

CRIMINAL DEFENSE CLINIC

Course LAW 6942 Fall 2018

Professor Monique Haughton Worrell

“INJUSTICE ANYWHERE IS A THREAT TO JUSTICE EVERYWHERE”

[Martin Luther King Jr.](#), *Letter from Birmingham Jail, April 16, 1963*

CONTACT INFORMATION

Professor Haughton Worrell: My office is in Bruton-Geer Hall 100C. I have office hours on Wednesdays from 11am to 1pm, and by appointment. If you need an appointment, please email me at haughton@law.ufl.edu or call (352) 273- 0800 or (407) 467-5055.

COURSE DESCRIPTION

The Criminal Defense Clinic at the University of Florida College of Law provides students with an opportunity to defend indigent clients charged with criminal offenses under the direct supervision of a licensed attorney,

The clinic is a nine credit course. 6 credits are pass/fail and 3 credits are graded. Class will meet on Mondays from 1:00 - 2:50 p.m. in room 350.

COURSE GOALS AND OBJECTIVES

Interns will develop skills in interviewing, counseling, plea negotiation, jury selection and a variety of other areas that are specific to the practice of criminal law. Interns will be confronted with a multitude of legal, social, economic and political issues that are pervasive in the practice of criminal law such as:

- the social, economic, or cultural connections or challenges between lawyers and clients (particularly indigent clients) that may aide or impede communication;
- the conflicts that a lawyer may experience in their duties to their client and others, such as the bar, the court, society, or the lawyer's own values;
- the need for timely decision making that is competent, ethical, legal and consistent with a client's interests and ideals;
- the system's treatment of the state, alleged victims, law enforcement, witnesses, and the defendant;

- and the potential for defining and achieving justice in the criminal justice system, as well as identifying obstacles to achieving justice in the criminal justice process.

Interns are expected to maximize their learning experiences in the clinic in order to develop professional competence in criminal litigation; so that their practice in the clinic is consistent with the highest standards of criminal practice.

COURSE MATERIALS

- West's Florida Criminal Laws and Rules.
- The Florida Statutes, Rules of Criminal Procedure, simulations and other relevant material.
- Mauet, Trials (on reserve in the library)

COURSE TECHNOLOGY

Calendar, assignments and class updates will be posted on the course CANVAS page.

ASSIGNMENTS

The assignments for this semester will consist of:

- A mock client interview- students will be required to conduct a mock interview of a client based on a provided fact pattern. The interview will be recorded. Students will be required to review the video and provided a written critique.
- A mock plea negotiation. Students will be required to engage in a plea negotiation based on the mock client in their fact pattern.
- A mock jury selection. Students will be required to engage in a jury selection. Students will need to prepare a written analysis of the jury selection process and a written critique of their video review.
- A written motion from work in your office, or short paper. Students will be required to submit an original motion written during the course of their internship. The student must independently research and write the motion. Form motions are not acceptable. An additional option is to write a paper based on research pertaining to a legal matter encountered during the course of the internship. The paper must include citations to cases. The topic must be approved in advance. The motion/paper should be 5-10 pages.
- Skill Development Log- students are required to maintain a log tracking their experiences.

- Time Sheets – All interns must maintain time sheets. Failure to enter hours on a weekly basis may lead to a student being denied credit for that week's work. Time sheets for the prior week must be turned in by of the following week Wednesday by 5:00pm. Submit your time sheets via canvas.

ATTENDANCE

Attendance in class and at your scheduled office hours is crucial. Both the professor and site supervisor must be notified in advance of any absence or deviation from scheduled hours. Failure to obtain prior approvals can result in being dropped from the program. The professor must also be notified in advance of any absence from class. Excessive absences may lead to your being asked to drop the class. Three or more absences may be considered excessive. Three lateness's will be counted as one absence. Religious observances will not count as absences with advance notice to the professor and site supervisor.

EVALUATION

As a Public Defender intern, you are required to spend at least twenty five (25) hours per week performing work for the Public Defender's Office for a minimum of 350 hours for the semester. Any work performed on behalf of a client can count towards the twenty five hour commitment. Time spent in court, reviewing files, researching issues, interviewing witnesses, all counts toward your commitment. Attendance at the weekly clinical seminar at the Law School is required but does NOT count as part of your twenty five hours.

There are two components to your Clinic grade. The seminar portion of the Clinic is worth three letter graded credits. The Clinic professor is responsible for the seminar portion of your grade. The grade for the seminar portion will be determined by intern's attendance in seminar class, time sheets, completion of all assignments in a professional and satisfactory manner, and being prepared to participate fully in class discussions and exercises. Interns are expected to come to each class with a specific legal topic to discuss, based on their observations or case work for that week.

CLASS GRADING SCALE

Attendance and Participation	10 points
Time Sheets (completed and turned in on time)	10 points
Mock Client Interview	15 points
Mock Plea Negotiation	15 points
Mock Jury Selection	20 points
Written Motion (from work in your office) or short paper	20 points
Skills Development Log	10 points
Total	100 points

INTERNSHIP GRADING SCALE

The balance of your Clinic credits (from your work in the Public Defender Office), are graded on a Satisfactory or Unsatisfactory scale. The Clinic professor and the supervisor compute this grade together. If the student has substantial involvement with another attorney in the office, that attorney will be consulted as well. **HOWEVER, THE CLINICAL SUPERVISOR HAS PRIMARY RESPONSIBILITY FOR SUPERVISING ALL INTERNS.** The work performed for the Public Defender will be evaluated in the following areas:

1) Knowledge of office procedures: In this category, some of the areas which will be evaluated are whether the intern demonstrates familiarity with office procedures? Does the intern work within the guidelines established for the office. Does the intern work effectively with office personnel.

2) Client interaction: Here the intern will be evaluated on the basis of whether he or she has been diligent and thorough in contacting clients; addressing client concerns; keeping the client informed of progress on the file, and involving the client in the decision making process throughout the course of representation.

3) Case management: Intern maintenance of the files will be evaluated. Factors which are considered are how well the files are documented. Has the intern created a record of actions taken on the case, maintained notes of significant conversations with the client, witnesses or the adversary. Are copies of email from the state attorney's office maintained in the file; and last but certainly not least does the file demonstrate that the intern has been working and developing the legal issues in the client's case.

4) Adherence to ethical obligations. Does the intern reflect an understanding and appreciation of the practical application of the rules of professional conduct. Has the intern performed professionally with regard to adversaries, the court and the client? Has the intern provided zealous and competent representation to the client? The Rules of Professional Conduct can be found in Chapter 4 of the Rules Regulating The Florida Bar. You will face many situations in the internship when you will be required in interpret the rules. If you are taking Professional responsibility concurrently with the clinic, you cannot wait until your PR class reaches relevant issues. You must familiarize yourself with the rules of Professional Conduct ahead of your class schedule.

In each area a determination will be made as to whether the intern a) failed to meet minimal standards of performance; b) met minimal standards of performance but needed improvement; c) performed at satisfactory levels; and d) met and exceeded satisfactory level of performance.

The intern grade is not dependent upon the intern being the "best" in the class. Each intern is graded on her or his individual ability to meet the standards set forth.

UF POLICIES

UNIVERSITY POLICY ON ACCOMMODATING STUDENTS WITH DISABILITIES:

Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

UNIVERSITY POLICY ON ACADEMIC MISCONDUCT: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

NETIQUETTE: COMMUNICATION COURTESY: All members of the class are expected to follow rules of common courtesy in all email messages, threaded discussions and chats.

[Describe what is expected and what will occur as a result of improper behavior]

<http://teach.ufl.edu/docs/NetiquetteGuideforOnlineCourses.pdf>

GETTING HELP:

For issues with technical difficulties for E-learning in Sakai, please contact the UF Help Desk at:

- Learning-support@ufl.edu
- (352) 392-HELP - select option 2
- <https://lss.at.ufl.edu/help.shtml>

Any requests for make-ups due to technical issues **MUST** be accompanied by the ticket number received from LSS when the problem was reported to them. The ticket number will document the time and date of the problem. You **MUST** e-mail your instructor within 24 hours of the technical difficulty if you wish to request a make-up.

Other resources are available at <http://www.distance.ufl.edu/getting-help> for:

- Counseling and Wellness resources
- Disability resources
- Resources for handling student concerns and complaints
- Library Help Desk support

Should you have any complaints with your experience in this course please visit <http://www.distance.ufl.edu/student-complaints> to submit a complaint.