

# *Innocence Clinic – Weekdays Syllabus*

This clinical course contains both a substantive and “hands on” component. The substantive component is comprised of readings and any information imparted from guest speakers who may appear. The “hands on” component is the work performed on behalf of inmates who are claiming actual innocence of the crimes for which they are serving prison time.

A clinical course is, by its nature, a flexible undertaking. In order to make progress on the investigation of an inmate’s claim of actual innocence, adjustments may be necessary in the schedule that is published here. Also, the reading materials may change, depending upon the issuance of new, pertinent court decisions or legislative activity. With all that in mind, here is the syllabus.

## 1) Required, Recommended, and Supplemental Readings

Readings will be assigned from the materials listed in the following pages. All of the materials that are assigned will eventually be posted on the TWEN board for this clinic. The materials will be posted under the Course Materials link.

## 2) Statement of Goals and Objectives

This clinic offers students a chance to learn about the causes of wrongful convictions and the hands-on opportunity to attempt to remedy them. The reading material will cover such topics as the unreliability of eyewitness identification, false confessions, snitch testimony, ineffective assistance of counsel and racial bias in the court system. An emphasis will be placed on understanding the distinction between trial issues, appellate issues and post-conviction issues. This allows students to learn some of the procedural pitfalls often faced by the legal practitioner. There may also be guest speakers from various areas of expertise.

While acquiring this basis of knowledge, the students will then work on actual cases submitted by inmates who are claiming innocence. Students will obtain source material – police reports, forensic reports, court pleadings, transcripts, appellate briefs and opinions - and read them to present for discussion during class. Based on classroom discussion, the students may then have the opportunity to correspond with or visit the inmate, interview potential witness, talk with defense attorneys, prosecutors and police officers, and do any other investigation necessary. Once this investigation is done, the

students will be instrumental in deciding whether the inmate's claim should be rejected or litigated. Some local travel will be required.

### 3) Attendance Policy

Academic Rule 1-110 establishes faculty prerogatives within its framework of required regular, punctual, and prepared attendance. *Syllabus Policy*: I do keep track of who is in attendance at each week's class. I will consider two absences that occur without a reasonable explanation and advance notice to be "excessive." In as much as class participation is a component of your grade it is all the more important that you be able to attend.

There is the possibility, on an ad hoc basis, of combining this class with either the Week-end Innocence Clinic or the Wrongful Convictions Course to accommodate a guest speaker. If these combined sessions occur on a day and time different from the scheduled class then attendance is hoped and encouraged but not required.

### 4) Testing and Grading

There is no written final examination. This is not to say that there will be no writing "assignments" on materials that you are assigned to read. Students will also likely draft and send correspondence to inmates, prosecutors, defense attorneys and others; these "public" writings must be approved before sent. Students may also draft pleadings for submission to various courts, which must also be approved before submitted. Students will be expected to contribute to the Discussion Board on TWEN; such postings are intended first as an informational tool and secondarily as a legal writing exercise.

The grading criteria are posted on the TWEN board, under the Course Materials link. The focus of the criteria is on student activities on behalf of inmates whose claims of actual innocence they are pursuing. However, in addition to direct activities on inmate files, "indirect activities, such as class attendance, class preparation, class participation, and TWEN postings are included. Please also keep in mind that it will not go unnoticed if it appears that students have chronically not become familiar with any weekly "required" reading assignment.

There is a requirement of seventy (70) hours of case work. You are certainly not prohibited from exceeding this amount, but there are no bonus points for exceeding it. On the other hand, the failure to achieve seventy hours will be factored into the final grade.

### 5) Class use of Computers

You will find it useful to have your laptop with you during class. We look things up. Reading materials are posted on TWEN; you may or may not print out a paper copy of those materials depending upon your preference. You may have posted a summary of your activity on a particular file on TWEN in which case you may find it helpful to refer to it during a class discussion of that file. On the other hand, playing video games, posting photographs to Flickr, engaging in other unrelated activities are to be avoided.

## ***SYLLABUS***

As circumstances require, this syllabus may be modified or changed. This listing is only intended to identify the reading materials that likely will be assigned. The actual assignments, and the dates of those assignments, will be provided as the semester progresses.

0	Pre-Semester	0.1	Student Confidentiality Agreement
		0.2	Project Confidentiality Agreement.
		0.3	Student ID Information
		0.4	The Aftermath of an Exoneration
		0.5	Reality TV Goes After Exonerations
		0.6	Itching to Know What (and How) You see

<b>Class</b>	<b>Date &amp; Time</b>	<b>Materials</b>	
1	Wednesday 6:00 p.m. - 7:50 p.m.	1.1	Does It Pay to be Exonerated?
		1.2	Dallas Exoneration
		1.3	Exel file on which to record hours
		1.4	Exonerees Struggle, Dallas Morning News
		1.5	Grading Criteria
		1.6	Townsend Questionnaire
		1.7	Police Reports
		1.8	Townsend Photograph
		1.9	Shakir-Bey Photograph
		1.10	Townsend Map
		1.11	Townsend Exercise Questions
		1.12	Power Point Outline
2	Wednesday 6:00 p.m. - 7:50 p.m.	2.1	Class 2 Assignment
		2.2	Exonerations in the United States
		2.3	The Great Unobtainable Writ
		2.4	O'Bryant Decision.pdf
		2.5	3900 Years, Outline

		2.6	Jerry Miller Profile
3 & 4	Wednesday 6:00 p.m. - 7:50 p.m.	3.1 3.2 3.3 3.4 3.5 3.6 3.7 3.8	M.S.A. 590.01 et.seq. Knaffle Opinion Wilson Opinion Turnage Opinion Vance Opinion Schleiler Opinion Caldwell Opinion Dukes Opinion
5	Wednesday 6:00 p.m. - 7:50 p.m.	5.1 5.2 5.3 5.4 5.5 5.6 5.7 5.8	Helterbridle Opinion Miles Opinion LeGrand Opinion Manson v Brathwaite Revisited Exemplar: Sequential Form, SPPD Exemplar: Photo Array, SPPD Eye Witness Identification Power Point Outline Dubous Opinion
6	Wednesday 6:00 p.m. - 7:50 p.m.		Eyewitness Identifications, Power Point 6.1 Outline 6.2 Video Clips 6.3 Eyewitness Survey Results 6.4 Witness Confidence
7	Wednesday 6:00 p.m. - 7:50 p.m.		Is Erroneous Conviction More Likely in Capital Cases? 7.1 7.2 Convicting the Innocent 7.3 Kansas v Marsh Opinion 7.4 Marsh: Souter Dissent
8	Wednesday 6:00 p.m. - 7:50 p.m.	8.1 8.2 8.3 8.4 8.5	Tribune I Didn't Do It .June 25 Tribune .Phantom. June 26 Tribune. Co-Prosecutor Knew. June 26 Tribune: Did One Man Die. June Punishing the Innocent
9	Wednesday 6:00 p.m. - 7:50 p.m.	9.1 9.2 9.3 9.4	CSI Effect, Fact or Fiction CSI Effect Viewing CSI and the Threshold of Guilt Jack Bauer Syndrome
10	Wednesday 6:00 p.m. - 7:50 p.m.	10.1	Convicted by Juries Exonerated by Science
11	Wednesday 6:00 p.m. - 7:50 p.m.	11.1	DNA Lecture, Christine Funk

12	Wednesday 6:00 p.m. - 7:50 p.m.	12.1 12.2 12.3 12.4	Position Paper on False Confessions Ashcraft Opinion False Confessions: Bringing Reliability Back False Confessions: Power Point Outline
13	Wednesday 6:00 p.m. - 7:50 p.m.	13.1 13.2 13.3	Conger Opinion Sanders Opinion Questioning the Relevance of Miranda in the Twenty-First Century
14	Wednesday 6:00 p.m. - 7:50 p.m.	14.1 14.2	Review of Closing Memoranda File Maintenance & other End of Semester Tasks