

**PROBLEM-SOLVING COURTS**  
**ISSUES IN THE LAW/ADVOCACY SEMINAR**  
**SYLLABUS**  
**SPRING 2007**  
Prof. Mae C. Quinn

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**Contact Information:**

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**Class Meetings:**

Mon. 3:40-5:40 p.m., Room 341

First Class Session: 1/22/07

**Course Description:**

Over the last twenty years, over 2,000 specialized “problem-solving” courts have opened across the United States. Examples of these specialty venues include drug treatment, mental health, and community courts. This course will consider factors contributing to this recent phenomenon, survey the various types of specialty courts that have been established, analyze the particularized features and functions of these institutions, and compare them to other criminal courts, past and present. We will explore the potential legal and ethical issues presented by “problem-solving” courts along with other justice system implications, including the future of such institutions in this country.

**Required Texts and Readings:**

There are three required texts for this course: (1) GREG BERMAN AND JOHN FEINBLATT, *GOOD COURTS*; (2) MICHAEL WILLRICH, *CITY OF COURTS*; and (3) ELIZABETH FAJANS & MARY FALK, *SCHOLARLY WRITING FOR LAW STUDENTS*. All are available at the campus bookstore or can be purchased online.

For those of you who will be focusing on drug treatment courts in your research, I also recommend JAMES L. NOLAN, *REINVENTING JUSTICE: THE AMERICAN DRUG COURT MOVEMENT*. It, too, is available at the bookstore or online.

The remainder of the semester’s assigned readings will consist of: (1) “Class Packets” that can be picked up at the Legal Clinic and (2) materials that you can access via the internet, Westlaw, or Lexis at the citations/addresses indicated.

Please note that for every class you are expected to bring the day’s assigned readings in some form that is accessible to you. This applies whether or not you are a designated “expert” for the day.

## **Course Expectations:**

This seminar course is part of an important conversation about problem-solving courts and justice that is taking place across the country. I interpret your enrollment as a desire to play a role in that discussion. I will read for, participate in, and attend every class, and expect the same of you. I also expect you to conduct yourself professionally and show respect for others participating in the course. If you must miss a class, please contact me to let me know.

Most class sessions will have designated “experts.” Experts will be called upon to serve as discussion leaders. They must be thoroughly familiar with the assigned readings and the issues they raise, including those from the SCHOLARLY WRITING text. Although some assigned readings may seem lengthy, most of the course material is not dense. In addition, I will sometimes inform you to focus on particular sections of an upcoming reading, rather than the entire article.

On at least two occasions you will be required to attend and observe courtroom proceedings, for a total of 2 hours of observation time. This is in lieu of a formal classroom session during the week of January 15.

This course is intended to satisfy the Law School’s perspective and expository writing requirements. To receive expository writing credit you must produce a publication-quality written paper that is well-researched, fully and properly footnoted, and at least 20-25 pages in length. Students who are not seeking expository writing credit may instead complete a comparably rigorous written research project. Anyone wishing to work on a research project rather than an expository paper must clear it with me prior to the third class meeting.

I will meet with you individually on two occasions during the semester to discuss your paper/project. You must turn in a 2-3 page abstract and outline detailing your ideas at least 24 hours in advance of the first meeting. During the second meeting we will discuss your first paper draft, which is due the week before.

I am happy to meet with you at other times throughout the semester to help refine your ideas, work through writing issues, talk about submitting your work for publication consideration, etc. I know that writing does not come easily to everyone. I do not want you to be intimidated by the expository writing requirement and am willing to do what I can to help you succeed.

At the end of the semester we will hold a course symposium, during which you will present your paper/project to the class. I know that public speaking does not come easily to everyone. Again, I will do what I can to help you improve in this area and help you to succeed in this part of the course as well.

Finally, while I will do my best to follow the syllabus closely, I reserve the right to modify the schedule or coursework as the semester progresses.

## **Grading/Evaluation:**

Your grade for this course will be computed as follows:

5%	General Class Participation, Professionalism & Attendance
10%	Expert Sessions
5%	Paper/Project Abstract and Outline
10%	Paper/Project Draft
10%	Symposium Presentation
60%	Final Paper/Project

Assignment deadlines will be enforced. Assignments turned in late without sufficient justification will receive grade reductions as I deem appropriate under the circumstances.

## **Code of Academic Conduct:**

As with all of your activities at the Law School, work for this course “should be done in full compliance with both the spirit and letter of the Code [of Academic Conduct].” The entire text of the Code can be found at:

<http://www.law.utk.edu/academic/CURRSTUDENT/currstucodeacacond.htm>

As a reminder, however, please take note of the following:

3.01 Prohibited Conduct: It shall be a violation of the Code of Academic Conduct for any student enrolled in the College of Law to commit an act of academic dishonesty. A student has committed an act of academic dishonesty if he/she . . .

- (C) With respect to research or other writing assignments in connection with the academic matters specified in 2.03 (B), (C), or (E), intentionally
  - (1) Uses or attempts to use materials the use of which has been specifically prohibited by the instructor or other person responsible for the academic matter;
  - (2) Plagiarizes;
  - (3) Gives or receives, or attempts to give or receive, information or assistance when specifically prohibited from doing so by the instructor or person responsible for the academic matter; or
  - (4) Engages or attempts to engage in other forms of cheating, i.e., conduct specifically intended to secure an unfair advantage or to subject another to an unfair disadvantage.

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**1/22: Class One:**

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**The “Problem-Solving Court” Movement:  
Introduction to Course Concepts and Themes**

**Read:** GOOD COURTS, Pages 3-13 (Intro.); 31-58 (Chap. 2);  
173-188 (Chap. 7)

SCHOLARLY WRITING, Pages 1-4, 11-12

Class Packet #1

**Experts:** Entire Class

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**1/29: Class Two:**

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**The U. S. Criminal Court System: Rules, Roles, and Goals**

**Read:** SCHOLARLY WRITING, Pages 14-22

Model Penal Code § 1.02: Purposes; Principles of  
Construction

ABA Criminal Justice Standards: (1) Defense Function; (2)  
Prosecution Function; (3) Special Function of the Trial  
Judge [<http://www.abanet.org/crimjust/standards>]

Class Packet #2

**Experts:** Antonucci, Blackshear, White, Wamack

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**2/5: Class Three:**

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**Critiques of Conventional Criminal Courts and Practices**

**Read:** GOOD COURTS, Pages 15-30 (Chap. 1)

SCHOLARLY WRITING, Pages 22-37

Steven Zeidman, *Policing the Police: The Role of the Courts  
and the Prosecution*, 32 Fordham Urb. L. J. 315-353 (2005)

David Wexler, *Some Reflections on Therapeutic Jurisprudence  
and Practice of Criminal Law*, 38 Crim. L. Bulletin 205 (2002)

Class Packet #3

**Visit:** Knox Co. General Sessions Court, Courtroom #1  
& Knox Co. Criminal Court, Division II or III

**Experts:** Caldwell, Cleveland, Viglione, Springer

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**2/12: Class Four:**

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**Birth of the Modern “Problem-Solving Court” Movement:  
Drug Treatment Courts**

**Read:** SCHOLARLY WRITING, Pages 37-55

Richard S. Gebelein, *The Rebirth of Rehabilitation: Promise and Perils of Drug Courts* (U.S. D.O.J., May 2000)  
[\[http://www.ncjrs.gov/pdffiles1/nij/181412.pdf\]](http://www.ncjrs.gov/pdffiles1/nij/181412.pdf)

Mae C. Quinn, *Whose Team Am I On Anyway: Musings of a Public Defender About Drug Treatment Court Practice*, 26 N.Y.U. Review of Law and Social Change 37-75 (2000-2001)

Class Packet #4

**Visit:** Knox Co. Criminal Court, Division I (Weds. 3:30-5:00)

**Experts:** Cooper, De La Torre, Spitzer, Shaffer

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**2/19: Class Five:**

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**Variations on the “Problem-Solving” Theme: Mental Health Courts**

**Read:** SCHOLARLY WRITING, Pages 57-71

Derek Denkla & Greg Berman, *Rethinking the Revolving Door* (2001)  
[\[http://www.courtinnovation.org/pdf...\]](http://www.courtinnovation.org/pdf...)

Tammy Seltzer, *Mental Health Courts: A Misguided Attempt to Address the Criminal Justice System’s Unfair Treatment of People with Mental Illnesses*, 11 Psychology, Public Policy, and Law 570-586 (2005)

Class Packet #5

**Experts:** Dealejandro, Draughon, Ruf, Rasbury

\*\*\*Sign up this week for initial paper/project topic meetings. Individual meetings will take place next week, between Monday, 2/26 and Friday, 3/2. You must sign up for a 30 minute time slot on the calendar outside of my office. At least 24 hours prior to your individual meeting, you must provide me with your paper outline.

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**2/26: Class Six:**

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**Variations on the “Problem-Solving” Theme: Community Courts**

**Read:** SCHOLARLY WRITING, Pages 71-84

GOOD COURTS, Pages 59-95 (Chap. 3)

Anthony Thompson, *Courting Disorder*, 10 Washington University Journal of Law & Policy 63-99 (2002)

Class Packet #6

**Experts:** Evans, Fussell, Quarles, Jackson

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**2/26-3/2 Initial Meeting to Discuss Paper/Project Topics**

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**3/5: Class Seven:**

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**Variations on the “Problem-Solving” Theme:  
Other Modern Specialized Courts and Attempts at “Innovation”**

**Read:** SCHOLARLY WRITING, Pages 84-97

Robin Mazur & Liberty Aldrich, *What Makes a Domestic Violence Court Work?* 6 *Judges’ Journal* 5 (Spring 2006)  
[\[http://www.communityjustice.org/pdf/....\]](http://www.communityjustice.org/pdf/....)

Laurie Robinson & Jeremy Travis, *Managing Prisoner Reentry for Public Safety*, 12 *Federal Sentencing Reporter* 258 (Mar./Apr. 2000)[2000 WL 1340563]

David Sheppard & Patricia Kelly, *Juvenile Gun Courts: Promoting Accountability and Providing Treatment*, JAIB Bulletin (May 2002)(Intro. and “Basic Juvenile Gun Court Programs” only)  
[\[http://www.ncjrs.gov/html/ojdp/jaibg\\_2000\\_5\\_1\]](http://www.ncjrs.gov/html/ojdp/jaibg_2000_5_1)

Class Packet #7

**Experts:** Guertin, Harris, Hashbarger

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**3/12-3/16 Spring Break**

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- 3/19:** Historic Examples of Specialized Criminal Courts
- 3/26:** Historic Examples of Specialized Criminal Courts (cont'd)
- 4/2:** The Future of Problem-Solving Courts
- 4/2:** **First Draft of Paper/Project Due**
- 4/9:** No Class – Second Meeting to Discuss Paper/Project Drafts
- 4/16:** Class Symposium
- 4/23:** Class Symposium
- 5/7** **Final Paper/Project Due**