

Juvenile Law 447A
Fall Semester 2018
Honorable Maria D. Hernandez, Adjunct Professor
Tuesday Evenings 6:30 p.m.

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Office hours: Available prior to class or please contact me for an appointment

Required Text:

Children and the Law, Doctrine, Policy and Practice Douglas F. Abrams, Sarah H. Ramsey & Susan V. Mangold Fifth Edition, American Case Book Series

Recommended Text:

Fajans & Falk, *Scholarly Writing for Law Students-Seminar Papers, Law Review Competition Papers, Fourth Edition* West Publishing

Overview:

This course will address the topics within the juvenile justice system in scholarly fashion with a very strong emphasis on practical application in our justice system. Students will receive material and engage in discussions which will call upon the need to exercise their analytical skills as well as practical application of advocacy. The students will be required to synthesize these skills and produce a final writing project, all of which will prepare the student for the “every day” practice of law.

The class is designed to satisfy the WSU upper level writing requirement (ULWR) which is based on the guidelines established by the American Bar Association. You will work on the research paper and related exercises throughout the semester while engaging in specifically assigned projects to assist in the development of your analytical oral and writing skills throughout the course. You can anticipate spending approximately 6 hours of preparation time weekly outside of class focusing on the class materials and drafting of your final research paper.

Course Objectives:

1. To understand the dynamics of juvenile law in California and the interplay among justice partners.
2. To increase the ability to form and articulate legal arguments based on the facts of a case.

3. To understand the interplay amongst the statutory framework of juvenile law, demonstrating and the ability to identify both factual and legal issues within oral and written presentations.
4. To understand the roles of the justice partners within and outside of the justice system and appreciate the unique collaborative interplay within the juvenile justice system.
5. To improve oral argument skills with the ability to articulate critical thinking skills.
6. To utilize the analytical and advocacy skills in a project/legal research paper.

Class Attendance and Participation:

Students are expected to be present and ready to participate at each class and to stay for the entire class. A late arrival or early departure may be treated as an absence. If you are aware of an upcoming absence or late arrival, please e-mail me prior to class.

A student who misses more than two class sessions will be withdrawn from the class pursuant to WSU's academic policy and the provisions set forth in the Student Handbook.

All students are expected to engage in class discussions. I will be providing guest speakers throughout the course which will afford a unique opportunity to engage with practitioners in the field. We will be fortunate to have a relatively small number of students which will allow this seminar to incorporate a great deal of participation and flexibility in attaining our objectives. Active participation will not only make the course more enjoyable but will also serve as an additional learning tool for practical application in the practice of law.

Please be sure to turn off or silence your cell phones during class and feel free to use your computer in the classroom in accordance with WSU computer use policy.

Course Grade:

Each student's grade will be based upon:

- Project/legal research paper (70% of grade)
- Classroom participation (10% of grade)
- Project/research related assignments (20% of grade). Please refer to the WSU Student Handbook describing Upper Level Writing (ULWR) requirements. The due date for the project/legal research paper will be designated at the end of the term.

******* EXTRA CREDIT OPPORTUNITY *******

You are invited to attend and observe the Orange County Juvenile Court Proceedings (Dependency or Delinquency Calendars) at the Lamoreaux Justice Center (341 The City Drive, Orange, CA) to observe what happens on a typical day in juvenile dependency or delinquency court. You must attend a morning session and agree to maintain the confidentiality of the proceedings. You will be required to review and sign our confidentiality documents prior to

observing the court proceedings. Please arrive by 8:30 a.m., and check in with my administrative staff on the second floor and we will escort you to a courtroom for observation. Let me know the week prior to your visit and I will make arrangements with staff to help you with your visit. To receive extra credit, you must stay for the entire session (ending by 12 noon at the latest) and write a two-page informal “essay” detailing your experience in court which will be submitted to me prior to the end of the semester.

Course Assignments:

WEEK 1: Tuesday August 21

History and Philosophy of the Juvenile Justice System: Protections and Rights of the Child: pp. 1-67 Where is Juvenile Law Going? Download and read “Disproportionate Representation of Minority Youth in the Juvenile Justice System”: <http://ssrn.com/author=1641671> by Prof. E. Jones (WSU)

WEEK 2: Tuesday August 28

Parent/Child Relationship: Parens Patriae & The Role of the Lawyer pp. 207-213, 239-246

WEEK 3: Tuesday September 4

Dependency Overview/Abuse and Neglect: pp 279-310,
Meet Your Child Case Study (documents and Case study will be provided)

WEEK 4: Tuesday September 11

Dependency Cont. and Failure to Protect
Guest Speaker: Honorable Gary Bischoff
Pp 347-364

Research Topic Selection Due (Brief Written Summary Required)

WEEK 5: Tuesday September 18

The Adolescent Brain & Developmental Approach Emerging Findings from
Research on Adolescent Development and Juvenile
Justice: By Dr. Elizabeth Cauffman and Dr. L. Steinberg (article will be provided to you)
pp. 220-225

Remainder of course assignments will be provided during class. I will be providing guest speakers and experts within their fields, therefore class assignments will be coordinated with the timing and availability of the guest speakers. Please also note incorporated into this syllabus are the WSU Programmatic Learning Outcomes and Institutional Learning Objectives which are certainly included in the specific stated course objectives and focus but are

included for your review. I have also included our Disability and Services Statement. I look forward to a great semester.

Western State College of Law – Programmatic Learning Outcomes

Western State College of Law’s curriculum is designed so that every student achieves a level of competency prior to graduation in each of the eight Programmatic Learning Outcomes listed below:

(1) **Doctrinal Knowledge**

Students will demonstrate knowledge of substantive and procedural law in the core curriculum subjects, including Contracts, Criminal Law, Criminal Procedure, Torts, Real Property, Business Association, Evidence, Civil Procedures, Constitutional Law, Estates, Community Property, Remedies, and Professional Responsibility.

(2) **Practice Skills**

Students will demonstrate the development of other law practice skills. Each student’s chosen outcomes within this category will be varied based on the student’s particular interests, coursework and work experiences. They may include, but are not limited to, the following topics: oral presentation and advocacy; interviewing; counseling; client service and business development; negotiations, mediation, arbitration, or other alternate dispute resolution methods; advanced legal research and writing (excluding purely academic papers and the first four units earned in introductory first-year legal research and writing class); applied legal writing such as drafting contracts, pleadings, other legal instruments; law practice management or the use of technology in law practice; cultural competency; collaboration or project management; financial analysis, such as accounting, budgeting project management, and valuation; cost benefit analysis in administrative agencies; use of technology, data analyses, or predictive coding; business strategy and behavior; pre-trial preparation, fact investigation, such as discovery, e-discovery, motion practice, assessing evidence, or utilizing experts; trial practice; professional civility and applied ethics; a law clinic that includes a classroom component; or a legal externship that includes a classroom component.

(3) **Legal Analysis**

Students will demonstrate the ability to identify the factual and legal issues implicated by a fact pattern and to appropriately use cases (including identifying the salient features of an appropriate precedent case, identifying legally significant similarities or differences between the precedent case and a fact pattern and explaining why those are legally significant) and rules (including the ability to connect legally significant facts in a fact pattern to the rule) to predict how a court would decide the issue. Students will also demonstrate the ability to identify and evaluate the public policies of a precedent case or rule, and be able to evaluate how public policy can impact the application of a rule to the legal issue.

(4) **Legal Research**

Students will demonstrate the ability to locate relevant legal authority using a variety of book and electronic resources, and to properly cite to such legal authority.

(5) Communication

Students will demonstrate the ability to communicate both orally and in writing in a manner appropriate to a particular task to effectively convey the author or speaker's ideas. This includes audience sensitivity in written and oral communication (the ability to adopt a tone, style and level of detail appropriate to the needs, knowledge and expertise of the audience); and written communication basic proficiency (the ability to use the conventions of grammar, spelling, punctuation, diction and usage appropriate to the task and sufficient to convey effectively the author's ideas).

(6) Advocacy of Legal Argument

Students will demonstrate the ability, in both oral and written formats, to evaluate the legal, economic and social strengths and weaknesses of a case and use case and statutory authority as well as public policy to persuade others. Making policy-based arguments includes the ability to identify and evaluate the public policies of a precedent case or rule and their implications, and be able to assert such appropriate arguments to support a particular application or distinction of a precedent case to a legal controversy or a particular resolution of the application of a rule to the legal controversy.

(7) Client Sensitivity and Cultural Competency

Students will demonstrate an awareness of clients' needs and goals, including a sensitivity to clients' background and circumstances (including, but not limited to, socio-economic, gender, race, ethnicity, educational, disability and/or religious background(s)), the ability to make decisions that reflect an appropriate focus on those needs and goals, and awareness that cultural issues may affect the relevance of facts and application of the law.

(8) Legal Ethics

Students will demonstrate the ability to identify ethical issues in law practice contexts and make appropriate decisions to resolve such issues.

Argosy University

Institutional Learning Outcomes:

1. Analytical Reasoning

Analyze issues objectively, interpret and synthesize data and ideas, and develop feasible, flexible, and creative solutions to real world problems

2. Effective Communication

Identify audiences, assess information provided, interpret needs, and present relevant information using appropriate written, oral, and listening skills and media to meet the needs of the situation

3. Information Competency

Gather, evaluate, and ethically use information from a variety of relevant technological and library resources to make decisions and take action

4. Interpersonal Effectiveness

Develop individual and group interpersonal skills to improve and foster participation and interaction critical for achieving individual and group goals

5. Personal and Professional Integrity and Ethical Behavior

Demonstrate a multi dimensional awareness of individual and social responsibility to act ethically and with integrity in a diverse, global society.

6. Professional Competence

Apply skills appropriate to program objectives and employ critical reasoning to contribute to one's field and profession

DISABILITY SERVICES STATEMENT:

Western State College of Law provides accommodations to qualified students with disabilities. The **Disabilities** Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Students Services Suite 119. Dean Espinoza's phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law's "Policy against Discrimination and Harassment."