

**SYLLABUS**  
**Criminal Misdemeanor Clinic**  
**Fall 2013**  
**Professor Kate Kruse**

**CLASS MEETS:**

Tuesdays 2:30-4:40 pm  
Room 303

**COURSE MATERIALS:**

**REQUIRED:**

STEFAN H. KRIEGER & RICHARD K. NEUMANN, JR., *ESSENTIAL LAWYERING SKILLS* (4<sup>th</sup> Ed. 2011).

Additional materials will be posted on the TWEN site.

**RECOMMENDED:**

CHARLES H. ROSE III, *FUNDAMENTAL TRIAL ADVOCACY* (2d. Ed. 2007).

EDWARD J. IMWINKELRIED, *EVIDENTIARY FOUNDATIONS* (7<sup>th</sup> Ed. 2008).

**PROFESSOR'S CONTACT INFORMATION:**

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**LEARNING OUTCOMES FOR THE COURSE**

- Students will demonstrate the capacity to establish and maintain a lawyer-client relationship based on empathy, trust, communication, and cross-cultural awareness.
- Students will demonstrate the ability to prepare and carry out a legal research and fact investigation plan for a case.
- Students will demonstrate the ability to translate legal knowledge into legal advice that is responsive to their client's legal objectives and non-legal concerns.
- Students will demonstrate the ability to maintain good professional relationships with office staff, courtroom personnel, and other members of the legal community.
- Students will demonstrate the ability to work collaboratively with others by inviting feedback on their own work and by adding value to the work of others.
- Students will use their clinic experience as a basis for personal reflection on the role of lawyers, the process of lawyering, and the critical evaluation of the criminal justice system.

## **CASEWORK, SUPERVISION, AND CLASSWORK:**

Your clinic experience is based on three major components: casework, supervision, and classwork. Our cases come from the Tenth District Office of the State Public Defender, located in Anoka, Minnesota.

### **Casework**

To receive full credit for the clinic, you are expected to do at least 70 hours of casework and to keep a contemporaneous record of your time. Any work you do on the cases that are assigned to you, any time you spend in court on the in-custody arraignment, probation revocation, or other calendars, and any individual meetings with me about your cases count toward casework. Time spent in the classroom and time spent preparing for class does not count toward the 70 hours of casework.

#### *Court Calendars*

To familiarize you with the workings of the court system and to give you experience in client interaction and courtroom advocacy, you will spend one morning per week rotating between one of two court calendars: in-custody arraignments and probation revocations. These calendars are regularly covered by law students as part of the law clerk program at the public defender office in Anoka, and our calendar work participates in that program. You will begin by shadowing and observing our Student Directors on these calendars. As you become familiar with the work, you will make appearances on behalf of the clients. I will rotate between these calendars to observe your work and provide feedback.

As part of your learning experience, I expect you to keep a weekly journal of your experiences on the court calendars. Each week, write at least one paragraph reflecting on some aspect of your experience. Also, keep track of anything you didn't understand or want to look up about Minnesota criminal law or procedure. You will turn this journal in at the mid-semester evaluation.

#### *Clinic Clients*

The heart of the clinic experience is the ability to represent a client directly: to research, analyze and prepare their case; to counsel and advise them about their options; and to negotiate and advocate on their behalf. To help you develop those skills, you will be assigned misdemeanor cases that are set for pre-trial hearings. When you are assigned a case, you will interview your client, prepare a research and investigation plan, visit the scene of the alleged crime, interview potential witnesses, and do other necessary research and investigative work. We choose clinic cases because they have potential suppression issues or defenses that merit further research and investigation, and we use the cases to teach the steps that lawyers go through in working up a case in litigation.

The 70 hours of casework are a minimum requirement to get clinic credit. They do not exhaust your professional responsibilities to your clients. As with any lawyer, you are expected to do the work necessary to complete the representation of your clients, which may extend beyond the last day of classes. If your casework will extend significantly beyond the end of the semester, you will be expected to take professional responsibility for getting the case in good shape to be

transferred back to the public defender's office without detriment to your client.

### **Classwork**

Clinic classes are interactive and collaborative. The readings are designed to familiarize you with some of the principles and techniques of client-centered representation and courtroom advocacy. Ideally, the classroom component will follow the needs of the cases, taking up topics that are directly pertinent to the casework you are doing. To achieve this goal, we are likely to shuffle the classes around as the semester proceeds or forego some of the assigned topics in favor of others.

Most of the assigned readings are from Krieger & Neumann's Essential Trial Skills textbook. Rather than discussing these readings, we spend time in class implementing techniques that are explained in the reading, either with simulated clients or (more likely) with one of the cases that one of you is working on. We will also spend a portion of each class in what are called clinic case rounds: working together as a group on an issue, problem or event that has arisen in at least one of your cases during the week. Case rounds might include debriefing your experiences in court, discussing an interesting ethical issue that has arisen in one of your cases, or mootng an upcoming event in one of your cases.

Class attendance is expected. This is a small class, and your absence will significantly affect the class dynamic. If you are going to be unable to attend a class session, please let the rest of the class know in advance.

### **Weekly Supervision Meetings**

You will meet weekly with me to discuss the progress on your cases, debrief any events that have occurred during the week, and prepare the next steps you will take in representing your clients. As the student attorneys, these are your cases, and I expect you to come to the meetings prepared to report on the work you have completed on the case, to propose the next steps you plan to take on the case, and with a list of questions or issues that you want to discuss with me.

### **GRADING:**

You will be assessed on your initiative, effort, and achievement of the Hamline Clinic Standards. You will not be graded on whether you win or lose a case, or on what outcome you are able to achieve for a client. What matters is your demonstrated ability to learn from your clinic experiences—good and bad. In addition, you are expected to push yourself to do your very best for your client, to come to class prepared and ready to participate, to work collaboratively with your peers in their cases as needed, to come to weekly supervision meetings prepared to discuss the issues that are arising in the cases with updated case memoranda, and to meet the expectations of the clinic office staff as to record-keeping and other office procedures.

We will meet in a mid-semester meeting to evaluate your progress toward the goals set out in the syllabus and the Hamline Clinic Standards. There will also be an end-of-semester evaluation. Each of these processes will require you to write a reflection paper that assesses your progress toward the learning objectives and to meet with me to discuss your progress and achievements.



## CLASS ASSIGNMENTS

### **Tues. 8/27 Introduction to Clinic and Minnesota Criminal Procedure and Bail Standards**

- Minnesota Rules of Criminal Procedure, Rule 6
- Barbara Babcock, *Defending the Guilty*, 32 CLEV. ST. L. REV. 175 (1983) (excerpt).

First court calendars: Wednesday, August 28

### **Tues. 9/3 Case Theory and Persuasive Storytelling**

- Chapter 13, *The Story Model of Organizing Facts*, KRIEGER & NEUMANN.

### **Tues. 9/10 Case Investigation and Planning**

- Chapter 11, *The Legal Elements Model of Organizing Facts*, KRIEGER & NEUMANN.

First cases on misdemeanor calendar: Monday, September 16

### **Tues. 9/17 Client Interviewing**

- Chapter 8, *Interviewing the Client*, KRIEGER & NEUMANN.

### **Tues. 9/24 Negotiation (Plea Agreements)**

- Chapter 23, *How Negotiation Works*, KRIEGER & NEUMANN.

### **Tues. 10/1 Client Counseling (Plea Counseling)**

- William H. Simon, *Lawyer Advice and Client Autonomy: Mrs. Jones's Case*, 50 MD. L. REV. 213 (1991) (excerpt).
- Chapter 21, *The Counseling Meeting with the Client*, KRIEGER & NEUMANN.

### **Tues. 10/8 NO CLASS**

### **Tues. 10/15 Interviewing Witnesses**

- Chapter 9, *Interviewing Witnesses*, KRIEGER & NEUMANN.

### **Tues. 10/22 Analyzing Suppression Issues**

- Minnesota Judges Criminal Benchbook, sections 1.02-1.04.

### **Tues. 10/29 OPEN DATE\***

### **Tues. 11/5 OPEN DATE\***

### **Tues. 11/12 OPEN DATE\***

### **Tues. 11/19 OPEN DATE\***

\*These classes are left open to reserve time for topics of interest or need that arise during the

course of the semester. Such topics might include trial advocacy techniques (like cross-examination and impeachment) or more general issue of criminal law and policy.