

**INNOCENCE PROJECT CLINIC**  
**LAW 800N-550 (4093)**  
**Weekly Class ROOM 304 Wednesday 5 pm to 7 pm**

**2017 Fall & Spring Semesters**  
**Class Syllabus and Curriculum**

Maryland Innocence Project faculty:

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Office Hours by appointment

**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. The TWEN site is listed under Innocence Project Clinic 800N.

THERE IS NO TEXTBOOK USED IN THIS COURSE

**Course Description:**

The UB Innocence Project Clinic (IPC) serves as a resource for men and women who have been convicted in a Maryland state court and 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 are 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 convicted defendants 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 concerning the cases.

### **Course Objectives and Student Learning Outcomes:**

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 and Expectations:**

Students will participate in the classroom component of the project by completing reading assignments before class each week and will participate in class discussions and demonstrate familiarity with the issues presented in the reading assignment. Students will also fully participate in the evaluation of cases through oral presentations **and** “active listening”, i.e. active discussion about other students’ cases.

Students assigned to present a case or cases at the weekly class meeting must 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.

Students will meet each week with supervising faculty to discuss the case or cases they have been assigned and must maintain complete and accurate records during the academic year regarding the work that has been performed on cases. Weekly status

reports and time logs are to be submitted to supervising faculty each week when meeting for weekly case supervision meeting.

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.

All students must be prepared to spend approximately nine hours each week on activities related to this course including class attendance, preparation for class and work on assigned cases.

Attendance at the weekly class and at all weekly supervision meeting is critical and the right to continued enrollment in the course is conditioned upon a record of attendance that meets the requirements set forth by the University of Baltimore School of Law.

## **GRADING CRITERIA**

Students will receive letter grades at the conclusion of the second 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. Students will receive a mid-course informal evaluation at the end of the first semester.

### **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. The failure to adequately manage one's time resulting in last minute, hurried decisions, reports or efforts 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 course.**

## **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 the meaning and utility of case theory as an organizing principle in litigation.

**Class 4-** Discussion and case illustration of the importance of the construction of a time line when reviewing the course of a criminal investigation.

**Class 5-** 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 6-** Continued discussion and exploration of Maryland Post-Conviction Remedies and the prerequisites for utilizing different statutory schemes and the interaction of these various laws.

**Class 7-** Case Rounds

Lecture component will address the existing legal framework for the admissibility of eyewitness identification evidence.

**Class 8-** Case Rounds

Lecture component will address issues involved in mistaken eyewitness identifications confessions.

**Class 9-** Case Rounds

Lecture component will cover social science research related to the factors that contribute to mistaken eyewitness identification. Overview of crime scene investigation and assessment of physical evidence and forensic testing including DNA.

**Class 10-** Case Rounds

Lecture component will cover an overview of crime scene investigation and the assessment of physical evidence.

**Class 11-** Case Rounds

Lecture component will include an introduction to the basics of forensic DNA testing.

**Class 12-** Case Rounds

Lecture component will cover basic principles of forensic testing and issues in DNA testing of crime scene samples.

**Class 13-** Case Rounds

Lecture component will cover integrating knowledge of the source of errors in handling evidence to the review of specific cases.

**Class 14-** Case Rounds

Lecture component will cover identifying and integrating the legal framework of Maryland post-conviction remedies to particular cases and the impact of the legal framework on investigative strategies.

**Class 15-** The final class of the first semester will be dedicated to a roundtable discussion of casework experiences and lessons learned throughout the semester.

## **SECOND SEMESTER**

### **Class 16- No Case Rounds**

Lecture component will cover an introduction to the legal framework governing the admission of confession evidence.

### **Class 17- Case Rounds**

Lecture component will cover the causes and consequences of false confessions.

### **Class 18- Case Rounds**

Lecture component will address law enforcement and legal reforms designed to detect and prevent false confessions.

### **Class 19- Case Rounds**

Lecture component will compare the proposed reforms to the administration of eyewitness identification procedures to proposed reforms to interrogation methods.

### **Class 20- Case Rounds**

Lecture component will cover an introduction to scientific evidence and its role in criminal cases.

### **Class 21- Case Rounds**

Lecture component will cover the variety of forensic disciplines utilized in criminal cases.

### **Class 22- Case Rounds**

Lecture component will cover the legal standards applied to the admission of scientific evidence.

### **Class 23- Case Rounds**

Lecture component will cover issues surrounding the reform of forensic science and need for more reliable methodologies and courtroom testimony.

### **Class 24- Case Rounds**

Lecture component will cover the issue of the role of prosecutorial and law enforcement misconduct in wrongful conviction.

### **Class 25- Case Rounds**

Lecture component will cover the history and meaning of the Brady doctrine and its application to the casework of the clinic.

### **Class 26- Case Rounds**

Lecture component will introduce the concept of ineffective assistance of counsel

### **Class 27- Case Rounds**

Lecture component will cover the development of an ineffective assistance of counsel claim.

**Class 28- Case Rounds**

Lecture component will cover the integration of ineffective assistance of counsel and Brady claims.

**Class 29- Case Rounds**

Lecture component will cover the issue of jailhouse informant testimony.

**Class 30- No Case Rounds**

The last class will be dedicated to a reflection upon the activities of the clinic over the course of the year.

**Computers:** Students may use laptops for class related purpose although use of laptops during the weekly class is discouraged.

**Class Cancellation:** If for some reason the weekly class or supervision session must be cancelled, notices will be sent to students via email and posted on the classroom door. In the event of inclement weather students should visit the University of Baltimore web site or call 410-837-4201. If the University of Baltimore is open, students should presume that classes are running on schedule.

**Academic Integrity:** Students are obligated to refrain from acts that they know or, under the circumstances, have reason to know will impair the academic integrity of the University and/or School of Law. Violations of academic integrity include, but are not limited to: cheating, plagiarism, misuse of materials, misrepresentation of any academic matter, including attendance and impeding the Honor Code process. The School of Law Honor Code and information about the process is available at <http://law.ubalt.edu/academics/policies and procedures/honor code/>.

**Title IX Sexual Misconduct and Nondiscrimination Policy:** The University of Baltimore's Sexual Misconduct and Nondiscrimination policy is compliant with Federal Laws prohibiting discrimination. Title IX requires that faculty, student employees and staff members report to the university any known, learned or rumored incidents of sex discrimination, including sexual harassment, sexual misconduct, stalking on the basis of sex, dating/intimate partner violence or sexual exploitation and/or related experiences or incidents. Policies and procedures related to Title IX and UB's nondiscrimination policies can be found at <http://www.ubalt.edu/titleix>.

**Disability Policy:** If you are a student with a documented disability who requires an academic accommodation, please contact Leslie Metzger, Director of Student Services at 410-837-5623 or [Imetzger@ubalt.edu](mailto:Imetzger@ubalt.edu).

