

Criminal Defense Practice Clinic – Syllabus – Fall 2023

Instructor Erik M. Locascio, Stephen E. Touchstone **Phone** Cell will be given out in class

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Office Hours By Appointment

Text:

Required: *O'Connor's Texas Criminal Offenses & Defenses*, Jani Maselli Wood

Required: *O'Connor's Texas Crimes & Consequences*, T.B. Todd Dupont II

Description:

The Criminal Defense Practice Clinic is a hybrid program offered through the UHLC Clinics Program. It consists of a weekly classroom component along with hands-on practical experience handling felony cases in the Harris County Criminal District Courts. These cases will be handled by the student attorney from initial arraignment of the client to either a plea bargain, dismissal, or trial at the end of the process. The student attorney will be responsible for all aspects of his or her case, including client interviews and updates; legal research of any issues in the case; analysis and evaluation of the State's evidence; weighing and considering the various options available to the client for case resolution; and, if needed, sitting first chair during a criminal trial if the client so chooses.

During the classroom component, a variety of topics will be discussed, including a detailed walkthrough and analysis of the Harris County criminal justice system, law practice management, trial strategies, and more.

Students will also be exposed to the many aspects of the criminal justice system, including hearings before a judge, plea negotiations with prosecutors, and interviews with witnesses. Cases will be selected to provide students with a variety of experiences.

It should be noted that essentially all court settings begin at 9am each day, if a case is set for a given day. If you have other classes you need to take that are only held in the morning, you will miss out on a significant source of clinic hours. Please set your schedule accordingly. If you have questions regarding this, please feel free to contact Professors Locascio and Touchstone.

Student Orientation: 8/16/23 12:00p to 4:30p (in person at UHLC); 8/17/23 1p-3p (Virtual)

Requirements:

Completion of Evidence (or concurrent enrollment); good academic standing; at least 30 hours completed.

Resources:

Students will apply for a Student Bar Card through the State Bar of Texas. The application will be handed out during orientation. If you already have a bar card, it will be updated with Professor Locascio's and Professor Touchstone's name as your supervising attorney. There is a \$15 application fee for new applications; if you previously have a card, the fee is waived.

It is highly advised that students apply for a Frequent Court Visitor badge to avoid the security lines at the courthouse. **Please note:** As there is a significant backlog of applications, get your application in as early as possible, so you can use your badge during the semester. More information is available here: <http://www.hcfpm.net/Security/Frequent-Courthouse-Vistor-FCV-Program>

Learning Outcomes:

- Development and honing of fact investigation, witness interviewing, and case evaluation skills
- Advancement of trial advocacy skills
- Mastery of relevant Criminal Code statutes and case law, as well as local rules and procedures
- Improvement in client management and interviewing skills
- Continued development of legal research and writing skills
- Exposure to criminal defense solo practice and key figures, including prosecutors, judges, court staff, and other attorneys

Evaluation:

This is a graded class. Students will be evaluated on a variety of factors, including participation during class and during court appearances; journal assignments; case preparation; and attendance.

- **One-page bi-weekly journals will be due beginning Week 2 and continuing throughout the semester on every even week. These journals can include impressions on court proceedings; thoughts and ideas about criminal justice; case theories and issue spotting; current events in criminal law; and any other appropriate topic.**
- **There will be one "quiz" regarding a handful of the crimes and punishments found in the Crimes and Consequences book. The quiz will be open book and will potentially cover: punishment ranges; types of crimes; other potential consequences; and enhancements. The quiz date will be announced in advance to allow for preparation**

If a student does not turn in a journal on the appropriate due date, they may turn them in on the next journal due date for half credit.

50 hours of clinic work are required for each credit hour; for this clinic, 150 hours of clinic work are required. Clinic work hours include but are not limited to: Class attendance; journal writing; legal and issue research; relevant CLE attendance; trial court observation (county court, district court, juvenile court); appellate court observation; evidence analysis; trial and hearing preparation time; document and motion drafting; witness and client interviews; and any hours spent in court on a case. If a student attorney participates in a hearing or trial on the record, all time spent is counted as clinic hours. Additionally, if you would like to participate in a relevant event not listed here, please clear it with Professors Locascio and Touchstone beforehand.

Pursuant to UH Law policy, you must attend at least **80%** of regularly scheduled classes. **Class time and day will be announced** after discussion with students regarding which day works best. **Some courts have a Zoom option as well as an in-person option, and the Zoom links can be found on the class SharePoint page.**

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](tel: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

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Center for Students with DisABILITIES. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through email and by posting the syllabus to the class SharePoint page.

Course Schedule: Course topics are subject to change and may also include guest lecturers

During Every Class: Discussion will primarily center around case evaluation, including evidence analysis, relevant legal discussions (discovery laws, Brady, etc.), hearing and trial preparation, and any court debriefings.

Week	Topic	Required Reading (Dupont)
Week 1	Introductions; Overview of Harris County Criminal Justice process; courtroom etiquette	Chapter 1: Constitutional Provisions Chapter 6: Criminal Responsibility
Week 2	Client Interviewing Overview and Techniques	Chapter 2: Penal Punishment Ranges Chapter 3: Texas Controlled Substance Act Punishment Ranges (Journal Due)

Week	Topic	Required Reading (Dupont)
Week 3	Dealing with the State; Reading the State's File	Chapter 15: Texas Criminal Elements & Punishments (Pen. Ch. 15 – 30)
Week 4	Evidence Evaluation and Analysis	Chapter 15: Texas Criminal Elements & Punishments (Pen. Ch. 31 – 39) (Journal Due)
Week 5	Commonly Used Court Cases and Statutes/Bail in Harris County	Chapter 15: Texas Criminal Elements & Punishments (Pen. Ch. 42 – 71)
Week 6	Plea, Dismissal, Trial? Managing Client Expectations	Chapter 15: Texas Criminal Elements & Punishments (H&SC Ch. 481 – 501) (Journal Due)
Week 7	Law Practice Management	Chapter 7: Defenses, Justifications, and Affirmative Links
Week 8	Technology and the Criminal Defense Lawyer/More on LPM	Chapter 10: Sex Offender Registration Program (Journal Due)
Week 9	The Plea Bargain: Process and Pitfalls	Chapter 11: License Suspensions
Week 10	Preparing for a Motion to Suppress Evidence	Chapter 12: Parole Eligibility (Journal Due)
Week 11	Working Up Your Case for Trial	Chapter 18: Evidentiary Matters
Week 12	Trial Techniques: Opening, Close, Direct, Cross	Chapter 19: Preservation of Error (Journal Due)
Week 13	Continue Trial Techniques/Working up Cases	
Week 14	Post-Mortem; Conclusions	QUIZ (Open book, covering previous topics)