

INNOCENCE INVESTIGATIONS: SYLLABUS FALL 2020

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The Texas Innocence Network (TIN) office is located at Krost Hall 203. As long as students are permitted to work on-campus, they may work in the office and use the phone/copier/scanner/fax machine located in the office lobby at their convenience. Any student working at the TIN office must adhere to all UH guidelines regarding Covid-19 (e.g. – wearing a mask, social distancing, etc.). A key to the TIN office lobby can be found outside the Krost Hall office door, and the lockbox code will be given to enrolled class members after classes begin. Students using the lockbox key to open the door must immediately return the key to the lockbox.

With respect to office hours, clinic instructors are always available by email and phone. However, unless students have scheduled a specific appointment, we reserve the right to be out of the office at any time. Scheduled in-person meetings with TIN staff will follow UH Covid-19 guidelines. Moreover, the TIN office may be closed at any time if directed by UH.

COURSE INFORMATION

Innocence Investigations explores the substantive law, appellate procedure, investigative techniques, and post-conviction appellate remedies applicable in criminal cases. Lectures will cover topics such as: Texas criminal statutes, state/federal habeas law and procedure, clemency proceedings, investigative techniques, mitigation evidence, and trial strategy. In addition to attending lectures, students work on actual cases involving non-death penalty inmates. Students assess the viability of inmates' claims of actual innocence, investigate the claims by locating new, exculpatory evidence, and assist in providing post-conviction relief once innocence claims are verified.

TEXT/SUPPLEMENTAL MATERIALS

Class and case materials will be made available online via email and Dropbox. At the instructors' discretion, original case documents might be made available to students. These original case documents *must* be returned at the end of the semester and students are forbidden to mark on them in any way (e.g. – writing, highlighting, etc.).

CLASS MEETINGS AND ATTENDANCE

Innocence Investigations is a HyFlex class that will be held on Tuesdays from 4:00–6:00 in a classroom TBA. Attending lectures in-person is completely optional and at students' personal discretion. Students may instead attend live lectures via Zoom or watch the recorded Zoom lecture at a later time. Students participating in a live class via Zoom must turn on their video; attendance via audio-only is not permitted.

LEARNING OUTCOMES

Through and as a result of this course, students will: (1) demonstrate understanding of substantive and procedural law regulating lawyers' conduct in criminal trials and appeals; (2) analyze the fact-based investigations that led to criminal convictions and perform fact-based investigations pertaining to inmates' claims of actual innocence; (3) engage in legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to post-conviction claims of actual innocence; (4) evaluate proper professional and ethical responsibilities to clients and the legal system by all stakeholders in the criminal justice system; (5) reflect upon conceptions of professionalism and the lawyer's role in the criminal justice system and society; and (6) recognize trends that will influence the future of criminal lawyers' work and the delivery of legal services.

CONFIDENTIALITY AND ATTORNEY/CLIENT PRIVILEGE

As a reminder, Innocence Investigations students work on actual cases in a clinical setting. Students must remember that although confidentiality applies to their work, TIN instructors generally are not the defendants' attorney-of-record. All communications and work-product made during the intake, screening, and investigation process is akin to initial meetings/notes/work-product between a *potential* attorney and a *potential* client, performed *prior to* the parties entering into an official attorney/client relationship. Unless/until TIN locates/verifies evidence of actual innocence and agrees in writing to represent a defendant for the sole purpose of litigating an innocence claim, TIN and its agents do *not* have an attorney/client relationship with a defendant. This means that under *no circumstances* should students ever refer to inmates whose cases they are working on as "clients." Nor should students ever say that TIN "represents" an inmate. These words (and any derivatives thereof) contain an implication that an attorney/client relationship exists, which is not the case.

Regardless, any communications and work-product made during the intake, screening, and investigation process is covered by confidentiality. *Potential* clients have an expectation of and right to confidentiality during initial meetings with a *potential* attorney. Consequently, students are absolutely forbidden from: talking about cases with anyone who is not associated with the case or who is currently taking the class; posting anything about their work/the cases on social media; allowing people outside the class to view case materials; etc.

To ensure confidentiality while discussing cases via Zoom, students must take whatever action is necessary to ensure that no other individuals are able to overhear discussions regarding individuals' innocence claims. *If there are any questions regarding confidentiality and/or Attorney/Client Privilege, please contact Professor Jeu immediately.*

COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS)

CAPS can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling 713-743-5454 during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus (http://www.uh.edu/caps/outreach/lets_talk.html).

CLASS REQUIREMENTS

A total of 120 hours (including class time, meetings, etc.) must be spent on work performed for Innocence Investigations. As part of the required 120 hours, students must attend/watch classes, complete case assignments/work, submit a timesheet in Excel format, pass a quiz (70% or above) based on the information contained in class lectures, and return all case files/materials. “Billing” takes place in .25/hour increments. *At any point in the semester, if a student foresees having difficulty reaching 120 hours, the student must contact Professor Jeu immediately.* She will work with the student and UHLC Student Services on reaching a mutually amenable situation that adheres to university requirements. Failure to complete 120 hours will result in an incomplete or failing grade. In addition to attending class and performing casework, students must adhere to the end-of-semester procedures found in this syllabus. ***Students’ timesheets and all assignments are due by 3:00 pm on Monday, December 21, 2020.***

GRADING AND ASSESSMENT

Grades in Innocence Investigations will be based on the quality of student casework performed during the semester. The quality of a student’s investigation presentations, screener memos, investigation memos, and investigation assignments combine to determine a student’s overall grade. Although students must pass a quiz (70% or above) covering the information covered in class lectures in order to complete the course, the quiz grade will not count towards students’ final grades.

Innocence Investigations is entirely graded; there is no pass/fail option available. For additional information regarding UHLC’s official policies with respect to grading in general, please refer to the UHLC student handbook and/or official announcements that may occur throughout the semester.

This course offers formative assessment at any time during the semester upon student request to provide feedback on student performance and competence. There is not a single summative assessment to evaluate overall performance at the end of the semester; rather, assignments throughout the semester provide a cumulative assessment of student work.

PREFERRED NAME(S)/PRONOUN(S)/PREFIX STATEMENT

If you have preferred name(s)/pronoun(s) and/or would favor a particular prefix, we will gladly honor your request. Please advise Professor Jeu early in the semester, so we may make appropriate changes to our records. Any lapses should be attributed to failings of memory and/or honest mistake, as your preferences are respected in this class.

CENTER FOR STUDENTS WITH DISABILITIES

The University of Houston, when possible and in accordance with 504/ADA Guidelines, will attempt to provide reasonable academic assistance to students who request and require it. Please contact the Center for Students with Disabilities at 713-743-5400 for more information.

CLASS PRESENTATIONS AND ASSIGNMENTS

Under NO CIRCUMSTANCES should a student ever write, highlight, or otherwise mark on any physical case files, transcripts, and/or other materials. Students may make copies (to write/highlight/mark on) in the Texas Innocence Network offices in Krost Hall. However, students must shred or turn in all copies at the end of the semester with the original case file. ***Failure to comply with this rule will result in severe grade penalties.***

Unless otherwise instructed:

- Screener memos and files are due by 4pm the week after they are assigned;
- Investigation presentations (or investigation presentation memos) are due by 4pm the week after they are assigned;
- Specific assignments regarding open investigation files are due by 4pm two weeks after they are assigned;
- Investigation memos and files regarding terminated investigation case files are due at any time before 3pm on Monday, December 21, 2020; and
- Investigation memos and files regarding open investigation case files are due between November 24, 2020 and 3pm on Monday, December 21, 2020.

If you are assigned to draft a letter or e-mail, you should draft the correspondence and then e-mail it to Professor JEU at ccjeu@central.uh.edu. Do not send the drafted correspondence yourself. Professor JEU will review, edit, and mail out the correspondence, then place an initialed copy of the final correspondence in the case file. Your e-mail provides documentation that you turned in the assignment on time.

If you are assigned to scan/copy/fax any case materials, you may use the scanner/copier/fax machine in the TIN office. If you are assigned to make a phone call, you may do so from the TIN office. You may instead use your home phone/cel phone to make calls. However, unless you are calling courts, law enforcement agencies, or attorneys, we strongly suggest that block your phone number when using your personal phone. You must thoroughly document any calls you make in your investigation memo for that specific case (*ie.* – Who you called, when you called, what number you called, what was said during the call, etc.).

Professor JEU is available via email to answer case-related questions until 11:59pm on the Monday before class. She will not answer questions regarding a case on the day a student's memo/presentation/assignment/etc. is due.

To complete Innocence Investigations, students must do the following:

- E-mail Professor JEU your timesheet in Microsoft Excel format.
- Complete all assignments with respect to screeners and investigations.
- Write an investigation memo for each assigned investigation and place a hard copy in the file.
- Turn in all case files to Professor JEU. Files may be returned in person to Krost 204 or sent via Fedex using the TIN account (to be provided by Professor JEU).

If you have any questions regarding this section, please e-mail Professor JEU ASAP to resolve any issues. ***All class assignments and case files are due by 3:00 pm on Monday, December 21, 2020.***

UH SEXUAL MISCONDUCT AND ANTIDISCRIMINATION POLICIES

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

<i>Class Date</i>	<i>Class Discussion *</i>	<i>Assignment Due</i>
August 25, 2020	<ul style="list-style-type: none"> • Class introduction • Case meeting 	<ul style="list-style-type: none"> • n/a
September 1, 2020	<ul style="list-style-type: none"> • AEDPA • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 8, 2020	<ul style="list-style-type: none"> • State Habeas • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 15, 2020	<ul style="list-style-type: none"> • Clemency • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 22, 2020	<ul style="list-style-type: none"> • Physical Evidence – Part I • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
September 29, 2020	<ul style="list-style-type: none"> • Chapter 64 • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 6, 2020	<ul style="list-style-type: none"> • Physical Evidence – Part II • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 13, 2020	<ul style="list-style-type: none"> • Eighth Amendment & Sentencing • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 20, 2020	<ul style="list-style-type: none"> • Fifth Amendment & Sixth Amendment • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
October 27, 2020	<ul style="list-style-type: none"> • Fourth Amendment • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 3, 2020	<ul style="list-style-type: none"> • Criminal procedure: Arrest to trial • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 10, 2020	<ul style="list-style-type: none"> • Capital versus Non-Capital Trials • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 17, 2020	<ul style="list-style-type: none"> • Causes of Wrongful Convictions • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
November 24, 2020	<ul style="list-style-type: none"> • Quiz • End of semester procedures • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA

* - Class lectures subject to change