

	<p>SYLLABUS INNOCENCE CLINIC - WEEKENDS</p>
	<p>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.</p> <p>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.</p> <p>Also, the reading materials may change, depending upon the issuance of new, court decisions or legislative activity. Keep this in mind. Please note that you will be notified of changes in the syllabus.</p>
	<p>GOALS AND OBJECTIVES</p> <p>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 identifications, 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.</p> <p>With this basis of knowledge, the students will then work on actual cases submitted by inmates who are claiming innocence.</p> <p>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. Everyone is encouraged to visit an inmate.</p>
	<p>ATTENDANCE POLICY</p> <p>Academic Rule 1-110 establishes faculty prerogatives within its framework of required regular, punctual, and prepared attendance.</p> <p>Attendance is taken. Two absences that occur without a reasonable explanation and advance notice are considered excessive.</p> <p>There is the possibility, on an ad hoc basis, of combining this class with the Hamline Law School Weekday Innocence Clinic, as well as the University of</p>

	<p>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.</p>
	<p>TESTING AND GRADING</p> <p>There is no written final examination. This is not to say that there will be no writing "assignments." Students will 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.</p> <p>The focus of the grading 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. It will not go unnoticed if it appears that students have chronically not become familiar with any weekly "required" reading assignment.</p> <p>Students are expected to submit requested work by deadlines established. Class participation is a component of your grade. A minimum of Seventy (70) hours of clinic case work is required. For more information please refer to the course TWEN page user course materials week 1 Grading Criteria.</p>
	<p>COMPUTER USE IN CLASS Use of a computer is allowed in class for the purpose of taking notes, reviewing notes or retrieving class material.</p>
<p>WEEK 1 August 16, 2008</p>	<p><u>Introduction:</u> Intro to Innocence Clinic Hours.v1.xls Grading Criteria.rev. TWEN - must enroll</p> <p><u>Case Processing</u> Criteria.PDF Rejection Summary.doc Student confidentiality form. Clinic Confidentiality form</p> <p><u>Supplemental Material</u> North Carolina Innocence Inquiry</p>

	(on TWEN Web Links) NPR web audio link (on TWEN web links page)
WEEK 2 August 23, 2008	<p><u>Preliminary Discussion of Cases via Sample</u></p> <p>1 Police Reports.pdf 2 Townsend.PDF 3 Shakir-Bey.PDF 4 Questionnaire. PDF 5 townsendreport.doc</p> <p><u>ASSIGNMENT OF CASE FILE</u></p> <p><u>Causes of Wrongful Convictions</u> Overview</p> <p><u>SUPPLEMENTAL MATERIAL</u> Meaningless Acquittals.49RULR1317</p>
NO CLASS August 30, 2008	LABOR DAY HOLIDAY
WEEK 3 September 6, 2008	<p><u>GUEST SPEAKER Julie Jonas</u> HABEAS CORPUS and Post Conviction</p> <p>A.1 MN ST s 590.01 (review entire post conviction statue)</p> <p>A.2 Herrera v. Collins, 506 U.S. 390 (1993)</p> <p>A.3 Knaffla 243 N.W.2d. 737 (Minn. 1976)</p> <p>A.4 Ferguson 645 N.W. 2d 437 (Minn. 2002)</p> <p>A.5 Hooper 680 N.W.2d 89 (Minn2004)</p> <p><u>Supplemental cases</u> Nelson v. Hvass 280 F.3d 872 Ault 238 F.3d 1033 Peterson 200F.3d 1202 Williams 299 F.3d 981</p>
WEEK 4 September	<p><u>Discussion of Investigation Techniques and Approaches</u> - Cromett Forensic Magazine Oct/Nov 2005 - The Work of an Innocence Project</p>

13, 2008	- Review IP MN Legal Volunteer Manual To be handed out in class
WEEK 5 September 20, 2008	<u>Eyewitness Identification</u> DOJ Report Convicted by Juries, Exonerated By Science Read pages 1 - 33 Wells - Confidence of Eyewitness <u>Supplemental Reading</u> National Survey on Police Lineups
WEEK 6 September 27, 2008	<u>Eye Witness Testimony</u> Survey of Judges on Eyewitness testimony Miles 585 N.W.2d 368 (Minn. 1998) Holguin - Racial Classifications <u>Supplemental Reading</u> Training Manual for police: Eyewitness Evidence.DIJ.NIJ Sept 03
WEEK 7 October 4, 2008	<u>Approaches to Lineups/ witness identification</u> Wells - Eyewitness Identifications: Systemic Reforms WI L Rev 2006 Texas El-Paso general principles on Lineups Hennepin 2003 New Line Up Procedures Overview of Illinois Lineup Data aka The Chicago Report Stebly May 2006 Observations on Illinois Data WI 2006 response to Chicago Report <u>Supplemental materials</u> http://eyewitness.utep.edu/consult02a.html (on TWEN web links as Texas El-Paso Exercise) WI 2005 Eyewitness Reforms- Model Policy for Identification Mecklenburg Report aka The Chicago Report
WEEK 8 October 11, 2008	<u>Interrogation</u> Kassin: I'm Innocent Effects of Training on Judgments on Truth and Deception in the Interrogation Room. Law and Human Behavior vol 23 no. 5 (1999) <u>Supplemental Material</u> CBC story - Inside the Interrogation Room (on TWEN web links page) http://www.cbc.ca/disclosure/archives/030128_confess/main.html
NO CLASS October 18, 2008	Mid-term Break

<p>WEEK 9 October 25, 2008</p>	<p><u>Interrogation</u> The Reid Technique Kassin: Why People Waive Miranda. Law and Human Behavior vol 28 no. 2 (2004)</p> <p>Reid Technique outline - 9 steps <u>Supplemental Material</u> will be provided in class</p>
<p>WEEK 10 November 1, 2008</p>	<p><u>False Confessions</u> Conti: Psychology of False Confession (1999)</p> <p><u>Supplemental Readings</u> Kassin: I know a False Confession (2005) Law Review Article: Problems of False Confessions in the Post DNA World 82 N.C.L. Rev. 891</p>
<p>WEEK 11 November 8, 2008</p>	<p><u>DNA Evidence and the Courtroom</u></p> <p>APRI DNA Evidence Policy Considerations for Prosecutors</p> <p>APRI Forensic DNA Fundamentals for Prosecutors</p> <p><u>Supplemental Material</u> NIJ Journal 255 - Can Jury Innovation Improve Juror Understanding of DNA Evidence (pages 2 to 7) (pages 6 of 32 to 11 of 32)</p> <p><u>Guest Speaker - Christine Funk</u> DNA Evidence</p> <p><u>Supplemental Material</u> Internet Demonstration on DNA http://www.dna.gov/repository</p>
<p>WEEK 12 November 15, 2008</p>	<p><u>What Does it All Mean</u> Exonerations in the United States</p>
<p>WEEK 13 November 22, 2008</p>	<p><u>Wrap Up and Discussion of Exit procedures</u> Sample exit memos will be posted on course materials LAST CLASS</p>