INNOCENCE PROJECT CLINIC

2015 Fall Semester
Class Syllabus and Curriculum

Maryland Innocence Project faculty:

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Course Materials

Collateral Remedies in Criminal Cases in Maryland: An Assessment, Michael A. Millemann, 64 Maryland Law Review 968 (2005)

UBIPC Clinic Manual

Additional documents will be distributed throughout the semester and various reference and course materials will be posted on the TWEN site for this course.

Course Description:

The UB Innocence Project Clinic (IPC) serves as a resource for men and women incarcerated in Maryland’s state prisons who have a meritorious claim of factual innocence. Students participating in the Clinic will interview clients, review case materials, determine investigative strategies, prepare pleadings and participate in court proceedings. The classroom component of the course will cover the basic principles of case analysis, case theory, interviewing techniques, record collection techniques and review of research relating to the causes of wrongful convictions including eyewitness misidentification, false confessions, inaccurate forensic science, ineffective assistance of defense counsel and prosecutorial misconduct.

Students will be assigned a case or cases, as part of a team, to review, investigate, research, draft motions, in support of the applicant’s claim of innocence. Students will learn the basic methodology of criminal defense investigation and litigation. In addition, they will develop many of the practical skills required for the practice of law no matter what particular practice area they ultimately choose to pursue.

Students will also gain exposure to the legal and practical obstacles faced by inmates who claim factual innocence and the difficulties in bringing these claims before the courts.
They will also learn about the burden of proof in claims of factual innocence, the proper forum in which such claims must be brought and the procedural requirements for filing such claims.

Students will also further develop their oral and written communication skills, problem solving and critical reflection skills through participation in brainstorming sessions. All clinic students will be required to make an oral presentation on the progress of their case before the rest of the class and all are expected to participate in offering ideas and suggestions to others in regard to the cases.

Course Objectives:

1. Develop a working knowledge of the elements of a comprehensive criminal case investigation.

2. Develop the skills necessary for analytical and critical thinking about a case as it applies to the facts and legal issues of that particular case.

3. Develop research, writing and interviewing skills.

4. Develop an appreciation of the issues involved in creating and maintaining an effective relationship with clients.

Course Requirements:

Students will be expected to participate in the classroom component of the project by completing assigned tasks in a timely manner as set forth in the syllabus/curriculum. Students will also be required to fully participate in the evaluation of cases through oral presentations and “active listening”, i.e. active discussion about other students’ cases.

Furthermore, students are required to prepare a written outline of their oral presentation and provide it, via e-mail, to fellow students and faculty two days before the scheduled session. This will help all students and faculty prepare for the session and to be actively involved.

Students will be required to maintain complete and accurate records during the academic year. Monthly status reports and time logs are required to be submitted to faculty no later than the first day of each month.

All correspondence prepared by the students must be approved by faculty prior to the mailing of correspondence. Students shall maintain a signed copy of any correspondence prepared by the student and approved by faculty in the client’s case file.

**GRADING CRITERIA**
Students will receive letter grades for each semester from the University Of Baltimore School Of Law. Final grades and credit for the course will not be officially recorded until the end of the course.

**Grading Scale**

100-%-94% = A  
93%-83%    = B  
82%-72%    = C  
71%-61%    = D  
Below 61% = F

**Grading Will be Weighted as Follows:**

A total of 100 points is available per semester.

*Class Participation: 20%*

Preparation for and participation in each class is expected, including sessions dedicated to discussing other students’ cases. Preparation, delivery of the presentation and topic, and the quality of the analytical assessment of the case will be evaluated.

*Written Documentation: 30%*

Students will have assignments throughout the academic year that will have deadlines for completion and the assignment will include submission of written memorandums. In addition, students will be required to submit other written reports, including but not limited to monthly status reports, time logs, special reports, letters, etc. Written work will be reviewed and graded for content, grammar, analysis of issues, professionalism. Students are encouraged to consider every document they produce seriously before submitting it; it should be one that they would seek to prepare for any senior or managing partner in a law firm.

*Field Assignments: 40%*

As noted above, students will have assignments with deadlines. Many of these assignments will require the student to go out into the field to visit courthouses, interview witnesses, visit defense attorneys. MIPC faculty will go with students on some of these visits. Students will be assessed on their abilities to apply what they learn in the classroom component to the situation at hand, e.g. locating case records, solving problems that they may encounter, communication skills with clients, witnesses, law enforcement and others they may talk to, the thoroughness of their efforts and the overall progression of their case.

*Time Management: 10%*
A major component of any law practice is time management. Students will be required to submit reports, memorandums, and other required assignments on time. Students will also be required, as part of their case review and investigation, to remain in contact with supervising faculty, contact others related to the case and progress through the investigation in a timely manner. Failure to adequately manage one’s time will result in last minute, hurried decisions, reports or efforts and will reflect negatively on the progress of the case and the student’s grade. **Submission of assigned tasks and/or written assignments beyond the assigned deadline without securing an extension of the deadline prior to the late submission may result in an automatic grade point deduction and if it occurs repeatedly can result in a failing grade for the semester.**

**WEEKLY SCHEDULE**

**Class 1**- Students will be divided into pairs for purposes of case assignment. General orientation and scheduling of weekly team meetings.

**Class 2**- General introduction to the meaning of wrongful conviction and the various contributing causes such as mistaken eyewitness identification, false confessions, forensic science error, government misconduct and ineffective assistance of counsel. Explanation and demonstration of case analysis including development of case theory and investigative strategies for case development.

**Class 3**- Discussion of Maryland Post-Conviction Remedies and the prerequisites for utilizing different statutory schemes and the interaction of these various laws. Examination of prosecution and defense theories of the case as presented at trial and how newly discovered evidence might affect the defense theory.

**Class 4**- Continued exploration of Maryland Post-Conviction Remedies and the perquisites for utilizing different statutory schemes and the interaction of these various laws.

**Class 5**- Case Rounds
Lecture component will address issues related to eyewitness identification evidence.

**Class 6**- Case Rounds
Lecture component will address issues involved in false confessions.

**Class 7**- Case Rounds
Lecture component will cover overview of crime scene investigation and assessment of physical evidence and forensic testing including DNA.

**Class 8**- Case Rounds
Lecture component will cover issues surrounding forensic evidence.
Class 9- Case Rounds
Lecture component will address specific issues involved cases involving the use of discredited forensic comparison techniques

Class 10- Case Rounds
Lecture component will cover specific issues involving in government misconduct claims

Class 11- Case Rounds
Lecture component will cover the issues of ineffective assistance of counsel

Class 12- Case Rounds
Lecture component will cover selection of post-conviction remedies and how they are assessed in cases at different procedural stages.

Class 13- Lecture on litigation strategies.

Class 14- Lecture component will cover policy issues and reform proposals relating to eyewitness identification, false confessions, unreliable forensic evidence and other causes of conviction of the innocent

Class 15- Final class will be dedicated to a roundtable discussion of casework experiences and lessons learned throughout the semester