CRIMINAL DEFENSE CLINIC SYLLABUS
FALL SEMESTER 2016

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Course Materials
The required text for the course is Pozner & Dodd's Cross-Examination Skills for Law Students. Additional materials will be distributed in advance of seminars throughout the semester.

Course Description
In the Criminal Defense Clinic (CDC), you will work with the Office of the Public Defender of Tuscaloosa County and represent clients charged with misdemeanors in District Court. Students will handle all aspects of the client's case, including client and witness interviews, all other investigation, court appearances, client counseling, motion practice, suppression and other hearings, and trial.

For every exercise and in every phase of each case, we will focus on three things: planning, implementation and critique. You will go through these same three phases when you meet your first actual client for an interview, appear in court, or go out on an investigation.

You will be supervised by Professor Gross and members of the Public Defender's Office. In addition to a bi-weekly seminar where substantive topics will be addressed, you will have weekly meetings with Professor Gross to discuss your individual cases.

The seminar topics are listed at the end of this syllabus. Please not that these topics are subject to change. As the semester progresses, we will spend at least some portion of the seminars on case rounds, where we discuss on-going issues in your clinic clients' cases.

Course Goals
The overall goals of this course are to:

- Train you to be zealous, ethical practitioners of criminal law.

- Teach you a variety of lawyering and professional skills (such as interviewing and counseling clients) that will serve you in whatever type of practice you choose to pursue after law school.
- Help you learn to work *with* your client to see beyond the immediate (and often narrow) criminal case issues in order to identify other legal and non-legal issues.

This is often called holistic lawyering, and strives to treat the client as an individual rather than a case.

- Help you learn how to work collaboratively with other attorneys and non-attorneys. Collaboration is both a necessary skill in practice and also a powerful tool to best serve your clients' goals and interests.

- Have you think critically about the criminal justice system and potential reforms.

Classes Times and Attendance Policy
Seminars are held on Mondays and Wednesdays from 2:00 to 3:25 in room A245. You must attend all seminars and plan your other activities around seminar times and court appearances.

Please arrive to class on time. Late arrivals are disruptive to everyone. Keep in mind that embodied in the spirit of the clinical experience is the idea that we will be learning from each other.

It is critical that you read all required materials before each class. Class discussions will be based on an assumption that you are familiar with the cases, statutes or concepts that we will be discussing. Your ability to get up to speed on the variety of substantive issues you must learn before taking on real cases rests in large part on your ability to fully participate in both seminars and small group meetings. The ability to get to class, and to do so on time and having prepared, is part of the professionalism and class participation components of your grade.

Laptops in the Classroom
The use of laptops in the classroom is discouraged. Since you won't want to pull out your laptop when interviewing a prosecution witness on the street or to use one when interviewing your client, this is a good time to practice taking notes. So bring pen and paper, and keep the laptop closed.

Clinic Requirements
Participation in the Criminal Defense Clinic imposes real-life lawyering demands. While this will often mean that you can do your work during predictable work hours, there will be times when, like any responsible lawyer, you will need to vary your schedule. As a student attorney you are making a professional commitment to protect and pursue your clients' interests, and you must meet these obligations regardless of whether you have already completed your hourly work requirement for the week.

Early in the semester, we will spend a significant amount of time doing simulations, observing in court, and reading statutes and other materials. As the semester progresses, the majority of your clinic time will be taken up with work on your cases.

As a student-attorney handling criminal matters, you are the person responsible for keeping in touch with clients, witnesses, the court, and anyone else who needs to contact

you about the client's case. So be sure to check your email, cell or home voice mail every day.

Court Appearances, Client and Case-Related Issues
Attendance is mandatory at all of your client's court appearances. This might mean there will be a conflict with other courses from time to time. You can do several things to minimize these conflicts:

- Be aware of your schedule and let the judge know if s/he is about to schedule an appearance on a date or at a time that creates a conflict.

- If you cannot avoid a conflict with another class, then you must let that other professor know right away about the conflict and discuss what you need to do to make up the class.

- If you know that you have an important upcoming event (i.e. a job interview or family event at a time when you do not have a court appearance or class), please let Professor Gross know immediately.

It is your responsibility to minimize scheduling conflicts.

You must wear business attire to court, including observations.

Every Criminal Defense Clinic student must have (and use) some kind of date book or calendar. In other words, if you don't already have one, this should be an immediate purchase. Obviously, you need this to keep track of court dates and other deadlines related to your cases.

Outgoing correspondence
Professor Gross must approve any written material (including letters, no matter how standard, any pleading, and any email to a client, prosecutor, witness, etc.) that you send out.

File Management
You will receive training on the electronic file management system used by the Tuscaloosa Public Defender's Office. I cannot stress enough the importance of maintaining an organized, updated, and complete file. There are a number of reasons for this:

1) Your supervisors need to be able to pick up the file and understand exactly where things stand in the case, and I need to know how to reach your client.

2) It is possible that your client's case will not end when your time in clinic ends. If that happens, another student attorney or public defender may take the case over and will need to know everything that happened.

3) Both 1 and 2 happen all the time in real practice, and your colleagues and staff will expect to find full information in the file. This is a critical skill that you need to develop now.

Class Environment

All participants in this course must work to maintain a safe and respectful environment for discussion. This course will provide the opportunity for dialogue where we can learn from and respect each other's perspectives regardless of whether there is agreement. We must all work to understand one another's viewpoints and can agree to disagree if necessary. Any personal experiences that might be shared within the classroom are confidential and all students are expected to respect this confidence.

Please turn off all cell phones and pagers during class (also, remember to turn them off before court, to avoid being thrown out by the judge).

Evaluation and Grading

Great lawyers who work hard on a case sometimes get unfortunate results for their clients, and lawyers who did not make much effort sometimes get surprisingly good (lucky) results for their clients. In grading you, we look at the *process* you went through to represent your clients rather than the outcome in any particular case. At the end of the semester, you will receive a grade based on the following:

Case development and relationships with clients: This will reflect the quality of your planning and implementation of your lawyering tasks in a timely manner, and includes: interviewing; counseling; court appearances; negotiations with the prosecution; identification and investigation of legal and factual issues; development of case and client theories and strategies (including the ability to identify and consider non-criminal and non-legal consequences of an arrest and/or conviction); all forms of written and oral advocacy; and your ability to understand and act within the governing ethical rules. It also includes your ability to be proactive in your work on your clients' cases, and think creatively about problem-solving in a holistic manner. You must be able to conceive of and implement a client-centered lawyering strategy.

Quality of your organization and management of tasks: This includes compliance with proper office procedures and maintaining organized and updated case files and case plans. These are critical skills for any type of law practice. Note that our ability to evaluate the work you did for category 1, above, often depends on what we see in the physical case file and in your student work drive subfolder (we simply will not remember every task that every student did on every case, and use periodic file reviews to evaluate both your organization/management skills and your substantive work on your cases).

Professional growth and development: This includes the degree to which you can: work effectively; exercise sound legal judgment; develop and maintain good working relationships with clinic faculty, staff and students, and those you work with outside of the clinic office, including court personnel, prosecutors, and any co-counsel; and effectively receive, provide, and incorporate constructive feedback to improve your

lawyering skills. A key component of your grade is the quality of your collaboration with your clinic partner and your supervisor. You must be able to think independently and find answers to questions on your own, but also take seriously the feedback that you receive from your partner and your supervisor.

I will weigh the factors listed above in relation to the specifics of each case that you and your partner handle. You may have to handle a case with a difficult client or you may have a client who is very cooperative. I will evaluate each of you on how well you identify the relevant issues that you need to address in order to advance your clients' interests and on the collaborative effort that you devote to advancing those interests. The time that you devote to your clinic work is a major factor in grading. My focus will not be on the results you achieve but on the work that you do in order to achieve the best result for your client.

Other Information

Diane Simpson is the Administrative Assistance for the Criminal Defense Clinic.

The CDC Workroom is Room A145

The address and contact information for the CDC:

Criminal Defense Clinic
The University of Alabama School of Law
Box 870392
Tuscaloosa, AL 35487
Phone: 205-348-8058
Fax: 205-348-6851

The address and contact information for the Office of the Public Defender:

Office of the Public Defender
Tuscaloosa County Courthouse
714 Greensboro Avenue, Suite 519
Tuscaloosa, AL 35401
Phone: 205-345-8200
Fax: 205-343-9933

SCHEDULE OF CDC CLASSES

Week 1	Monday, August 15th	Introduction to Clinical Legal Education
	Wednesday, August 17th	Professionalism
Week 2	Monday, August 22th	Client Centered Lawyering
	Wednesday, August 24th	Client Interviewing
Week 3	Monday, August 29th	Case Rounds
	Wednesday, August 31st	Case Rounds
Week 4	Monday, September 5th	Labor Day – No Class
	Wednesday, September 7th	Case Theory
Week 5	Monday, September 12th	Investigation & Witness Interviewing
	Wednesday, September 14th	Introduction to Cross-Examination
Week 6	Monday, September 19th	Client Counseling
	Wednesday, September 21st	Negotiation
Week 7	Monday, September 26th	Cross Examination
	Wednesday, September 28th	Cross Examination
Week 8	Monday, October 3rd	Case Rounds
	Wednesday, October 5th	Case Rounds
Week 9	Monday, October 10th	TBD
	Wednesday, October 12th	TBD
Week 10	Monday, October 17th	TBD
	Wednesday, October 19th	TBD
Week 11	Monday, October 24th	TBD
	Wednesday, October 26th	TBD
Week 12	Monday, October 31st	TBD
	Wednesday, November 2nd	TBD
Week 13	Monday, November 7th	Collateral Consequences of Convictions
	Wednesday, November 9th	Case Rounds
Week 14	Monday, November 14th	Indigent Defense Systems
	Wednesday, November 16th	Case Rounds
Week 15	Monday, November 21st	Last Class