

# LAW6942/LAW6942: Criminal Clinic-Prosecution, Fall 2018

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## **COURSE SYLLABUS PROSECUTION CLINIC: Fall 2018**

### **INSTRUCTOR'S CONTACT INFORMATION:**

Sarah H. Wolking

Office Location: 132 Bruton-Geer Hall

Cell: (510) 376-7837

Email: [wolking@law.ufl.edu](mailto:wolking@law.ufl.edu)

Office Hours: By appointment

### **REQUIRED TEXTBOOK:**

George R. Dekle, Sr. *Prosecution Principles: A Clinical Handbook.*

### **OTHER RECOMMENDED TEXTS:**

- Florida Rules of Criminal Procedure
- ABA Standards for Criminal Justice: Prosecution and Defense Functions
- NDAA National Prosecution Standards, 3rd Ed.
- ABA Model Rules of Professional Conduct
- Florida Rules of Professional Conduct

### **COMMUNICATION WITH PROFESSOR:**

Students should feel free to contact me at any time to discuss legal issues or questions related to the clinic. Students may contact me via email, text or cell phone.

### **COURSE OBJECTIVES AND GOALS:**

To familiarize students with all aspects of the art and craft of prosecution. To instill in students an understanding of and appreciation for the ethical requirements of being a prosecutor.

To equip students with the practical skills necessary to become great prosecutors. The work students will be assigned will be the type typically handled by a prosecutor in a State Attorney's Office, intellectually challenging, and it should contribute to professional

growth and development. To promote these objectives, students will:

1. Demonstrate proficiency in the technical aspects of being a prosecutor;
2. Engage in legal research and writing;
3. Examine the laws and rules which inform the work of a prosecutor and develop a keen understanding of their practical application; and
4. Develop an awareness of the power and responsibility which accompanies the position of prosecutor in our society.

### **LEARNING OUTCOMES:**

At the conclusion of this course, students will be able to:

1. Demonstrate mastery of the nuts and bolts of presenting a case to a jury, including delivering effective opening statements and closing arguments as well as writing well-organized direct and cross examinations;
2. Select a jury with confidence;
3. Resolve evidentiary issues both in the courtroom and pre-trial;
4. Recognize the critical role of a prosecutor in our criminal justice system and the relationship between prosecutors, police, defense lawyers and the court;
5. Conduct accurate legal research and write competent legal memoranda; and
6. Exemplify professionalism with unimpeachable ethical behavior.

### **CLASSROOM AND CLASS TIME:**

Mondays, 6:00pm – 8:00pm; MLAC Room 209 *and* Room 354 Holland Hall (See *Course Summary* below for specific room assignments for individual class dates).

### **CLASS ATTENDANCE:**

You must of course attend all scheduled class meetings and mandatory special events. Please bring the insights you have gained during your courtroom work and from assigned readings,

and be prepared to share your thoughts about the local criminal justice system. The practical exercises conducted during class also make attendance extremely important. Students are required to attend every class, but are permitted to miss one (1) class during the semester with advance notice to the professor. Your final grade in the course may be lowered one level (e.g. B to B-) for each unexcused absence. Further information about the law school's attendance policy is available here: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#3>

(Links to an external site.)

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**PERFORMANCE EXPECTATIONS AND INFORMATION ON GRADING:**

The Levin College of Law's mean and mandatory grade distributions are posted on the College's website and this class adheres to that posted grading policy. The law school grading policy is available at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/academic-policies#9>

(Links to an external site.)

Links to an external site.

. Students receive grade points according the the following scale:

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Points</u>
A (Excellent)	4.00	C (Satisfactory)	2.00
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B (Good)	3.00	D (Poor)	1.00
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.00

The aim of this segment is not to focus your attention on grades. Grades can distract from learning, and I hope they won't shadow your clinical experience. It seems only fair, though, to explain the grading system, as clinical grading differs from grading in standard examination and paper courses. Clinical students will be evaluated in three areas: Clinical Coursework, Clinical Methods and Clinical Practice.

*Clinical Coursework (Weekly Reflections and Class Participation):* Reflection papers, readings, and in-class discussions challenge you to think about and form opinions about the way the criminal justice system works. This kind of critical reflection is essential for any lawyer who wants to be an ethical force in the profession. Clinical coursework also includes the feedback students give one another after class performances and court appearances. Such feedback need not be exhaustive, but should reflect close attention and thought.

*Clinical Methods (Case Preparation):*

A component of this clinic is performance of not less than 25 hours per week satisfactory work as a Certified Legal Intern (CLI) in the assigned State Attorney's Office (SAO). While working at the assigned SAO, the CLI will conform to all canons of ethics and disciplinary rules of the Florida Bar, adhere to all performance requirements set by the assigned State Attorneys and perform to the satisfaction of the assigned SAO supervisor(s). Your professor and in-court supervisors at the SAO will assess both the energy you invest in preparing your cases and the initiative you show in setting tasks for yourselves and doing them. These tasks include researching the law, contacting and preparing your witnesses, contacting (when appropriate) opposing counsel, filing written materials, and searching out and weighing ethical issues presented in your cases. We recognize that you are just starting out and can't always know what needs to be done, and we don't expect you to work without guidance. But it's very important that you read the materials and look at the law and try to figure out for

yourselves what needs to be done. And it's important that you have the energy and determination to follow through on tasks.

*Clinical Practice (Performance on your Feet):*

This category addresses your court appearances and your class performances. In some ways preparation and on-your-feet performance merge, because good preparation almost always improves performance in both court and class. Still it's true that by crediting good performance, we reward native talent. Some people find it easier to work on their feet than others. Perhaps it's not fair to reward people for native skill. Like all professors, I hope my grades reward effort more than raw talent. But talent is important: we reward test-taking talent all the time, and talent is one thing prospective employers hope your grades reflect.

*A Word on the Process:* After reviewing all your work, I will confer with your supervisors in the State Attorney's Office. Your final grades will reflect your performance in class, in the office, and in court. It's a shame that classes have to end with grades. Please keep in mind that grades are an imprecise and heavy-handed tool for judging things that are hard to judge.

*Weekly Reflection Papers:* Beginning in the second week of the semester, you must write a paper reflecting on your experiences in the clinic over the previous week or on the criminal justice system more broadly. Reflection papers are due each Sunday at midnight. Delivery via Canvas upload is best, but email is also acceptable. You may take off one free week during the semester. It is helpful—but not required—to begin these papers with a brief description of what you did or saw in the previous week. Please do not merely recite events. The purpose of these papers is to encourage you to comment on the justice system as you see it. Ask yourselves whether the system is working, whether the various players are doing their jobs, and whether defendants are

getting a fair shake. How could the system work better? Do you like your role?

If it's been a slow week at the office or if something else in the news or in the class readings or in your life experience bearing on the criminal justice system has grabbed your attention, please feel free to discuss these other matters. Again, the aim is to *reflect* on the justice system. Within that realm you are free to explore widely. These papers also may serve as a forum for you to air suggestions about the clinic. You may note that you would prefer a different classroom focus; that you would like different kinds of cases; or that you are having difficulties and want extra guidance. There is no page restriction on these papers, but it is unlikely you could reflect well on a week's work in less than three double-spaced pages. Please be sure to include your name and indicate the dates covered in your reflection.

*Supervision Meetings:* You must meet with the professor periodically to review your past work and plan your future work. These meetings should take about thirty minutes. Shortly after the start of the semester, we will set a schedule of meetings for the rest of the term. Please come prepared to give a progress report on old cases and to set out a plan of action for new cases. Try to become familiar with the facts of your cases and to read the relevant law in advance. If you have no pressing cases, this time may be used any way you choose. You may find it useful to practice direct or cross-examinations or other trial skills or to discuss issues that have arisen in the clinic. Please come to the meetings prepared to say how we should use the time.

*Law Enforcement Ride-along:* Please schedule a ride-along with a local police agency during this course. Spending time with a law enforcement officer engaged in police work is an invaluable experience and will make you a better prosecutor. Former clinic students report that this is one of the highlights of their clinic experience.

*Prison Tour:* During the semester, I will schedule a tour of a Department of Corrections facility. This tour is mandatory as it is imperative for students to understand where defendants are imprisoned and the conditions in which they live upon conviction.

**CLASSROOM CIVILITY:**

During class, do not sign onto the internet or the law school network for any reason, including web surfing, instant messaging and email; do not send or receive messages on cell phones or any other electronic device; do not play any games on your computer, phone or any other device. All of these activities are a distraction to you, to the professor and to the students around you and are a violation of law school rules.

**LAW SCHOOL HONOR CODE:**

Academic honesty and integrity are fundamental values of the University community. The University of Florida Student Honor Code represents a commitment by students to adhere to the highest degree of ethical integrity. Teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of relationships. The Honor Code helps create a community in which students can maximize their intellectual and academic potential. Students should be sure that they understand the UF Student Honor Code: <https://sccr.dso.ufl.edu/students/student-conduct-code/>

[\(Links to an external site.\)](#)

[Links to an external site.](#)

**STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:**

Students requesting accommodation for disabilities must first register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>).

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[Links to an external site.](#)

Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs

(Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

**CREDIT HOURS:**

The Prosecution Clinic is a nine-credit hour course. Three of the nine credits will be graded, the remaining six are awarded on a Satisfactory (S) or Unsatisfactory (U) basis. It is anticipated that you will spend approximately two hours completing reading assignments or preparing for in-class performances for every one hour spent in class. Initial reading assignments are posted in the "files" section of Canvas under "unfiled." Additional assignments will be provided at your orientation at the State Attorney's Office and in class throughout the semester

**STATEMENT REGARDING ONLINE COURSE EVALUATION:**

Students are requested to provide feedback on the quality of instruction in this course by completing online evaluations at

<https://evaluations.ufl.edu>

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. Evaluations are typically open during the last two or three weeks of the semester.

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## Course Summary:

Date	Details
Fri Aug 10, 2018	
Wed Aug 15, 2018	



Wed Aug 22, 2018	
Sun Aug 26, 2018	
Wed Aug 29, 2018	
Sun Sep 2, 2018	
Wed Sep 5, 2018	
Sun Sep 9, 2018	
Wed Sep 12, 2018	
Sun Sep 16, 2018	
Wed Sep 19, 2018	
Sun Sep 23, 2018	
Wed Sep 26, 2018	
Sun Sep 30, 2018	
Wed Oct 3, 2018	

Sun Oct 7, 2018	
Wed Oct 10, 2018	
Sun Oct 14, 2018	
Wed Oct 17, 2018	
Fri Oct 19, 2018	
Sun Oct 21, 2018	
Wed Oct 24, 2018	
Sun Oct 28, 2018	
Wed Oct 31, 2018	
Sun Nov 4, 2018	
Wed Nov 7, 2018	
Sun Nov 11, 2018	
Wed Nov 14, 2018	

Sun Nov 18, 2018	
<a href="#">SAO Orientation</a>	9am to 4pm
<a href="#">Introduction: The Role of the Prosecutor and the Ethics of Charging--MLAC 209</a>	6pm to 8pm
<a href="#">Evidence Advocacy and Best Trial Practices: Opening Statement and Direct Examination--HOL 354</a>	6pm to 8pm
<a href="#">WEEKLY REFLECTION DUE</a>	due by 11:59pm
<a href="#">Evidence Advocacy and Best Trial Practices: Cross Examination--HOL 354</a>	6pm to 8pm
<a href="#">WEEKLY REFLECTION DUE</a>	due by 11:59pm
<a href="#">Effects of Trauma on Victims and Witnesses: Professor Teresa Drake--HOL 354</a>	4pm to 6pm
<a href="#">WEEKLY REFLECTION DUE</a>	due by 11:59pm
<a href="#">Legal Research for Prosecutors with Professor Taryn Marks--HOL 354</a>	6pm to 8pm
<a href="#">WEEKLY REFLECTION DUE</a>	due by 11:59pm
<a href="#">Evidence Advocacy and Best Trial Practices: Effective Closing Argument--HOL 354</a>	6pm to 8pm
<a href="#">WEEKLY REFLECTION DUE</a>	due by 11:59pm
<a href="#">Voir Dire--HOL 354</a>	6pm to 8pm
<a href="#">WEEKLY REFLECTION DUE</a>	due by 11:59pm

<a href="#"><u>Defense Counsel--HOL 354</u></a>	6pm to 8pm
<a href="#"><u>WEEKLY REFLECTION DUE</u></a>	due by 11:59pm
<a href="#"><u>UFPD Courtroom Exercises</u></a>	6pm to 9pm
<a href="#"><u>WEEKLY REFLECTION DUE</u></a>	due by 11:59pm
<a href="#"><u>Police--MLAC 209</u></a>	6pm to 8pm
<a href="#"><u>Jury Selection</u></a>	9am to 3pm
<a href="#"><u>WEEKLY REFLECTION DUE</u></a>	due by 11:59pm
<a href="#"><u>UFPD Courtroom Exercises</u></a>	6pm to 9pm
<a href="#"><u>WEEKLY REFLECTION DUE</u></a>	due by 11:59pm
<a href="#"><u>The Problem of Prisons--MLAC 209</u></a>	6pm to 8pm
<a href="#"><u>WEEKLY REFLECTION DUE</u></a>	due by 11:59pm
<a href="#"><u>Race--MLAC 209</u></a>	6pm to 8pm
<a href="#"><u>WEEKLY REFLECTION DUE</u></a>	due by 11:59pm
<a href="#"><u>Wrap Up</u></a>	6pm to 8pm
<a href="#"><u>WEEKLY REFLECTION DUE</u></a>	due by 11:59pm