send me a note to the email address listed above. In most cases, I will respond or attempt to respond by the end of the day (in some really screwed-up days, however, it might take a little longer, so be patient with me as much as you can, please!). I will communicate with you outside of class primarily through the use of the Wolfware “broadcast email” feature, which sends the same note to all students in the class simultaneously. ***Please make sure*** you know which of your 36 email accounts is listed with Wolfware as your “official” one, and further ensure that you check it regularly—preferably at least twice per day, and *always* on class days around or after lunchtime!!! If you need to speak to me about something more urgent or otherwise believe that a face-to-face meeting would be best, please arrange an appointment with me. I have no office (and, therefore, no office hours) on campus, but I can arrange with some advance notice to meet you at other times if that is more convenient for you.

Materials

There is one required “textbook” available at the NCSU Bookstore: (1) Class Pack for PS 205, Kuzenski. No other books are *required* for purchase; some materials may be handed out in class, emailed in MS-Word or PDF form, or assigned for retrieval by the student from public information sources, however, and it is the student’s responsibility to ***keep these handouts for the duration of the semester***. Also, **take notes regularly and well** (though not verbatim). This little tip from former students who have excelled in this class is worth passing on because every one of them I’ve polled has said the same thing—good class notes are as important as the readings in test prep. If you miss a class, get notes from a

classmate at your earliest opportunity to make your records complete! I do not provide copies of professorial “lecture notes” at any time to anyone (mainly because you wouldn’t be able to decipher or make sense of most of them!).

Grading and Assignments

Letter grades in this class are assigned on a simple 10-point scale (90=A, 80=B, etc.). Grades of plus and minus are awarded on the basis of the last digit of your two-digit class average at the end of the semester, where aggregate scores ending in 8 or 9 are awarded a “plus,” and grades ending in a 0 (zero) are awarded a “minus.” I do not, as a general rule, round scores to the next highest or lowest decimal point, so a 77.7, for example, is still a “C” and a 78.0 or higher is a “C+.” The exception to this rule is that, on an individual basis, I reserve the right to consider all academically relevant criteria (improvement in exam scores, excellent attendance, etc.) in the case of a borderline score, and to award the higher grade of the two borderline grades in a case where I believe it is warranted (“borderline scores” are those which are within 1.5-2 points of the next highest letter grade). You should not construe this exception to mean that this is an automatic privilege, however—in fact, I try to do it rarely, and only in those cases where I believe on the whole record that assigning the lower of the two grades would result in substantial academic injustice to the student involved.

My philosophy of grading, explained in more detail on the Class Policies document on the course website, is decidedly against what is generally known as “competitive grading” or “grading on the curve.” You are not competing against fellow students for grades in this class. You are competing against *yourself* at all times, hopefully pushing yourself to excel against my objective standards of what students should *reasonably* get out of this class. Average mastery of those standards is the baseline for an “average” grade of C. Do above-average work, get a B. Do excellent work, get an A.... and so on. In any case, please understand that the points you earn toward a final grade will not be jerked around up or down to fit some predetermined grade curve. If everyone deserves an A, they’ll get it. If everyone flunks, they’ll all get an F and then, in all likelihood, I will leave the jurisdiction quickly under cover of night and an assumed name.

Your final grade in this class will be based on the following assignments and assignment weights:

MIDTERM EXAM:	30%	SHORT ASSIGNMENTS:	25%
FINAL EXAM:	30%	ATTENDANCE/PARTIC:	15%

The **examinations** will be multiple choice tests that will cover the material from the first and second halves of the semester, respectively. The **short assignments** will be a series of mostly homework-style assignments (but some may be in class) that will be either in written, short quiz, oral report or simulation participation form. You will always receive at least one class period’s notice prior to a short assignment or paper being assigned or falling due (i.e. no “pop quizzes”), but please keep in mind that **you** are responsible for keeping up with short assignment announcements from class or email whether you were in class the preceding meeting or not! Please also note about these assignments *that I do not accept late work nor offer “makeups” on the short assignments*— but in consideration of the thought that you may miss one for valid reason during the semester, and/or to minimize the “hit” of one completed on a bad day when your other scores are consistently better, *your lowest short assignment score in this class will drop* before the final average for this category is calculated and applied to your weighted final average in the course. Finally, your **attendance/participation** grade will be determined by my attendance rolls at the end of the term. Generally, the calculations go like this: I calculate a mean average of missed classes for the entire class. Students who’re below that mean (up to a maximum of the four “no-excuse” missed days

students are allowed; see attendance policy, below) get better grades, students who're at or above it get incrementally lower ones. Then, students who have impressed me throughout the term with their active participation in class will have additional points added to their base attendance score, whatever it may be.

Note: my policy on absenteeism and missed short assignments goes like this: if you miss a class for whatever reason, no big deal; I do not distinguish between excused and unexcused absences unless you miss something like a week's worth of class at one time under a serious exigency (in which case, you or a relative or a university administrator should contact me ASAP about the situation). As such, don't worry about explaining or providing an excuse for absences. In accordance with UNC System and/or NCSU institutional policies, however, roll is taken regularly and, to ensure sufficient student contact hours with the course material, students who miss four or more classes *may* be dropped from the class with the appropriate "W" or "WF" grade at any time thereafter. Even if you are not dropped, please be aware that absences will *always* count in the end-of-term calculation of your attendance grade, and those with 5-plus absences generally have this score turn out to be something just south of a train wreck.

Other quick points on attendance: (1) the rule is that if you don't sign the roll when it comes around, you're absent from that day's class (no "late" notations). I will usually pass the roll around a few minutes after our start time. (2) **Do not sign the roll for any other student- ever. It is academic dishonesty to do so**, and I have been in the unfortunate position of having to prosecute a few unfortunate souls in the past who apparently thought this rule did not apply to them. They were wrong (as were the absent students who solicited the dishonesty from friends). (3) leaving class early on one or two occasions, if you need to.... no big deal. Leaving early regularly and suspiciously just after the roll has been passed around.... quite a big deal. I reserve the right to mark students retroactively absent and/or take additional disciplinary action if I believe they are attempting to game "the system."

Last but not least on assignment submissions— they are *never* accepted in electronic (e.g. email attachment) form without specific prior authorization from me, which will only come in limited and unusual circumstances. I don't know why some students flaunt this rule every term and email file attachments three days after something was due, but you should know ahead of time that I discard these attachments without reading them and do not change the zero that the student received on the assignment. I reserve the right to waive the "no late assignments" rule on a case-specific basis, but again usually won't unless something serious and wholly beyond the control of the student suggests it would be appropriate.

Readings Schedule/Class Outline

We will follow the general outline listed here unless modified in class. Please keep up with the readings for each part of the class as they are provided in the Readings List below (reading number from the class pack is in parentheses), but *note* that the list represents the "luxury of time" scenario of everything that I think is interesting or relevant for the class' attention. We may not get to some readings, depending on the time we have for each segment of the course and student interest in certain topics. Also, from term to term certain issues pop up that I think are worthy of class time; when these issues are integrated into the course, something usually has to be abbreviated or dropped to make room. If & when such modifications are made, I will strive to make multiple advance announcements both via email and in class so that you can easily follow the new plan. That disclaimer notwithstanding, however, this is the anticipated general schedule we will follow:

I. Introduction: Theories of Law and Justice

- (A) What is "law?" What is "justice?" (Readings 1A-1B)
- (B) Legal Theory (Jurisprudence), Functions & Dysfunctions of Law (Readings 1C-1D)
- (C) Law vs. Justice in the American Constitutional System: An Example (Reading 1E)

II. Adversarial Systems of Justice & the Training and Professional Behavior of Lawyers

- (A) The adversarial vs. inquisitorial justice system (Reading 2A)
- (B) Legal Education in the US and Model Rules of Professional Conduct (Readings 2B-2D)
- (C) Ethical Dilemmas in Legal Representation: Applying the Model Rules (Reading 2E)

III. Other Actors: Judges and Juries in the Dispensing of Justice

- (A) Judicial selection (Reading 3A)
- (B) Elements of charges, jury selection, jury instructions, deliberations, nullification (Reading 3B)
- (C) Taking decisions away from the jury—motions practice (Reading 3C)

(midterm exam falls here)

IV. Criminal Law, Justice & Public Policy

- (A) Plea Bargaining (Reading 4A)
- (B) The Insanity Defense (Reading 4B)
- (C) Mandatory & Structured Sentencing (Reading 4C)

V. Civil Law, Justice & Public Policy

- (A) Torts: Contributory Negligence (Reading 5A)
- (B) Property Law: Adverse Possession (Reading 5B)
- (C) Merger of Civil & Criminal Law? The NC Unauthorized Substances Tax (Reading 5C)
- (D) Contemporary Issues & Problems: The Internet and File-Sharing (Reading 5D)

(non-cumulative final exam falls here)

Your Pilot for Today's Flight

You're just kind of walking on broken glass, in my opinion, if you ever take a university-level course without knowing *something* about the qualifications of the professor who teaches it, so here goes:

John C. Kuzenski— J.D. with Honors, University of North Carolina-Chapel Hill School of Law; Ph.D., (Political Science), The University of Georgia. Licensed to practice law in North Carolina, District of Columbia, US Fourth and Fifth Circuit Courts of Appeals. Former clerk to judges on the NC Court of Appeals and US District Court (EDNC). Full-time position as Associate Professor and Director of Pre-Law Programs at North Carolina Central University, Durham NC; official rank at NCSU is "Adjunct Assistant Professor." I am also General Counsel for Pi Sigma Alpha, the National Political Science Honor Society, Washington DC. My research and teaching interests, not surprisingly, revolve around legal things these days— constitutional law, elections law, law and public policy (which is emphasized in this class), nonprofit organizations, etc. I also continue to dabble in some of my older areas of interest in political science, including Southern politics, race and politics, political parties and legislative/executive politics.

That's all for now! I will use our first class meeting to go over the syllabus and course requirements with you in person, as well as to introduce the general subject matter and our first few intellectual queries gently with you. We can also have a Q&A about anything you'd like to know that can wait 'til the first day of class—if your question can't wait that long, please feel free to email me in the meantime.