

CRIMINAL DEFENSE CLINIC - SPRING 2019  
Professor Monique Haughton Worrell (Wolking)

CONTACT INFORMATION

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DESCRIPTION

The Criminal Defense Clinic is a nine credit course. Class will meet from 6-8pm on Mondays, Tuesdays and Wednesdays. Schedule to be set by start of classes.

Interns will develop skills in interviewing, counseling, factual development, taking depositions 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)

ASSIGNMENTS

Assignments and class updates will be posted.

COURSE OBJECTIVES AND GOALS:

- To familiarize students with all aspects of the art and craft of criminal defense.
- To instill in students an understanding of and appreciation for the ethical requirements of being a defense lawyer.
- To equip students with the practical skills necessary to become great defenders.

The work students will be assigned will be the type typically handled by a lawyer in a Public Defender's Office, intellectually challenging, and it should contribute to professional growth and development. To promote these objectives, students will:

- Demonstrate proficiency in the technical aspects of being a defense lawyer;
- Produce high-quality legal research and writing; and
- Examine the laws and rules which inform the work of lawyers and develop a keen understanding of their practical application.

## LEARNING OUTCOMES:

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

- 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;
- Select a jury with confidence;
- Resolve evidentiary issues both in the courtroom and pre-trial;
- Understand the role of a prosecutor in our criminal justice system and the relationship between prosecutors, police, defense lawyers and the court;
- Conduct accurate legal research and write competent legal memoranda; and
- Exemplify professionalism with unimpeachable ethical behavior.

## 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 late'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. 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.

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 Wednesday of the following week. Submit your time sheets via canvas.

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.

The assignments for this semester will consist of

- A mock client interview.
- A mock plea negotiation.
- A mock jury selection.
- A written motion from work in your office, or short paper.

## GRADING SCALE

Attendance and Participation	20 points
Time Sheets (completed and turned in on time)	10 points
Mock Client Interviews	15 points
Mock Plea Negotiation	15 points

Mock Jury Selection	20 points
Written Motion (from work in your office) or short paper	20 points
Total	100 points

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) File 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 file, 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.