SYLLABUS

**COURSE DESCRIPTION.** This course will introduce students to the fundamental case law, practices and procedures of the criminal justice system, with a focus on an historical evaluation of the Fourteenth amendment of the U.S. Constitution and its use in making rights prescribed under the Bill of Rights applicable to the individual states. We will examine constitutional requirements in the administration of criminal justice with particular emphasis on the Fourth, Fifth, Sixth and Eighth amendment requirements and their implications on police practices in the areas of arrests, searches and seizures, bail, right to counsel, eyewitness identification, and sentencing. Students will be expected to be familiar with basic legal concepts as well as the Court’s changing interpretations of the law. We will read and discuss the leading U.S. Supreme Court and Massachusetts Supreme Judicial Court opinions to learn whether evidence introduced in a criminal trial violated a defendant’s constitutional rights to due process, and whether, if that occurred, the defendant’s conviction should be reversed.

As we discuss the case law we will also discuss the purpose and structure of courts, the various stages of a criminal trial, from arrest, to arraignment, to bail hearings, to motion hearings, to trial (with and without a jury) to sentencing, and the roles, functions, and missions of the different courtroom participants, i.e., judges, prosecuting attorneys, defense attorneys, law clerks, court clerks and administrators, jurors, witnesses, police offices, and the media. And we will study the underlying philosophy, purpose and goals of plea bargaining and sentencing in criminal cases.

And, while we are studying the cases on criminal due process, we will visit several different courts to see how the cases actually play out in the real world. We will have the unique opportunity to see actual cases firsthand and then also talk directly with court personnel about the cases.

The course is taught by Distinguished Professor Roderick Ireland, former Chief Justice of the Massachusetts Supreme Judicial Court, who sat as both a trial and appellate judge for 37 years. He is the author of *Massachusetts Juvenile Law*, a leading treatise published by Thomson West Publishing.


**HANDOUTS.** Additional materials will be distributed in class from time to time on cases, statutes, pleadings, legislation, news articles, etc.

**FORMAT.** Class will include lectures, court attendance, role play, video tape and slide presentations, class discussion, special guest speakers, and field trips to several courts.

**CLASS ATTENDANCE.** Regular attendance is expected. Lectures will almost certainly include material not covered in the assigned readings.

**FIELD TRIPS TO SEVERAL COURTS.** An important component of this course is your participation in the field trips to courts. Court attendance provides a unique opportunity for you to observe real life proceedings in court sessions. I have arranged special access for you, and your court visits will provide the experiential foundation upon which my lectures and your learning will be based. These visits will maximize and enhance your knowledge by bringing theory to life.

Here is how it will work: **We will visit several Courts, as well as either the jail and or House of Correction. During our visits to the courts you will observe real life cases. At the conclusion of each of your visits you will write a memo to me about your observations, and during the last week of class you will turn in your memo and also give an oral report to the entire class, per my instructions. (See GUIDELINES FOR COURT OBSERVATIONS.)** ► Note that failure to submit your memorandum on time or to give your oral report as scheduled will lower your grade for the assignment.

**Important Note:** Because the field trips are both important and essential elements of this course, you should not take this course if you are unable to attend the field trips because of schedule conflicts or for any other reason.

Because courts are not open at night or on Saturdays, we will have to go during the day. We will travel by MBTA and meet at the courthouses. This will be considered part of our regularly scheduled class time. As indicated earlier, **during the last week of class you will be required to submit a memorandum and give an oral report about your observations and experiences during the field trips to the various courts.**

**CASE BRIEFS:** You will be required to read and write case briefs about a number of landmark U.S. Supreme Court and Massachusetts Supreme Judicial Court decisions. The content and format of the case briefs will be explained in class and also posted in the course documents on Blackboard. **You will turn in your case briefs and give an oral recitation on the cases on May 31st.**

**REQUIRED READINGS:** You will also be required to pick one article (that I approve in advance) from the list of Required Readings and write a summary/review of the article. **You will turn in your Summary/Review and give an oral recitation on the article during our last week of class.**

**QUIZZES.** Quizzes may be given throughout the semester on an unannounced basis. They will be based on the assigned readings or class lectures, or both. A zero will be entered for any missed quiz. No make-ups will be allowed except for documented medical reasons.
**Final Grade.** Your final grade will be based on 1) your written memorandum on your court observations from our field trips to the different courts; 2) your oral presentation on your court observations from our field trips to the different courts; 3) your case briefs of the leading United States Supreme Court and Massachusetts Supreme Judicial Court cases related to Criminal Due Process; 4) your oral reports or recitations on the cases; 5) your summary/review of an article from the Required Readings; 6) your oral report on your summary/review of an article from our Required Readings; and 7) your quizzes (if any). Each will be worth one seventh of your grade. Also, final grades may be affected up to one full grade, up or down, based on your class participation.

**Office Hours.** I will be available thirty minutes before each class and after class, or by appointment at other mutually convenient times. My office is located in 401D Churchill Hall; my office phone is (617) 373-3304; and my e-mail is r.ireland@neu.edu. I welcome your calls.