

## **DEATH PENALTY CLINIC: SYLLABUS - *REVISED***

### **SUMMER 2020**

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Please be advised that the Texas Innocence Network office (located at Krost 203) is closed during Summer 2020 in accordance with UHLC policy pertaining to the Covid-19 pandemic.

#### **COURSE INFORMATION**

Death Penalty Clinic 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. Students investigate claims related to the guilt-innocence and punishment phases of capital murder trials and assist attorneys in researching and drafting appellate legal claims. Death Penalty Clinic students work solely on cases where a criminal defendant has been convicted of capital murder and sentenced to death. In many of these cases, the defendant has a pending execution date. Consequently, it is important that Death Penalty Students be able to adhere to deadlines set by the course instructor.

#### **LEARNING OUTCOMES**

Through and as a result of this course, students will: (1) demonstrate understanding of substantive and procedural law regulating lawyers' conduct in death penalty trials and appeals; (2) analyze fact-based investigations that led to criminal convictions and perform fact-based investigations to further post-conviction claims; (3) engage in legal analysis and reasoning, legal research, problem-solving, and written and oral communication related to death penalty appeals; (4) evaluate proper professional and ethical responsibilities to clients and the legal 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.

## ATTENDANCE

Pursuant to UHLC policy, you must attend at least fifteen (15) of the nineteen (19) regularly scheduled classes (80%). Class will be held on Mondays and Wednesdays from 4:00 – 5:30pm in Zoom Meeting ID 959 4271 0558 (lecture) and Zoom Meeting ID 939 2508 2690 (case meeting). These are private meeting and the password to the class may **NOT** be shared with anyone. Moreover, Death Penalty Clinic case meetings are privileged, pursuant to the Texas Rules of Disciplinary Conduct. If you allow other people to listen in to the case meeting and/or if you share the password to the case meeting so that other people end up entering the meeting, you may be reported to the Texas State Bar and your ability to practice law after graduation might be compromised. In the highly unlikely event a make-up class is necessary, it will be scheduled in accordance with UHLC policy.

## TEXT/SUPPLEMENTAL MATERIALS

Materials will be made available via in class and/or via e-mail.

## CLASS REQUIREMENTS & UHLC GRADE POLICIES

A total of 240 hours (including class time, meetings, etc.) must be spent on work performed for Death Penalty Clinic. As part of the required 240 hours, you must attend classes, complete class assignments/case work, submit a timesheet in Excel format, and return all case files. “Billing” takes place in .25 hr increments. In addition, you must submit a final memo, detailing the work that you performed over the course of the semester. *At any point in the semester, if you foresee having difficulty reaching 240 hours, please contact Professors Jeu and Newberry immediately.* They will work with you on reaching a mutually amenable solution that adheres to university requirements. Failure to complete 240 hours will result in an incomplete or no credit given for the class. Partial credit hours is not an option.

*At any point in the semester, if you foresee having difficulty reaching 240 hours, please contact Professor Jeu immediately.* She Failure to complete the 240 hours will result in an incomplete or failing grade.

Pursuant to the UHLC policy pertaining to Summer 2020 grades, credit will be awarded on a “Pass / No Credit: Covid 19” basis. In the event that your work is not satisfactory enough to pass the class and/or a student has personal issues that make completion of class assignments impracticable by the August 10 deadline, the instructors retain the right to give students an “Incomplete” for the class. In accordance with UHLC policy, a student has one calendar year to complete the work needed to change an “Incomplete” to a “Pass.” Please note that if a student plans to graduate at the end of 2020, an “Incomplete” must be changed to a “Pass” within approximately two weeks, or else the student might not have the necessary credits to graduate. For additional information regarding UHLC’s official policies with respect to grading in general, please refer to the UHLC student handbook.

***Your timesheet and all assignments are due by 3:00 pm on Monday, August 10, 2020.***

## ASSESSMENT

Grades in Death Penalty Clinic will be based on the quality of student work performed during the semester and class participation. Class participation will count towards ten percent (10%) and the casework assignments performed throughout the semester will count towards ninety percent (90%). Class participation grades may be adjusted for exceptionally strong or poor performance. This course offers formative assessment during the semester during the weekly breakout sessions in order to provide feedback on student performance and competence. Feedback is given following the completion and return of assigned tasks.

## 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.

## 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](http://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](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, 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, as your preferences are respected in this class.

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

[http://www.uhsystem.edu/compliance-ethics/\\_docs/sam/01/1d8.pdf](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><b>Class Date</b></i>	<i><b>Class Discussion *</b></i>	<i><b>Assignment Due</b></i>
June 1, 2019	<ul style="list-style-type: none"> <li>• Class introduction</li> <li>• Confidentiality</li> <li>• Screening instructions</li> </ul>	<ul style="list-style-type: none"> <li>• n/a</li> </ul>
June 3, 2019	<ul style="list-style-type: none"> <li>• AEDPA</li> <li>• Investigations instructions</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
June 8, 2019	<ul style="list-style-type: none"> <li>• Clemency</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
June 10, 2019	<ul style="list-style-type: none"> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
June 15, 2019	<ul style="list-style-type: none"> <li>• Physical Evidence – Part I</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
June 17, 2019	<ul style="list-style-type: none"> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
June 22, 2019	<ul style="list-style-type: none"> <li>• Chapter 64 Motions</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
June 24, 2019	<ul style="list-style-type: none"> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
June 29, 2019	<ul style="list-style-type: none"> <li>• Physical Evidence – Part II</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 1, 2019	<ul style="list-style-type: none"> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 6, 2019	<ul style="list-style-type: none"> <li>• 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> Amendment overview</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 8, 2019	<ul style="list-style-type: none"> <li>• Case Meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 13, 2019	<ul style="list-style-type: none"> <li>• Criminal procedure: Arrest to Trial</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 15, 2019	<ul style="list-style-type: none"> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 20, 2019	<ul style="list-style-type: none"> <li>• Capital vs. non-capital trial strategy</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 22, 2019	<ul style="list-style-type: none"> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 27, 2019	<ul style="list-style-type: none"> <li>• Causes of wrongful convictions</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
July 29, 2019	<ul style="list-style-type: none"> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>
August 3, 2019	<ul style="list-style-type: none"> <li>• End of semester procedures</li> <li>• Case meeting</li> </ul>	<ul style="list-style-type: none"> <li>• Case assignments TBA</li> </ul>

***August 10, 2019 All Class Assignments and Case Files are due by 3pm***

\* - Class lectures subject to change