JUVENILE JUSTICE
LAW 6930, SECTION 109F

WHITNEY M. UNTIEDT
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OFFICE HOURS: BY APPOINTMENT

CLASS MEETINGS
Holland Hall Room 359
Mondays, 5:00 – 6:50 pm

TEXTS

There Are No Children Here: The story of two boys growing up in the Other America
Alex Kotlowitz
Anchor; Reissue edition (January 5, 1992)

Burning Down the House: The End of Juvenile Prison
Nell Bernstein
The New Press (June 3, 2014)

Trout: A True Story of Murder, Teens, and the Death Penalty
Jeff Kunerth
University Press of Florida (April 15, 2012)

There is no casebook assigned for this class; all other assigned readings are listed in
the Syllabus and will be posted to the “Juvenile Justice Law” TWEN site.

COURSE DESCRIPTION

This course will expose students to the legal, ethical, and social issues surrounding
juvenile law and practice. The course will focus on dependency law, child abuse, child
neglect, youth behavior in school settings, juvenile delinquency and criminal
prosecutions involving children. Through in-depth analysis of relevant case law, articles,
statutes, guest speakers and student reports, the course will allow students to explore
trends in juvenile law and contemplate how lawyers in various arenas can best effectuate
positive change in the lives of children.
ASSIGNMENT REQUIREMENTS

All written assignments must be submitted via TWEN and will be graded blindly. Do not put your name on your assignments. Failure to follow this instruction will result in a 3-point deduction on your grade for the assignment.

Assignments must be submitted via TWEN no later than the time and date specified, with your UFID only on the front page. Do not include your name. Electronic assignments must be submitted as an attachment in one of the following formats:

- Microsoft Word
- PDF

You must use the following file naming requirements for your TWEN submissions. Failure to substantially adhere to the required naming convention will result in a 3-point deduction on your grade for the assignment.

“Assignment”.“YourUFID”
- EX: PaperOne.1234-5678
- EX: PaperTwo.1234-5678

Do not use spaces or special characters in naming your files for electronic submission, as it may cause the file to be misread by some computing systems.

Unexcused late assignments will result in the grade for the assignment being lowered by at least 5 points – the later the assignment, the greater the point deduction. This policy will be strictly applied; all date and time deadlines for written assignments are included in the syllabus and posted on TWEN, and you will have plenty of time to complete and submit your assignments. You should always build in time for your submissions to upload to TWEN before the time deadline, and you should check to ensure the upload has been successful. No excuses for late assignments will be entertained after the deadline has passed.

Late assignments may only be excused if you receive permission prior to the assignment deadline.

ATTENDANCE POLICY

Attendance will be taken during each class period. Unexcused absences will not be permitted. Absences may only be excused if you receive permission prior to the class you cannot attend.

The University of Florida’s policy on observance of religious holidays excuses students’ absence from a class or academic activity upon prior notification to the instructor. Accommodations will be made for students who must miss a class period due to a religious observance.
COMPUTER POLICY

Because this class is driven by active participation and discussion, **computers and handhelds may not be used in class unless specifically authorized.**

GRADE REQUIREMENTS

*Information on current UF grading policies can be found on the University Registrar’s website and in the UF Law Student Handbook:*

https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx
http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9

Your grades will be assigned as followed:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage of Final Grade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Analysis One</td>
<td>20</td>
</tr>
<tr>
<td>Analysis Two</td>
<td>20</td>
</tr>
<tr>
<td>Analysis Three</td>
<td>50</td>
</tr>
<tr>
<td>Participation</td>
<td>10</td>
</tr>
</tbody>
</table>

**TOTAL**

100

Assignments will be graded on a point system, with each assignment’s maximum point value correlating to its percentage of your final grade.

**There is no final examination for this course.**

**System Analysis Papers**

You will be required to write three analytical papers over the course of the semester, for a total value of 90% of your grade. Your papers should answer the question posed in the assignment prompt, which will be posted on TWEN, and analyze the juvenile justice system thoroughly and thoughtfully.

The prompt will ask you to take a position on a juvenile justice issue, and to support your position with the material we have covered in class. Therefore, there is no one “right” or “wrong” answer. Superior papers will address the prompt thoughtfully and analytically, focusing on a well-reasoned and strongly-supported legal argument. You should demonstrate a comprehensive understanding of the themes of the course, the purpose and conclusions of the readings, and the analysis and holdings of the cases we have reviewed. Although there is no minimum requirement for the number of different references you should include, a superior essay will draw from a variety of sources read and discussed
over the entire course of the semester. You will not be graded on the position you take, but rather on the strength of your analysis and the persuasiveness of your argument.

Although the substance of your papers will count much more heavily than the form, you will be expected to turn in professional quality work that has been spell-checked and corrected, and which is written in a coherent and competent manner.

Your papers must be written in a closed universe, relying solely on the required and recommended reading and video materials contained in the syllabus. Outside research will not be allowed, and reference to outside sources will negatively impact your grade.

You will not receive a grade after submission of your papers. However, if you wish to receive feedback and suggestions for future improvement, I will be happy to talk with you about the quality of your work; please contact me to schedule a meeting if you would like to discuss your paper after it has been submitted.

“Field Study” Group Presentation

The class will be divided into small groups of students. Each group will attend one out-of-class “field study” visit to meet with stakeholders in Florida’s juvenile justice system. Following each “field study,” the group members will work together to prepare and lead a presentation that introduces your classmates to the practical application of juvenile justice as you experienced it.

Groups will be assigned after Drop/Add has ended. Presentation dates are noted in the Class Schedule section of this syllabus. Group presentations will be calculated into your overall Participation grade.

Participation

Class participation plays a vital role in your understanding of the materials and of the impact of juvenile justice systems on our society. Assigned readings should be completed before the class meeting, as indicated by the Class Schedule in this syllabus. Failure to read and prepare for class will impact both your understanding of the discussions and your academic performance in the class. Your participation should be both active and meaningful – analyzing the course materials, positing thoughtful questions, and contributing to a classroom culture of learning.

Your participation in class discussions and activities, including your Group Presentation, will comprise 10% of your final grade for this class. Additionally, outstanding participation may boost a borderline final grade by one-half letter (ie – A- to A; B to B+).
ACCOMMODATIONS

Students requesting classroom accommodation must first register with the Dean of Students Office. The Dean of Students Office will provide documentation to the student, who must then provide this documentation to the instructor when requesting accommodation.

TECHNICAL & COMPUTING ISSUES

You will be required to access the Westlaw TWEN website to obtain materials for this class. If you have any problems with the site, or any other computing issues, please contact your Westlaw Rep and/or Technology Services:

http://www.law.ufl.edu/about/services/technology-services
TENTATIVE CLASS SCHEDULE
Please note: All assignments are subject to change as the semester develops.

Reading assignments for each week are posted on TWEN, with links to the cases and articles. Additional reading assignments may be posted on TWEN throughout the semester. It will be your responsibility to check TWEN for additional reading assignments, which will be posted online no later than Fridays at 9pm.

Week 1: Monday, August 18
Class Expectations

A Brief History of Juvenile Justice in America

NO READING ASSIGNMENTS

August 23 – Drop/Add ends

Week 2: Monday, August 25
History Continued: The Olden Days

Group Discussion: “Field Study” Preferences

Required Readings
- *Ex Parte Crouse*, 4 Whart. 9 (Pa. 1839)
- *People v. Turner*, 55 Ill. 280 (1870)
- *Commonwealth v. Fisher*, 213 Pa. 48 (1905)

Recommended Reading
- “The Early History of the Court”

“Field Study” Preference Form must be submitted via TWEN by 5pm on Wednesday, September 3.

Week 3: Classes Cancelled on Monday, September 1 (Labor Day Holiday)

Week 4: Monday, September 8
History Continued: The Civil Rights Era

Required Readings
- *In re Gault*, 387 U.S. 1 (1967)
System Analysis Paper #1 Due via TWEN by 5pm on Sunday, September 14

Week 5: Monday, September 15
Class Discussion: Case Study – Chicago Then & Now
*There Are No Children Here*
*This American Life: Harper High School*

**Required Listening**
- *This American Life: Harper High School, Part One*  
- *This American Life: Harper High School, Part Two*  

Week 6: Monday, September 22
Special Presentation: Tim Decker, Director of Missouri DSS Children’s Division
*Class will meet in Room 180*

**Required Reading**
- The Missouri Model: Reinventing the Practice of Rehabilitating Youthful Offenders
  - A Better Approach to Juvenile Corrections
  - Nuts and Bolts of the Missouri Model
  - *Skim* Underlying Values, Beliefs, and Treatment Philosophy

Week 7: Monday, September 29
The Criminalization of Childhood: School Offenses

Field Study Group Presentation 1

**Required Readings**
- DOJ: Findings Regarding Department of Justice Investigation
- Complaint: *United States v. City of Meridian*
  - “Statement of Facts” (pages 8-31)
- *M.M. v. State*, 997 So.2d 472 (Fla. 5th DCA 2008)
- *S.L. v. State*, 96 so.3d 1080 (Fla. 3d DCA 2012)

Week 8: Monday, October 6
The Criminalization of Childhood: Sex Offenses

Field Study Group Presentation 2

**Required Readings**
- National Center on Sexual Behavior of Youth: Fact Sheet
- Adolescent Sexual Behavior and the Law (pages 1-17)
- 2013 National Juvenile Defense Standards
  - Part I (pages 17-31)
- “Juvenile Injustice”
Week 9: Monday, October 13
Crime & Punishment: Police Interrogations

Field Study Group Presentation 3

Required Readings
- State v. Pearson, 804 N.W. 260 (Iowa 2011)
- Effective Juvenile Interview & Interrogation (pages 7-12)

System Analysis Paper #2 Due via TWEN by 5pm on Sunday, October 26

Week 10: Monday, October 20
Crime & Punishment: Juvenile Arrest & Pre-Trial Incarceration

Field Study Group Presentation 4

Required Readings
- Amendments to the Florida Rules of Juvenile Procedure
  - Majority and Minority Reports discussing the Juvenile Rules Committee’s recommendation that the Florida Supreme Court adopt revisions to Rule 8.100, regarding the shackling of juveniles in the courtroom (pages 4-17)
- In Re: Amendments to the Florida Rules of Juvenile Procedure
  - First eight paragraphs, regarding the shackling of juveniles in the courtroom, under the heading “Amendments”
- Hughes v. Judd, 8:12-cv-568-T-23MAP – Plaintiff’s Verified Amended Complaint
  - Allegations (pages 1-5)

Week 11: Monday, October 27
Special Presentation: Nell Bernstein, Author of Burning Down the House
Class will meet in Room 180 at 5:30pm

Week 12: Monday, November 3
Crime & Punishment: Diversion & Disposition

Documentary Shorts: Out of Control; A Football Game Gives Hope

Field Study Group Presentation 5

Required Readings
- E.A.R. v. State, 4 So. 3d 614 (Fla. 2009)
  - Section I A-C; Section II D
- No Place For Kids
“How Should States Go About Reforming Juvenile Corrections?” and “Conclusions” (pages 28-39)

**Week 13: Monday, November 10**
Crime & Punishment: Direct File

Field Study Group Presentation 6

**Required Readings**
- Prosecutorial Discretion
  - “Conclusions” (pages 275-286)
- Judicial Waiver: Fla. Stat. ch. 985.556
- Direct File & Statutory Exclusion: Fla. Stat. ch. 985.557
- Indictment of Juveniles: Fla. Stat. ch. 985.56

**Week 14: Class Cancelled on Monday, November 17**

**PROMPT FOR SYSTEM ANALYSIS PAPER #3 RELEASED THIS WEEK**

**Week 15: Monday, November 24**
Crime & Punishment: Juveniles Sentenced as Adults

Class Discussion: *Trout*

**Required Readings**

*System Analysis Paper #3 Due via TWEN by 5pm on Monday, December 8*