**Criminal Defense Clinic, fall 2019**

**University of Florida Levin College of Law**

**Professor Jennifer Zedalis**

**327 Holland Hall,** [**zedalis@law.ufl.edu**](mailto:zedalis@law.ufl.edu)**; 342-273-0814**

**Office Hours: Tu/Wed 2-3:30pm and by appointment.**

**Class meeting Thursdays, 4-5:55pm, BGH room TBA**

**Mandatory Orientation will be Friday, August 23rd, from 8:45 to Noon, at the Office of the Public Defender. Please report to Kristofer Eisenmenger, Defense Clinic Supervising Attorney, when you arrive.**

**Course Objectives:** To help students understand criminal defense practice and how to apply their growing knowledge in a practice setting; To prepare and guide students as certified legal interns working on pending cases for indigent clients under the supervision of licensed attorneys.

**Learning Outcomes:** Students will know the basic steps needed for representation of criminal defendants from the inception of a case through its resolution.

**Grading: Clinic Class 2 credits graded; Clinic Lab 4 credits S/U (total credits, 8)**

From the viewpoint of the Professor, grades are not the focus of this clinic experience. The Professor hopes each clinic student will have a rich and positive learning experience. Practice-oriented courses often bring out the best in highly motivated students. Because grading is required, information is provided here regarding clinic grades:

Grading for the defense clinic (like all graded law school courses) is based on a point scale. The grading policy can be found on our law school website.

Grade Points Grade Points

A 4.00 C 2.00

A- 3.67 C- 1.67

B+ 3.33 D+ 1.33

B 3.00 D 1.00

B- 2.67 D- 0.67

C+ 2.33 E 0.00

The Defense Clinic has a class component and a lab component. Defense Clinic students are expected to participate fully and actively in both. Information for class projects and any assigned case law or other reading for the weekly class will be provided via e-mail and posted on the TWEN site for the clinic.

Journals: Students in the defense clinic are required to submit a weekly journal entry. The journal entries may be submitted via e-mail to the professor on the Monday following each week of the clinic. Journals will be discussed during the first class.

Grades in this course will be based on preparedness and participation in all assigned class projects, including any written assignments, the quality of work and preparation for case assignments in the hosting office, diligence and professionalism as a student member of a law firm, and attendance.

Generally, students should expect to devote 2 hours of out-of-class time preparing for each hour of class time. As this is a live-client clinic with a lab component, students should also expect to spend considerable time working on their assigned cases in the host office.

**Course Materials:**

Florida Statutes and Rules

Assigned Case law and Articles

**Attendance Policy:** Class Attendance is mandatory. Any absence must be excused in advance. Absences will not be excused unless there is a genuine medical emergency or other genuine and serious circumstance beyond the control of the student which calls for an excused absence. Excused absences will not be given for job interviews, school activities, sports events, or vacations.

**Class Schedule:**

**August 29:** The Role and the Challenge: Establishing the Attorney/Client Relationship

1st hour: Discussion: What is the role of the defense attorney? What are the special challenges faced by defense attorneys in indigent defense firms (public defenders, legal aid)? What are the best ways to address these challenges? We will consider a view of the defense attorney’s role which is multi-dimensional, using the following concepts:

Guardian

Investigator

Scholar

Counselor

Advocate

2d hour: Establishing the Attorney/Client Relationship

How is the attorney/client relationship different from other types of business, social, or personal relationships? Why is it important? What are the best practices for establishing a strong and positive attorney/client relationship? How should the relationship work? What are the dynamics in the relationship? Why is this important? Five topics we will cover are:

Differences and Barriers (cultural, social, economic, educational, and more)

Communication

Power

Trust

Goals

**September 5: Class Project: Interviewing**

1st hour: You will see two client interview segments. Afterwards, we will discuss each interview segment. We will decide, in terms of techniques and approaches, what works, what does not work, and why.

2d hour: Using realistic information (provided for you on TWEN), you will participate in a serial interview of a new client. Afterwards, we will consider the information gathered in the interview. We will also consider whether the interview helped lay groundwork for a good attorney/client relationship.

**September 12:** 1st hour**:** Detention, Bond Hearings, and Time-Sensitive Evidence

2d hour: Fact Investigation and Case Scrutiny (adding the law to the facts)

**September 19: Class Project: Issue Spotting**

1st hour: Motion Practice: We will discuss evidentiary and non-evidentiary motions.

2d hour: Students will identify and discuss issues raised in a simple fact pattern (provided in advance of class)

**September 26:** Jury Selection: 1st Hour: Goals and Law

2d hour: What to ask and How to ask

**Class project**\*\*\***special joint session with the prosecution clinic Friday, September 27th: Jury Selection Workshop, 9am-2pm.** Students will participate in mock jury selection along with prosecution clinic students. A simple case will be provided in advance of the workshop and students will have time to prepare.

**October 3** Mental Health Issues in Criminal Cases:

Competency, Sanity, Mitigation, and Working with Experts

**Combined class with Prosecution Clinic. Special Guest, Dr. Tonia Werner**

**October 10** 1st hour: Professionalism and Ethics

2d Hour: Health, Wellness, and Happiness in Practice

**October 17** 1st hour: Case Posture and Strategy

2d hour: Plea Negotiations

**October 24** Preparing for Trial: 1st hour: The State’s case

2d hour: Affirmative Defenses and Making a Record

**October 31** Scary Courtroom Stories (so scary, class will only be one hour)

**November 7** Sentencing

**University of Florida Policies:**

**Accommodations:** Students with disabilities requiring accommodations should register with the D.R.C. (352-392-8565, [www.dso.ufl.edu/drc/](http://www.dso.ufl.edu/drc/)). Appropriate documentation must be provided for registration. Once registered, students will receive an accommodation letter. This should be presented to the instructor when requesting accommodations. Students should follow these procedures as soon as possible in the semester.

**Academic Honesty:** Academic honesty and integrity are fundamental values of the University community.

**Course Evaluations:** Students are expected to provide professional and respectful feedback on the quality of the instruction in the course by completing course evaluations online via GatorEvals. Guidance on how to provide professional and respectful feedback is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the e-mail 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/>.