

SYLLABUS
L776: Criminal Law Seminar: Juvenile Law
Indiana University - Bloomington
Victor Streib
Fall Semester 2007

COURSE DESCRIPTION

Criminal and non-criminal offenses of youths that bring them within the jurisdiction of juvenile courts are the focus of this seminar. Substantive law issues range from truancy and curfew violations to rape and murder. Procedural law issues begin with initial police detection and arrest of juvenile offenders, followed by the various court proceedings, and into juvenile corrections. Special attention is given to the unique juvenile court, originally chartered to treat juveniles rather than punish them but under enormous pressure to return to punishment. Many of the more serious juvenile offenders are prosecuted in criminal court, and that process will be examined as well. Thematic questions include whether a juvenile's intent to kill or to steal is the same as that of an adult, and whether a juvenile sufficiently understands the court process to be competent for trial. Sentencing issues include why the death penalty for juveniles is unconstitutional but life without parole for preadolescents is not. The course schedule will be that of a traditional research seminar. The course grade will be based primarily on the research paper but also on a mid-term quiz and seminar participation.

COURSE TEXTUAL MATERIALS

BARRY FELD, JUVENILE JUSTICE ADMINISTRATION (Thomson West, 2nd ed., 2004)
and the 2007 Supplement to this casebook.

COURSE INSTRUCTOR

The instructor for this course is Victor Streib, Professor of Law at Ohio Northern University, who has been teaching criminal law courses since 1971. Professor Streib is experienced as a prosecuting attorney and as a defense attorney in juvenile court, and he currently is involved in appellate work in juvenile homicide cases. He has represented juvenile homicide clients before the United States Supreme Court and several state supreme courts. His current research is on (1) violent crimes by preteen juveniles and (2) the death penalty for women. Please feel free to stop by Professor Streib's office in the IU law building on Tuesdays when he is in Bloomington. Otherwise, you may call him either at his office at Ohio Northern (419-772-2207) or at his home (419-634-5241), or reach him by email at v-streib@onu.edu.

COURSE GRADE

The final grade for this two credit seminar will be based upon the following factors:

Class Participation (all class meetings):	10%
Term Paper Outline (due 9-25-2007)	10%
Midcourse Examination (10-23-2007):	20%
Term Paper First Draft (due 11-6-2007):	20%
Oral Presentations (11-13, 20 & 27-2007):	10%
Term Paper Final Draft (due 11-30-2007):	30%

COURSE SCHEDULE

This class normally meets on Tuesday afternoons, 4:30 - 6:30, in room 215 of the IU law building. During the first three weeks of the course, students will either meet with Professor Streib either in person or by email or telephone to discuss and choose a topic for their term papers (*see infra*, pp. 4-6). On October 23, 2007, just past the mid-point of the course, we will have a short examination over the material covered. We then will adjourn the class meetings for two weeks while the students work individually on their papers. For the last three weeks of the term, we will reconvene class meetings and students will make oral presentations of their papers. Presenters will bring enough copies of a two-page handout of their presentations to distribute to the class just prior to their making their presentations. A schedule of oral presentations will be distributed near the midpoint of the course.

All students are expected to attend all class meetings. Absence from more than three class meetings will result in the student being administratively withdrawn from the course unless the law college's withdrawal deadline has passed, in which case the instructor reserves the right to enter a failing grade for the course. No excused (uncounted) absences are permitted. Students are expected to have studied the reading assignment thoroughly prior to each class meeting and to attend class prepared to discuss the reading and concepts therein. No "unprepared" claims will be honored. The class-by-class schedule is listed on the following page. The reading assignments in the course materials may be modified by Professor Streib as the semester moves along.

DATE	CLASS TOPIC	READING ASSIGNMENT	
		REQUIRED (Casebook)	OPTIONAL (Supplement)
08-28-2007	Juvenile Court Jurisdiction	pp. 68-128	pp. 1-2
09-04-2007	Individualized Consideration	pp. 182-192; 201-218; 229-236; 239-243; 245-255	pp. 3-22
09-11-2007	Searches and Interrogations	pp. 268-302; 324-343	pp. 22-37
09-18-2007	Pretrial Detention	pp. 409-436; 451-482	pp. 38-45
09-25-2007	Juveniles in Criminal Court	pp. 483-490; 499-512; 572-584; 593-598; 637-642	pp. 56-80

OUTLINES DUE no later than **4 p.m. on 09-25-2007** to Professor Streib

10-02-2007	Juvenile Court Hearings	pp. 673-716; 724-734; 749-754; 759-767	-----
10-09-2007	Juvenile Court Dispositions	pp. 828-835; 867-905; 913-928; 949-953	-----
10-16-2007	No class meeting.	Review for exam and work on term papers.	
10-23-2007	MIDCOURSE EXAMINATION in class at 4 p.m.		
10-31-2007	<i>No class meeting.</i>	Work on term papers.	
11-06-2007	<i>No class meeting.</i>	Work on term papers.	

FIRST DRAFTS DUE no later than **4 p.m. on 11-06-2007** to Professor Streib

11-13-2007	Oral Presentations	Prepare presentations and participate in class	
11-20-2007	Oral Presentations	Prepare presentations and participate in class	
11-27-2007	Oral Presentations	Prepare presentations and participate in class	

FINAL DRAFTS DUE no later than **4 p.m. on 11-30-2007** to Professor Streib

EXAMPLES OF TERM PAPER TOPICS

Your research topic must be grounded in substantive and/or procedural juvenile and/or criminal law addressing juvenile offenders. Other than that fundamental requirement, your research topic may focus upon almost any conceivable issue within this area. Your topic must lend itself to an intensive, doctoral-level research effort, resulting in a major, professional, scholarly paper. The topic you finally choose should be discussed with and must be approved by Professor Streib. This will occur at your individual appointment with Professor Streib during the first three weeks of the course. Examples you might consider are listed below:

1. Description and analysis of a recent U.S. Supreme Court or State Supreme Court decision, including the cases leading up to it, the actual opinions in the case, the impact on future cases, etc.
2. Description and analysis of recent Indiana cases or other state supreme court cases, including the crimes, trials, appeals, issues, impact on future cases, etc.
3. Description and analysis of recent developments in juvenile law in your home state or the state in which you want to practice law.
4. Unique role of defense counsel in juvenile cases in juvenile court and/or criminal court.
5. Unique role of prosecuting attorney in juvenile cases in juvenile court and/or criminal court.
6. Jury issues in juvenile cases in juvenile court.
7. Impact of ability of juvenile defendants to fully participate in their defense.
8. Comparison of American juvenile laws with those in other countries.
9. International law and agreements covering juvenile laws.
10. Appropriate reliance upon social science by courts in juvenile cases.
11. Appropriate legal processes for preteen violent juvenile offenders.
12. Who should decide whether the juvenile homicide defendant should be tried in juvenile court or adult criminal court.
13. Special legal issues involved in school shootings.
14. Special issues involved when abused children kill their abusers.
15. Special issues involved when juvenile offenses are part of gang activities.

16. Constitutional and policy issues involved with sentencing juvenile defendants to long prison terms, including life without parole.
17. Any of dozens more, so long as the topic is primarily a study of law and legal procedure and not of political views, adolescent psychology, personal opinions, or the gory details of sensational juvenile homicide cases.

TERM PAPER OUTLINES

(due September 25, 2007)

After carefully choosing and defining a topic, you should begin preliminary research on that topic. This preliminary research will soon reveal the major issues and sub-issues included in your topic. Your outline should follow a traditional format (I. (A.B.C., etc.), II. (A.B., etc.), etc.), clearly setting out the major issues and sub-issues. The outline reveals the basic structure and flow of your topic and forthcoming term paper. As such it is fundamentally important that it be done carefully and thoughtfully. Outlines should be typed double-spaced and be about two pages long. Reference lists are optional at this stage.

FIRST DRAFTS

(due November 6, 2007)

This should reflect thorough, exhaustive research on your topic and be a complete (if still rough and unpolished) version of your paper. It should follow basically the structure established in your original or revised outline. Footnoting should be fairly complete, needing only some minor rechecking, reorganizing and redrafting. Your thought processes should be clear, and only your language and presentation should still need much work. Obviously, the more complete and "finished" this first draft is, the less effort will be needed to mold it into the final draft. A good operating assumption is that the first draft is at least three-fourths of the way toward the finished product. First drafts should be typed double-spaced, including text, footnotes, and list of references at the end. Target lengths of the first drafts should be at least twenty-five pages of text and many, many footnotes, but many papers are much longer than this.

ORAL PRESENTATIONS

(November 13, 24, & 27, 2007)

Students' oral presentations of their papers will occur in class during the last three class meetings. Each student will bring copies of a handout outlining his or her paper to be distributed to class members so they can follow along in the presentation. Each presenter will have 10 to 12 minutes to make the presentation, followed by about 5 minutes of class discussion on the topic of the presentation.

FINAL DRAFTS
(due November 30, 2007)

As the syllabus indicates, this document alone accounts for 30% of your course grade. For many students it will be the most important, most scholarly research effort of their law school experience. In essence, it is the Doctor of Jurisprudence requirement that most closely parallels the thesis and dissertation requirements of non-law graduate degrees.

The final draft should be a finely polished document, professional in appearance and reflecting logical overall structure, meticulous and generous footnoting, and advanced command of the English language. Good examples of such efforts are the student notes and comments published regularly in our law review and others. Final drafts should be typed double-spaced and placed within an inexpensive report cover. The various parts of the final draft should be in the following order:

1. Title Page
2. Table of Contents
3. Text
4. Footnotes
5. List of References

Final drafts must contain at least 25 pages (double spaced) of text and typically at least 50 footnotes, but many papers are much longer than this. Most important, they should be extremely well-written, with careful logical progression and exhibiting an advanced command of the English language.