

DEATH PENALTY CLINIC: SYLLABUS SUMMER 2020

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Please be advised that the Texas Innocence Network office (located at Krost Hall 203) is generally open from 8:00–5:00 Monday–Thursday. *However, unless students have scheduled a specific appointment, we reserve the right to be out of the office at any time for meetings/investigations/etc. and the office lobby may be closed.*

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.

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 a room TBA, with breakout sessions to occur in a room TBA. In the highly unlikely event a make-up class is necessary, it will be scheduled in accordance with UHLC policy

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.

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.

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

At any point in the semester, if you foresee having difficulty reaching 240 hours, please contact Professor Jeu immediately. She will work with you on reaching a mutually amenable solution that adheres to university requirements. Failure to complete the 240 hours will result in an incomplete or failing grade. In accordance with UHLC policy, the ordinarily applicable weighted average for this class will be between 2.8–3.2. This weighted average is ordinarily applicable for classes with fewer than ten students and mandatory for classes with ten or more students. For additional information regarding UHLC's official policies with respect to grading in general, please refer to the UHLC student handbook.

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) 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, 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 (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>
June 1, 2019	<ul style="list-style-type: none"> • Class introduction • Confidentiality / TDCJ forms • Case meeting 	<ul style="list-style-type: none"> • n/a
June 3, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 8, 2019	<ul style="list-style-type: none"> • AEDPA • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 10, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 15, 2019	<ul style="list-style-type: none"> • Clemency • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 17, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 22, 2019	<ul style="list-style-type: none"> • Physical Evidence – Part I • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 24, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 29, 2019	<ul style="list-style-type: none"> • Chapter 64 • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 1, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 6, 2019	<ul style="list-style-type: none"> • Physical Evidence – Part II • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 8, 2019	<ul style="list-style-type: none"> • Case Meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 13, 2019	<ul style="list-style-type: none"> • Criminal procedure: Arrest to Trial • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 15, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 20, 2019	<ul style="list-style-type: none"> • 4th, 5th, 6th, and 8th Amendment overview • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 22, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 27, 2019	<ul style="list-style-type: none"> • Capital vs. non-capital trial strategy • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 29, 2019	<ul style="list-style-type: none"> • Causes of wrongful convictions • End of semester procedures • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
August 3, 2019	<ul style="list-style-type: none"> • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA

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

* - Class lectures subject to change