

MILITARY JUSTICE CLINIC: SYLLABUS FALL 2020

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COURSE INFORMATION

The Military Justice Clinic introduces students to criminal justice under the Uniform Code of Military Justice (UCMJ). Students will receive classroom instruction on the applicable substantive law, case investigation techniques, witness identification and preparation, pretrial motions practice, case strategy and trial practice.

In addition to classroom lecture, students will be assigned to defense teams representing military clients facing courts-martial, administrative hearings, non-judicial punishment, or other adverse administrative actions. As members of the defense team, students will conduct case investigations, witness interviews, draft pretrial motions, and assist in all aspects of trial preparation. With client consent and instructor supervision, students may represent clients before administrative hearings.

LEARNING OBJECTIVES

Through in-class instruction and practical experience with real clients in judicial and administrative proceedings, students will:

1. Demonstrate understanding of substantive and procedural law under the UCMJ and applicable administrative regulations;
2. Analyze a military client's case and prepare an investigation strategy/roadmap;
3. Understand the process of pretrial investigation and witness preparation;
4. Engage in legal analysis and reasoning, legal research, written and oral advocacy before military tribunals and administrative hearings;
5. Prepare the client's case for trial/hearing;
6. Evaluate and internalize the ethical and professional considerations of defense counsel and officers of the court.

CLASS MATERIALS

Materials will be provided to students at least one week prior to scheduled classes via Blackboard and/or via e-mail. Supplemental material may be provided less than one week prior to scheduled classes accounting for client needs.

ATTENDANCE

In accordance with UHLC policy, students must attend at least 80% of regularly scheduled classes. Class time and day will be formulated after students and instructor collaborate on an optimal schedule. Classes will be held at UHLC, Clinic Program Office.

OFFICE HOURS

Office hours will be available Monday-Friday by appointment. In order to allow the course instructor time for flexibility in scheduling, please request appointments at least 24 hours in advance.

CLASS REQUIREMENTS & UHLC GRADE POLICIES

As a graded course, students will be evaluated on a variety of factors, including attendance and participation during class instruction and their work representing clients.

Students are expected to complete a two-page journal entry every three weeks. Journal entries are due beginning the third week of instruction. Journal entries should focus on case preparation notes, potential avenues of investigation and trial strategy, and any topics related to the UCMJ or the military criminal justice system. Journal entries are due at the start of classroom instruction and will be returned to students by the beginning of the next class.

50 hours of clinic instruction and work are required for each credit hour. A minimum of 3 credit hours are required for this course, with a maximum of 4 credit hours. Hours are awarded for classroom instruction, legal research, case investigation, trial/hearing preparation, time spent in trial or hearing proceedings, and administrative tasks associated with the course. Students with questions regarding additional duties not listed above should discuss the matter with the instructor prior to undertaking the task.

Please refer to UHLC Clinic Student Manual for additional guidance.

COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS)

Counseling and Psychological Services (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

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

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

SENSITIVITY TO CULTURAL ISSUES AND/OR DIVERSITY

The University of Houston does not tolerate any behavior by administrators, faculty, staff, or students, which constitutes unlawful harassment of students on the basis of race, color, sex, religion, national origin, disabled veteran status, age, sexual orientation, or physical or mental disability whether or not the level of conduct rises to unlawful harassment or discrimination. Such forms of harassment have been recognized as discriminatory and as such violate University policy as well as state and federal statutes. Exposure to discrimination, harassment (including sexual and/or religious harassment), and/or insensitivity to cultural issues impairs UH's goals of transmitting and creating knowledge and enhancing student education.

If you feel that you have been exposed to discriminatory practices and/or insensitivity to cultural issues in this or any other setting affiliated with UH, you have the right to have your concerns addressed. One way to address these concerns would be to meet with me, either privately after class or outside of class - by appointment.

ATTORNEY-CLIENT COMMUNICATIONS AND ATTORNEY WORK-PRODUCT

During class instruction, case investigation and representation, students will serve as members of the defense team in cases where maturity and professional discretion are paramount to effective and ethical advocacy. Students may not share privileged information regarding assigned cases without written consent of both Professor Marquez and the affected client.

COURSE SCHEDULE (Subject to Change)

Week/Date	Reading Assignments	Topics	Client Assignments
Week 1	Selected cases; selected punitive Articles, UCMJ.	Intro to Modern Uniform Code of Military Justice I.	Case assignment.
Week 2	Selected cases; selected punitive articles, UCMJ.	Intro to Modern Uniform Code of Military Justice II.	Initial case breakdown.
Week 3	Selected Rules for Courts-Martial (RCM).	Court-Martial Process and Procedure.	*Journal entry due; client interview.
Week 4	Article 15, UCMJ; excerpts AR 600-8-24, AR 635-200.	Non-Judicial Punishment and Administrative Remedies.	Client meeting; initial case strategy.
Week 5	Selected cases; additional selected readings.	The UCMJ in Constitutional Context.	Initial motions drafting; expert consultant/witness request drafting.
Week 6	Selected cases; UCMJ Art. 46; RCM 703; Mil. R. Evid. 701-706.	Forensic Sciences and Experts.	*Journal entry due; pretrial motions drafting; witness prep.
Week 7	Selected cases TBD.	Pretrial Motions Practice I.	Witness list drafting; trial prep session.
Week 8	Selected cases TBD.	Pretrial Motions Practice II.	Motions arguments/admin board hearings.
Week 9	Selected cases and readings TBD.	<i>Voir Dire</i> and Jury Selection.	*Journal entry due; <i>Voir Dire</i> prep.
Week 10	Selected cases and readings TBD.	Opening Statements and Closing Arguments.	Motions practice/hearings.
Week 11	Selected cases and readings TBD.	Witness Preparation and Examination.	Motions practice/hearings.
Week 12	None.	Representing Military Clients.	*Final journal entry due.
Week 13	Selected readings; Excerpts from AR 27-26.	Ethical and Professional Considerations for Defense Counsel.	Client closeout meeting.

CLIENT AND CASE LOCATION

Cases will be drawn from three U.S. Army Trial Defense Service Field Offices located at Fort Hood, Fort Sam Houston, and Fort Polk. Each military installation is approximately 200 miles from the University of Houston's central campus. Except for trials and administrative board hearings, all casework can be accomplished locally at the UHLC. Students will not be required to travel to any military installation during the semester, but accommodations will be made available if students wish to be present for board hearings or trials. Students should expect that board hearings and trials could take-up 3-4 days (total) during the semester.