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**PUBLIC DEFENDER  
FIELD PLACEMENT + LAB COURSE**  
SPRING 2020 SYLLABUS AND TENTATIVE SEMESTER SCHEDULE  
Professor Mae C. Quinn – Office HH 346  
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**REQUIRED COURSE MEETINGS AND TIME COMMITMENTS**

**Lab Sessions** – Room TBD

Thurs (or Weds as needed) 5:20-7:20 p.m. (plus 4 hours out of class prep time each week)

**PD Office Placement/Community-Based Work**

18-20 hours per week (at least 250 hours total for semester)

Office schedule to be arranged with PD Office and Site Supervisor Kristofer Eisenmenger

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**COURSE OVERVIEW AND DESCRIPTION**

Welcome to the Public Defender Field Placement + Lab Course! This experiential learning offering includes a weekly Law School Lab and Community Field Placement component. It seeks to support students as they transition from the role of classroom participant to active advocate. This will occur in the context of defending indigent accused persons facing potential loss of liberty or other sanctions. Over the course of the semester, students will work under the direct supervision of a licensed attorney at the Alachua County Public Defender's Office.

**In the Field Placement** (6 credits – P/F) students will become familiar with court proceedings such as first appearances, bail hearings, arraignments, pre-trial motion hearings, guilty plea colloquies, jury trials, and sentencing hearings. In doing so they will learn the importance of ethically, zealously, and strategically approaching such proceedings, always mindful of client wishes. They will also develop and deploy their knowledge and understanding of substantive criminal law, procedural rules, constitutional dictates, holistic defender advocacy skills.

Students with CLI certification will have the opportunity to speak on behalf of clients in court in a range of settings through the Placement. Those who do not have CLI certification will not be able to speak in court. However, non-CLI students will serve as part of the defense team for individual clients, focusing on client-centered practices, investigation, and mitigation.

**In the Lab Course** (2 credits – graded) students will be assigned curated readings that focus on both substantive law and ethical, zealous, and holistic criminal defense practices. They will also engage in skills building exercises and simulation work to develop as advocates, brainstorm case theories and other representation issues in "Case Rounds," and engage in guided reflection relating to their experiences as members of the Public Defender's Office.

Through both the Lab and Placement, students will further embrace their roles as public citizens with a duty to improve the legal system and access to justice. Issues of focus may include local bail and warrant practices, problem-solving court processes, discovery/Brady concerns, and conditions of confinement for adults and youth in Alachua County.

**COURSE OBJECTIVES AND GOALS**

The general learning objectives and goals for this Field Placement + Lab Course, consistent with the requirements of the American Bar Association, are as follows:

- √ to integrate doctrine, theory, and legal ethics in the performance of professional lawyering skills and tasks in a community-based field placement setting;
- √ to develop understanding of the concepts underlying the professional lawyering skills and tasks being performed;
- √ to allow an opportunity for students to repeat different lawyering skills and tasks to develop increased mastery through multiple performances;
- √ to provide a classroom instructional component to support the field placement experience throughout the semester that includes, among other things, skills exercise tutorials and contemporaneous faculty-guided reflection;
- √ to guarantee direct supervision of the student's case-related skills and tasks by the field placement site supervisor with further support from the assigned law school faculty member; and
- √ to ensure ongoing feedback from both the field placement site supervisor and assigned law school faculty member, as well as ongoing student self-evaluation.

In addition, at the end of this experience students will emerge as improved advocates in a range of ways, including by possessing the following skill set:

- √ stronger understanding of ethical obligations regarding clients' expressed wishes, in addition to concurrent professional responsibilities such as serving as an officer of the court and a public citizen lawyer with a duty to improve justice system;
- √ ability to provide zealous, holistic and client-centered representation outside of the courtroom context, which includes (1) conducting effective client interviews to develop trust and rapport, and ascertain important case facts and other information, (2) investigating case facts through witness interviews, community-based work, and formal discovery, and (3) developing sentencing mitigation evidence;
- √ ability to carefully analyze elements of a charge, understand strengths and weakness of the adversary's case, and develop case theories and strategies given this information;

- √ competence advancing rights and interests of indigent accused clients beyond winning at trial, such as seeking pre-trial release and providing other holistic supports throughout case, including at the time of community re-entry;
- √ facility with negotiating outcomes before trial, consistent with the wishes of the client and duties as zealous advocates without any conflicts of interest;
- √ familiarity with practice of pre-trial motions and hearings at appropriate to challenge unconstitutional police actions, such as: (1) unlawful searches and seizures, (2) improper interrogations, and (3) suggestive identification processes;
- √ commitment to holistic and client-centered representation during guilty plea colloquies, which includes advancing the client's wishes before the bench, ensuring all client case-related decisions are knowing, intelligent, and voluntary, and advising clients of both direct and collateral consequences of the plea;
- √ enhanced oral advocacy and trial advocacy skills, including the ability to thoroughly and timely prepare evidence and witnesses for trial, draft and deploy witness examinations, and argue legal matters to client's advantage while mindful competing considerations and concerns of the court;
- √ confidence and competence as legal writers to produce quality work in the context of real cases that utilizes effective large and small scale organization, as well as strong legal analysis;
- √ deeper awareness of the role that race, poverty, gender, sexual-orientation, language-difference, power, privilege and other factors may play in justice system processes and outcomes, particularly within the context of indigent defense work; and
- √ stronger communication skills in a range of contexts, including informal classroom discussions, across cultural and other differences, as formal public speakers, and in written documents such as emails and letters to clients.

### **ACCOMMODATIONS**

The Levin College of Law is committed to ensuring all students are provided equal opportunity to participate fully in the law school and University community – including in experiential learning offerings. Students seeking disability accommodations should register with the Disability Resource Center (<http://www.dso.ufl.edu/drc/>). Once registered, students will receive an accommodation letter that must be presented to the College of Law's Assistant Dean for Student Affairs to request accommodations. Students should begin this process as early as possible in the semester to ensure their needs are met properly and promptly.

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**PD FIELD PLACEMENT EXPECTATIONS & ASSESSMENT (6 CREDITS – P/F)**

As noted, this course is different from most courses you have taken in law school. It involves two parts - an “experiential learning” Field Placement component and a required weekly Lab that will run concurrently with the Placement. The former carries 6 academic credits; the latter is a 2-credit offering.

Your Field Placement requires a commitment on your part of approximately 18-20 hours per week for a total of approximately 250 hours (including program orientation hours). Those hours will primarily be satisfied within the context of the Alachua County Public Defender’s Office while you work as part of a team to defend indigent clients facing prosecution. For those with CLI clearance, this will include the ability to serve as an effective advocate for clients before the court in bail hearings, suppression hearings, plea colloquies, trial, and sentencing. Those without CLI clearance will not be permitted to appear as advocates before the court.

Regardless of CLI status, all students will be serving as part of the defense team for individual clients represented by the Office of the Public Defender. In this role you may be called upon to interview clients and witnesses; investigate case facts; research, draft and respond to discovery requests; research and draft pre-trial motions; develop bail or sentencing mitigation information; engage in trial preparation including by drafting opening statements, witness examinations, summations and more; and engage in client re-entry support efforts.

You will also be required to dedicate approximately 30 of your 250-hour commitment this semester to completing a Public Citizen Lawyering project. This project, which seeks to improve some feature of the criminal/juvenile justice system, might involve such things as producing improved forms for the Office of the Public Defender, educating the bench regarding issues encountered during the semester, suggesting improvements in court practices state-wide, seeking to improve defender access to discovery and Brady materials, calling for enhanced services and supports in jails, detention centers, and/or prisons.

As a participant in the Field Placement you are no longer merely a student. You are part of a team delivering constitutionally mandated services to a fellow member of this community who is facing the possibility of incarceration or other sanction. You must approach your work this semester keeping in mind your heightened real-world responsibilities.

Before you begin your Field Placement you will enter into a three-way Memorandum of Understanding, which will be signed by you, me, and the PD Field Placement Site Supervisor (Kristofer Eisenmenger). That MOU describes the professional expectations on your part and that of the PD’s Office. It also explains my role as the faculty member assigned to the placement, serving as confidential consultant to your legal work this semester. To satisfactorily complete the Field Placement you must satisfy all the terms of the MOU. This includes maintaining your regular schedule as arranged with the PD’s Office, fulfilling all work assignments in a timely manner, and seeking assistance when necessary consistent with the ABA Rules of Professional Conduct.

Throughout the course of the semester you will be closely supervised by attorneys at the Public Defender's Office and receive informal feedback from its staff, Kris Eisenmenger as PD Site Supervisor, and me. In addition, you should expect to have weekly supervision meetings with your Site Supervisor (or another attorney at the Public Defender's Office) to help you develop plans to successfully move forward with assigned tasks and projects.

You will be provided with a mid-semester evaluation by your Site Supervisor at the Public Defender's Office to assist in your professional development and provide you with guidance with a view towards success in the Placement. You will also be able to provide feedback on the Placement at that time, including any specific professional goals you may have for the remainder of the semester. As the assigned faculty member, I will facilitate this process.

At the end of the semester, you will have a final meeting with your Site Supervisor to make sure all assigned tasks are complete and cases are successfully transferred. In addition, based upon your performance in your Field Placement, you will receive a grade of either Pass or Fail. I will determine your grade for the Field Placement in consultation with the PD Site Supervisor.

### **LAB COURSE EXPECTATIONS & ASSESSMENT (2 CREDITS –GRADED)**

The Lab connected with your Field Placement will meet one night each week for 13 weeks (in addition to program orientation time the week before your Placement formally begins). Lab attendance is required and will be monitored. If you must miss a class, please contact me to let me know. If you miss more than one without excuse, you will face grade reduction as I see fit based upon the class missed, its impact on your colleagues, etc. If you miss more than two classes without excuse, you will be referred to the Dean of Students and face the possibility of dismissal from the course.

Lab sessions will utilize the following teaching/learning methods, among others, to support your professional development and work in the PD's Office:

- √ Reading and Discussion;
- √ Skills Building Exercises;
- √ Case Rounds and Reflection;
- √ Weekly Professional Development Journal Entries; and
- √ Practice Simulations

There is no text for this course. All Lab materials, including readings and "client file" materials for Practice Simulations and Skills Building Exercises, will be sent by email or posted to Canvas each week.

You should review the Course Schedule below in order to properly plan ahead and better understand the Lab's expectations, including when you will be called upon to prepare and perform Practice Simulations. Your grade for Lab will be computed using the following formula for your raw score for this course:

15%	Participation/Professionalism (incl. time sheets due Mon at 9am)
10%	Professional Development Journal Entries (due Mon at 9am)
10%	Client Interview Simulation
15%	Bond Hearing Simulation
10%	Plea Negotiation Simulation
15%	Suppression Hearing Simulation
15%	Written Motion or Filing from Case Work (5 pages or more)
10%	Final Product(s)/Deliverable(s) for Public Citizen Lawyering Project

Raw score grades then will be distributed over the Levin College of Law's "curve" for the course. The Law School's "curve"/distribution rules are posted on the College's website and this class adheres to that posted grading policy. The law school grading policies are also available on the College's website. However, the following chart describes the College of Law's grading rubric that will apply to your Lab:

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Fail)	0.0

**FACULTY AVAILABILITY OUTSIDE OF CLASS AND ASSESSMENT**

I love talking with students about justice issues, legal practice, and career matters. I am interested in your success in this course and professional development. I am available to meet during my office hours (Wednesdays from 3-5pm), immediately after class, and otherwise. I will also share my cell phone number in case of emergencies.

At the end of the semester you will be provided with the opportunity to assess my contributions as a faculty member to the Lab and otherwise. Pursuant to a new UF rule, I am required to provide you with these details about faculty assessment and evaluation:

“Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.”

At the end of your Field Placement, you will also be asked for feedback on your experience at the PD’s Office by way of separate evaluation form.

**CODE OF ACADEMIC CONDUCT INCLUDING PLAGIARISM PROHIBITIONS**

I know this goes without saying – but all students who enter the Levin College of Law are governed by the College of Law and University Honor Codes. All work for this course – including materials produced for your PD Placement supervisors - should fully comply with both the spirit and letter of these Codes, as well as the Florida Rules of Professional Conduct. Accordingly, you should be sure that all writings at your Placement or for class do not improperly borrow from other authors or sources. Appropriate quotation and/or attribution is required unless, for instance, you are working from a legal document template that you have borrowed with permission.

**FIELD PLACEMENT + LAB COURSE SCHEDULE**

What follows is a tentative course schedule. It is subject to change based upon case responsibilities and other emergencies that may arise. In addition, given that our work this semester is part of an emerging approach to the Public Defender Placement + Lab, we may need to rethink the planned agenda or teaching materials as new ideas and strategies unfold. All reading assignments and Lab Exercises will be either emailed to the group or posted to CANVAS, unless otherwise noted.

**Program Orientation**

**Tuesday (1/7)**

5:00pm-7:00pm	Welcome and Semester Overview at UF Law
5:00-5:30pm	Introductions & Placement/Lab Logistics
5:30-6:15pm	Florida Rules of Professional Responsibility
6:15-7:00pm	Intro Exercise – Confidentiality & Conflicts

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**Wednesday (1/8)**

8:00am-1:00pm	Prison Visit – Florida Reception and Medical Center
1:00-5:00pm	Further Semester Overview & Prison Visit Debriefing at UF Law
1:00-1:45pm	Lunch Discussion: Reflections on FDC
1:45-2:30pm	<i>Gideon, Gault</i> , and Right to Counsel Refresher
2:30-3:15pm	Intro to Client-Centered Practices, Holistic Defense & Public Citizen Lawyering
3:15-4:00	Intro Exercise – Clients, Interests & Identities
4:00-5:00	Optional Additional Meeting/Discussion

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**Friday (1/10)**

8:30am-12noon	Orientation to Public Defender’s Office Office Policies, Computer System, Case Paths, etc.
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**WEEK 1 (1/13-1/19):**

**Monday – Friday**

Court observation time

**Lab**

Hour One               Rounds & Reflection – Embracing Your New Role/Systemic Issues

Hour Two               Readings & Discussion – Client Interviewing

**Friday PD Office (1/17)**

8:45-12noon           Further Orientation to the Public Defender’s Office

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**WEEK 2 (1/20-1/26):**

**Monday – Friday**

Begin Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One               **Simulations** – Individual Client Interviews

Hour Two               **Simulations** – Individual Client Interviews

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**WEEK 3 (1/27-2/2):**

**Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One               Reading & Discussion – Charge Docs, Issue Spotting & Case Theory

Hour Two               Rounds & Reflection – Brainstorming Cases/Systemic Issues

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**WEEK 4 (2/3-2/9):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One                      Reading & Discussion – Bond Hearings, Review & Reduction

Hour Two                      Skills Building Exercises – Clients, Community & Bond Alternatives

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**WEEK 5 (2/10-2/16):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One                      **Simulations** – Bond Hearings

Hour Two                      **Simulations** – Bond Hearings

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**WEEK 6 (2/17-2/23):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One                      Readings & Discussion – Investigation, Witness Statements & Disco

Hour Two                      Rounds & Reflection – Brainstorming Cases/Systemic Issues

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**WEEK 7 (2/24-3/1)\*:****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One	Readings & Discussion – Mitigation, Negotiation & Disposition
Hour Two	Skills Building Exercises – Mitigation, Negotiation & Disposition (including Mental Health & Other Experts)

\*Mid Semester Evaluation/Reviews to take place at Field Placements this week

**Spring Break 3/2 – 3/8\***

**\*Make sure all cases are properly covered and PD Office is aware of your availability**

**WEEK 8 (3/9-3/15):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One	<b>Simulations</b> – Plea & Disposition Negotiation w/Prosecution
Hour Two	<b>Simulations</b> – Plea & Disposition Negotiation w/Prosecution

**WEEK 9 (3/16-3/22):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab\***

Hour One	Discussion, Skills Building Exercises, Rounds & Reflection on Plea Offers, Client Counseling, Collateral Consequences & Related Issues
Hour Two	*Attend 1-hour of UF Criminal Justice Reform Conference (3/20-21)

**WEEK 10 (3/23-3/29):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One	Readings & Discussion - Pre-Trial Suppression & Motion Practice Gen
Hour Two	Skills Building Exercises – Suppression Strategy incl. Burdens, Witness Examinations & Arguments

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**WEEK 11 (3/30-4/5):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One	<b>Simulations</b> – Suppression Hearing
Hour Two	<b>Simulations</b> – Suppression Hearing

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**WEEK 12 (4/6-4/12):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hour One	Rounds & Reflection – Brainstorming Cases/Systemic Issues
Hour Two	Reading, Discussion & Skills Building Exercise – Jury Trial Preparation, Planning Your Evidence & Making a Record

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**WEEK 13 (4/13-4/19):****Monday – Friday**

Continue Maintaining Scheduled PD Office/Community Hours, Timesheets & Journal

**Lab**

Hours One/Two      Final Reading, Discussion, Skills Building, Rounds & Reflection –  
Case Wrap-Up, Continuing Ethical Obligations to Clients,  
Considering Closure & End of Semester Celebration

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**EXAM PERIOD:****Final Supervision Meetings & Case File Transfer Review**

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