

Syllabus Fall 2011

Wrongful Convictions - Saturdays 9:15 to 11:15 room 105

Adjunct Professor John Riemer phone (651) 206-7379

ATTENDANCE POLICY

Academic Rule 1-110 establishes faculty prerogatives within its framework of required regular, punctual, and prepared attendance. Attendance is taken. Two absences that occur without a reasonable explanation and advance notice are considered excessive.

There is the possibility, of a guest speaker(s) in combining this class with the Hamline Law School Weekday Innocence Clinic, as well as the University of Minnesota Law School Innocence Clinic to accommodate a guest speaker. If these combined sessions occur on a day and time different from the scheduled class then attendance is encouraged but not required.

COMPUTER USE IN CLASS

Use of a computer is allowed in class for the purpose of taking notes, reviewing notes or retrieving class material.

TEXT

Scheck, Dwyer, Neufeld, Actual Innocence: When Justice Goes Wrong and How to Make it Right; and any assigned reading posted on TWEN

COURSE DESCRIPTION AND EXPECTATIONS

Since 1989 over 200 people have been exonerated and relapsed from prison by evidence resulting from post-conviction DNA testing. Exonerations have led the legal community to ask what went wrong; how could an innocent person be convicted and imprisoned? This course will explore the problems that lead to wrongful convictions. The course will also discuss and evaluate reforms designed to avoid wrongful convictions.

The syllabus and course schedule set below is subject to change. Reading materials may change. You will be notified of changes in the syllabus. New assigned readings and supplemental materials will be made available in class or via TWEN.

CLASS PARTICIPATION

Students are expected to read assigned readings. Students are expected to prepare for class. Class participation is a component of your grade.

DISCUSSION QUESTIONS / IN CLASS EXERCISES

You are expected to check TWEN on a regular basis. Via TWEN I will post discussion questions. You will be given reasonable notice in class or via the e-mail address you use for TWEN of a posted discussion question. You are expected to post a response on the TWEN by 10:00 p.m., the day before class. A brief response is sufficient.

I will also post via TWEN exercises that we will do in class. Students are expected to participate and prepare for the in class exercises.

FINAL ASSIGNMENT

Your final is in essence an advocacy project demonstrating your knowledge of factors that contribute to wrongful convictions. Your knowledge can be demonstrated one of two ways.

1) Take home final assignment. From provided case material you will prepare a case summary and evaluate a claimant application for assistance submitted to the Minnesota Innocence Project. Receipt of the case materials requires you to sign and abide by a confidentiality agreement and to return the case materials. The case materials will be distributed in class on April 10, 2010. It is due along with the return of the materials at the last class session April 24, 2010.

OR YOU MAY CHOOSE

2) An instructor approved advocacy project. An example would include writing an amicus brief 12-15 pages (or the relevant jurisdiction appellate format), for a claim of wrongful conviction addressing class discussed factors that contributed to a wrongful conviction. Another example is a research paper of 12 - 15 pages of an instructor approved topic one or more factors that contribute wrongful convictions can. Another example would be a 12 - 15 page legislative proposal for: legal and systemic reform to prevent wrongful convictions; what procedures should be in place to help assess an inmate's current claim of actual innocence; what amends should be made to those exonerated. **THIS IS AN INSTRUCTOR APPROVED TOPIC AND FORMAT.** We will discuss in class and one-on-one possible topics and format. The project is due at noon Saturday May 1, 2010.

GRADING

Your grade will be based upon: Class participation (10 points); a review of your TWEN postings on discussion questions and your work for the in class exercises (15 points); and the quality of your final assignment (75 points).

CLASS SCHEDULE

Class 1 8/13/11	Introduction to Wrongful convictions and Innocence Project research. Read: Scheck - Chapter 1.
Class 2 8/20/11	Forensic science for the Innocent. How DNA works and aids exoneration. Read: Scheck Ch. 2.
Class 3 8/27/11	Eyewitness Frailty Read: Scheck Ch. 3
BREAK 9/3/11	LABOR DAY WEEKEND HOLIDAY
Class 4 9/10/11	False confessions. How the interrogation process and its psychology and coercive environment prey upon human frailty. Read: Scheck Ch. 4
Class 5 9/17/11	Informants. Prosecutors little helper. How the legal process provides systemic incentives to create a so called snitch and embellished evidence. Read: Scheck Ch. 6.
Class 6 9/24/11	Junk science: Forensic science for the Innocent part two. Science with no standards but with an agenda. Read: Scheck Ch. 7.
Class 7 10/1/11	Government agents and misconduct. Prosecutors' failure to disclose, abuse of process and enabling testilying. Ethics of prosecution for a preconceived result. Read: Scheck Ch. 8.
Class 8 10/8/11	Adequate representation. What is the effect of a lawyer who was breathing and present in court. Read: Scheck Ch. 9.
Class 9 10/15/11	Race: Assumptions, biases, and legal history can they all be wrong? Read: Scheck Ch. 10
BREAK 10/22/11	MID-TERM BREAK
Class 10 10/29/11	Over view: Is the law a shield or a weapon. How does social ideology contribute to the legal error of a wrongful conviction? Legal philosophy question are you a Blackstonian or a Benthonian? Reading materials will be provided via TWEN
Class 11 11/5/11	The Death of Innocents. Read: Scheck Ch. 11. CASE MATERIAL FINAL ASSIGNMENT DISTRIBUTED
Class 12 11/12/11	Habeas Corpus and Post-Conviction Relief. Media and investigative journalism. Which has more power, the court or the media to compel the release of a person who has demonstrated actual innocence? Reading materials will be provide via TWEN

Class 13 11/19/11	LAST CLASS What have we learned? Read: Scheck Ch. 12, 13, and 14. CASE MATERIAL FINAL ASSIGNMENT DUE
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