

INNOCENCE INVESTIGATIONS: SYLLABUS SUMMER 2022

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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 (see *infra* for a link to UH's Guidelines and Procedures). 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. Voice messages will be returned as soon as possible. Phone calls, Zoom meetings, and/or in-person meetings can be scheduled at a mutually amenable time. With respect to in-person meetings, unless students have scheduled a specific appointment, clinic instructors reserve the right to be out of the office at any time. Scheduled in-person meetings with TIN staff will follow UH's Covid-19 Guidelines and Protocols. Moreover, the TIN office may be closed at any time.

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.

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.

TEXT/SUPPLEMENTAL MATERIALS

Class and case materials will be made available in class or online via email and/or Dropbox. Any original case documents must be returned by the end of the semester. Students are strictly forbidden from marking on anything found in the case file in any way (e.g. – writing, highlighting, etc.). Students may make copies of any original documents found in the case file and mark on the copies, as long as the copies are returned to TIN at the end of the semester, along with the original case file(s).

CLASS MEETINGS AND ATTENDANCE

Innocence Investigations is a face-to-face class held on Mondays and Wednesdays from 4:00– 5:15. Pursuant to UHLC policy, students must attend at least 80% of all classes. Attendance will be kept and enforced in accordance with UHLC policy. Any make-up classes will be scheduled in accordance with UHLC policy.

RECORDING OF CLASSES

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 [Justin Dart, Jr. Student Accessibility Center](#). 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.

CLASS REQUIREMENTS

A total of 240 hours (including class time, meetings, etc.) must be spent on work performed for Innocence Investigations. As part of the required 240 hours, students must attend classes, complete case assignments/work, submit a timesheet in Excel format, and return all case files/materials.

“Billing” takes place in .25/hour increments (i.e. – a student who spends an hour and ten minutes working on a screener file will bill 1.25 hours.) *At any point in the semester, if a student foresees having difficulty reaching 240 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 240 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, case files, and all assignments are due by 3:00 pm on Monday, August 15, 2022.***

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 in order to determine a student's overall grade.

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. In other words, students may ask the instructors for feedback at any time throughout the semester on any investigation presentations, screener memos, investigation memos, investigation assignments, etc. There is not a single summative assessment to evaluate overall performance at the end of the semester; rather, the student work performed throughout the semester provides a cumulative assessment.

SYLLABUS CHANGES

Due to the changing nature of the COVID-19 pandemic, please note that the instructors may need to make modifications to the course syllabus and may do so at any time. Notice of any syllabus changes will be announced as quickly as possible through email and through the UHLC course catalog website.

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, students must take whatever action is necessary to ensure that no other individuals are able to overhear discussions regarding individuals' innocence claims or work performed on any cases (e.g. – making case-related phone calls in private, so that nobody can overhear the discussion). *If there are any questions regarding confidentiality and/or Attorney/Client Privilege, please contact Professor Jeu immediately.*

UH ANTIDISCRIMINATION AND SEXUAL MISCONDUCT 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.

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

Chosen names and preferred pronouns (including non-binary ones such as they/them/their) must be respected in our classroom. Please feel free to reach out to Professor Jeu at any time if you want to make us aware of your chosen name, preferred pronoun, and/or a favored prefix; or if you have concerns about how we or your classmates address you. Any lapses made by your instructors should be attributed to failings of memory and/or honest mistake, as your chosen names and preferred pronouns are respected in this class.

REASONABLE ACADEMIC ADJUSTMENTS/AUXILARY AIDS

The University of Houston complies with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, pertaining to the provision of reasonable academic adjustments/auxiliary aids for disabled students. In accordance with Section 504 and ADA guidelines, UH strives to provide reasonable academic adjustments/auxiliary aids to students who request and require them. If you believe that you have a disability requiring an academic adjustments/auxiliary aid, please contact [the Justin Dart Jr. Student Accessibility Center](#) (formerly the Justin Dart, Jr. Center for Students with DisABILITIES).

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 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).

The Texas Lawyers' Assistance Program (“TLAP”) also supports law students who are dealing with stress, anxiety, depression, substance abuse, and other mental health problems. You can reach TLAP at any time at 1-800-343-8527. TLAP's website includes a page with links to sources about mental health that are of interest to law students: <https://www.tlaphelps.org/law-students>.

UNIVERSITY OF HOUSTON'S COVID-19 GUIDELINES AND PROTOCOLS

Face Covering Policy

To reduce the spread of COVID-19, the University strongly encourages everyone (vaccinated or not) to wear face coverings indoors on campus including classrooms for both faculty and students.

Presence in Class

Your presence in class each session means that you:

- Are NOT exhibiting any [Coronavirus Symptoms](#) that makes you think that you may have COVID-19
- Have NOT tested positive or been diagnosed for COVID-19
- Have NOT knowingly been exposed to someone with COVID-19 or suspected/presumed COVID-19

If you are experiencing any COVID-19 symptoms that are not clearly related to a pre-existing medical condition, do not come to class. Please see [Student Protocols](#) for what to do if you experience symptoms and [Potential Exposure to Coronavirus](#) for what to do if you have potentially been exposed to COVID-19.

COVID-19 Information

Students are encouraged to visit the University's [COVID-19](#) website for important information including on-campus testing, vaccines, diagnosis and symptom protocols, campus cleaning and safety practices, report forms, and positive cases on campus. Please check the website throughout the semester for updates.

Vaccinations

Data suggests that vaccination remains the best intervention for reliable protection against COVID-19. Students are asked to familiarize themselves with pertinent [vaccine information](#), consult with their health care provider. The University strongly encourages all students, faculty and staff to be vaccinated.

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 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, regardless of whether a student is absent on the due date;
- Investigation presentation memos that are assigned to be emailed to Professor Jeu are due by 4pm the week after they are assigned, regardless of whether a student is absent on the due date;
- In-class investigation presentations are to be given in class the week after they are assigned. If a student is absent on the day they are to give an in-class investigation presentation, they will give the investigation presentation in the next class they attend;
- Specific assignments regarding open investigation files are due by 4pm two weeks after they are assigned, regardless of whether a student is absent on the due date;
- Investigation memos and files regarding terminated investigation case files may be turned in any time after a case has been assigned for termination. The final deadline for all investigation memos and files to be turned in is 3:00pm on August 15, 2022; and
- Investigation memos and files regarding open investigation case files may be turned in any time after 5:15pm on Monday, August 8, 2022 (*i.e.* – any time after the last class of the semester). The final deadline for all investigation memos and files to be turned in is 3:00pm on Monday, August 15, 2022.

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 (*i.e.* – Who you called, when you called, what number you called, what was said during the call, etc.).

Professor Jeu will answer any case-related question she receives until the day the assignment is due (*i.e.* – 11:59pm Sunday for an assignment due on Monday). She will not answer questions on the day that a student's memo/presentation/assignment/etc. is due. As previously stated in this syllabus, Professor Jeu will provide feedback regarding student work upon request.

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 and turn in an investigation memo for each assigned investigation.
- Turn in all physical case files (if any) to Professor Jeu. Files may be returned in person to Professor Jeu's office at Krost 204 or to Megan Bostick, Professor Dow's assistant, in the first floor BLB faculty suites. If you turn in your files to Megan Bostick, be sure to tell her that you are an Innocence Investigations student turning in the files to Professor Jeu.

If you have any questions regarding this section, please e-mail Professor Jeu ASAP to resolve any issues. ***All class assignments and all case files are due by 3:00 pm on Monday, August 15, 2022.***

<i>Class Date</i>	<i>Class Discussion *</i>	<i>Assignment Due</i>
June 6, 2022	<ul style="list-style-type: none"> • Class introduction • Confidentiality • Screening Instructions (I) / Case meeting (D) 	<ul style="list-style-type: none"> • n/a
June 8, 2022	<ul style="list-style-type: none"> • AEDPA – Part I • Investigation instructions (I) / Case meeting (D) 	<ul style="list-style-type: none"> • Case assignments TBA
June 13, 2022	<ul style="list-style-type: none"> • AEDPA – Part II • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 15, 2022	<ul style="list-style-type: none"> • AEDPA – Part III • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 20, 2022	<ul style="list-style-type: none"> • State Habeas – Drafting & Common Claims • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 22, 2022	<ul style="list-style-type: none"> • Clemency • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 27, 2022	<ul style="list-style-type: none"> • Physical Evidence – DNA • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
June 29, 2022	<ul style="list-style-type: none"> • Chapter 64 Motions • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 4, 2022	<ul style="list-style-type: none"> • n/a – Fourth of July Holiday 	<ul style="list-style-type: none"> • n/a
July 6, 2022	<ul style="list-style-type: none"> • Physical Evidence – Comparative Evidence • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 11, 2022	<ul style="list-style-type: none"> • Physical Evidence – Non-Evidence • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 13, 2022	<ul style="list-style-type: none"> • 8th Amendment – Death Penalty • Case Meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 18, 2022	<ul style="list-style-type: none"> • 8th Amendment – Sentencing • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 20, 2022	<ul style="list-style-type: none"> • 6th Amendment • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 25, 2022	<ul style="list-style-type: none"> • 5th Amendment • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
July 27, 2022	<ul style="list-style-type: none"> • 4th Amendment • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
August 1, 2022	<ul style="list-style-type: none"> • Capital vs. non-capital trial strategy • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
August 3, 2022	<ul style="list-style-type: none"> • Criminal procedure: Arrest to Trial • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA
August 8, 2022	<ul style="list-style-type: none"> • End of Semester Procedures • Case meeting 	<ul style="list-style-type: none"> • Case assignments TBA

August 15, 2022 **All Class Assignments and Case Files are due by 3pm**

* - Class lectures subject to change