

Criminal Law Externship Syllabus

Spring 2018
Tuesday 6:10PM-7:00PM
Room 242

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Office hours by appointment

TEXT: “Let’s Get Free; A Hip Hop Theory of Justice,” by Prof Paul Butler (2009) which you can obtain online, from a library, another student, etc.

OBJECTIVES:

This course will focus primarily on the practice of criminal law in a real life setting. Students will obtain placements in offices and agencies which focus predominantly on cases where people have been arrested for criminal allegations. Students will work closely with a supervisor at the placement to observe, participate in and understand the prosecution and defense of criminal cases.

The student will then participate in a seminar held for one hour each week where the group will discuss legal, professional and ethical issues that are raised by the professor as well as experiences at their placements. Some of the topics discussed will include the ethical and professional obligations imposed by the adversary system, strategic decisions that are made by adversaries in the

criminal justice system, recent developments and current events in the field of criminal law and procedure as well as shortcomings in the system and ways to improve the system's ability to achieve a just result.

As a result of the course, students should expect to begin to formulate their professional identity, to determine if criminal law is the area they want to work in and, if so, for which side initially, to expand their knowledge and learn to apply the substantive law that they have learned in other courses and to embrace the ethical and professional requirements to practice criminal law.

According to the American Bar Association, students should be preparing 2 hours for each class, not including their hours working at their placement. This would include assigned research/reading and drafting, editing and proofreading journals.

JOURNALS

The seminar will focus on a journal kept by each student during the course of the placement. Each week's journal should have a title with the student's name, placement name, the # of hours worked each work day that week and the total hours worked each week and for the semester.

The journal should then be divided into two parts. First, an objective chronological account (labeled "Objective Section") will be kept of each day's work at the placement. For instance, the student will include the hours at the placement that day and the activities engaged in for that time period, such as researching an issue, reviewing case files, interviewing witnesses and attending court proceedings. This should be a narrative description of the various tasks performed and experiences obtained for the week and not just a list or outline. For instance, the facts of a particular matter, the substantive/procedural legal issues that arose from that case and your assignment should be discussed. By the end of the semester the student will have a complete catalogue of the days and hours worked as well as the various assignments engaged in.

Second, each student will keep a separate subjective account of what they learned and experienced during that week's work. For example, how the attorney at the placement handled the issues and how you would have or did handle the issue. You should also record your thoughts, opinions, problems and complaints about the system which arose as a result of your work. Was justice obtained in a particular matter, what were the relative skills and personalities of the opposing parties, did the judge handle an issue correctly, efficiently or politely are all matters for discussion and documentation.

Finally, you should be reflective about your own interest in the field and abilities as an attorney to try to determine if this is the appropriate field for your career and, if so, how you can better prepare yourself to excel. For your reflection, I would like you to use the "plan, do and reflect" model to discuss your work. For instance, if you receive a research assignment, I want to know what planning you engaged in before you began, what you actually did in your research and then some reflection about your level of success and how you could do better on the next project. One of my goals is to get you used to continuous learning as an attorney and the "plan, do and reflect" method should prove helpful to you in your career.

Most weeks will also include a guided reflection issue assignment for your journal. For example, you may be asked to read a case or statute or make particular observations, consider how that issue applies to your placement and reflect upon it in your journal. You need to respond to the issue assignment as well as other issues that you can reflect on from your week's work. One of my goals is to help you with assignment clarification at your placements. Accordingly, I will announce the assignment for the week's journal in class rather than have a list of assignments for the semester. It is your responsibility to clarify the assignment in class or by email.

I will not disclose the contents of your journals without your consent. Be mindful, however, that you will be asked periodically to discuss your activities with the rest of the class. With this in mind, please always consider the ethical issues involving the attorney client privilege, disclosing confidential information and creating discoverable material at your placement. Do not disclose the

identities of the parties or other participants that are not on the public record. If you have a question about this, do not hesitate to discuss it with your supervisor or professor.

The journals must be emailed to the professor (me) by midnight on Sunday. Journals should be a document attached to an email. You must submit a journal for each required week to pass the course. If you submit 4 journals late, that is, after midnight on Sunday, you will fail the course.

During some seminars, one or more students will be selected to discuss an issue in class. Those not presenting will also be participating in class by questioning and commenting on issues raised by the presenters either based on their own work or their independent knowledge and opinions. All students are expected to actively participate in class. **THERE WILL BE NO LAPTOP COMPUTER USE IN CLASS.**

Your journal should be at least 3-4 pages long typed and double spaced. I pay attention to typos, grammar, spelling, organization and the quality of your reflection. Both sections of your journal should be in a narrative form; outlines, bulletpoints, abbreviations or other shortcuts are not acceptable. I expect a proofread, professional document of the same quality as you would submit to a supervisor at your placement or to a judge. If it is poorly written, I will call your attention to the general problems. I expect that you will improve your writing in subsequent journals. The quality of your written work will be factored into your final grade for the seminar portion of the course. I will read your journal before class and attempt to respond to you each week.

In addition to the journal, we will also focus on issues discussed in the Butler book from both a legal and policy perspective. The book is a provocative, controversial look at the criminal justice system. During the semester, you will be asked to participate in debates on several chapters in the book.

Lastly, I will occasionally assign cases or articles to be read to illustrate a change in the law, some new theory or practice that is being considered or a controversial issue within the criminal justice system. The use of guest

speakers will also be considered.

REQUIREMENTS

1. You are required to work at least 12hours per week at your placement for a minimum total of 168 hours.
2. You are required to turn into me by the end of the semester a total of 15 pages of original legal writing generated at your placement. This is not boilerplate submissions, outlines/notes/bulletpoints, letters or other nonlegal writing. It is meant to include written work in a legal format based on legal research. It should also be your original writing before editing by a supervisor.
3. You are required to email to me both sections of your weekly journal by midnight on Sunday. I will review them and then notify you before class whether we will be discussing something in your journal at that week's seminar. Journals should be at least 3-4 pages, double spaced. **If four of your journals are late or all are not turned in, you will fail the course.**
4. Attendance- The law school must certify to the Board of Law Examiners that a student was in "good and regular attendance." You must attend 80% of all scheduled classes to pass the course. That means you only get 3 unexcused absences. Attendance will be taken at all classes by passing around a sign in sheet. It is the student's responsibility to make sure that their name is signed by them. If you believe you must be absent from more than the permitted number of classes (3), you should contact the Office of Student Affairs as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship.
Any request for an exception must be made to the Office of Student Affairs and must be accompanied by appropriate documentation. Lateness must be avoided at all costs. It is wasteful and distracting to those students who are punctual.

- 5 Meeting – Each student will meet individually with me in the middle of the semester to discuss your work at your placement, whether you are accomplishing the course requirements and your personal goals and how you can improve your performance.
- 6 Participation- It is essential that you are prepared for class and participate in class discussions when called upon. When presenting from your journals you may use them or other notes as an aid but you are not to read from a narrative when discussing the work at your placement.
- There will be absolutely no cell phone conversations (phones to be placed on vibrate), text messaging, e-mailing or surfing the internet while class is in session. I will “call out” violators that I observe and will not look kindly on students who engage in this behavior. THERE WILL BE NO LAPTOP COMPUTER USE IN CLASS

EVALUATION

There will be no written tests or papers assigned. Your grade will depend on your regular attendance and participation at your placement and the seminars, reading and discussing the selected book, etc. together with your submission of the requisite written work and journals. The course will be graded on a pass/fail basis for 2 credits relating to the work at your placement. **One credit will be for a letter grade based on your attendance, punctuality and participation in class as well as the quality of your journals as described above.** There will not be a curve.

Some students believe that they can engage in the minimum amount of work in a pass/fail course and still pass. This is true with a caveat. As an attorney, you will be judged not only by your results but also by the effort you invested to obtain that result. At some point in your law school career you will possibly request my assistance. It could be for general counseling, a letter of recommendation, a practice interview or acceptance into a course requiring professor approval. I urge you to consider the effect that less than full effort

will have upon your future request.

CONCLUSION

I can be reached before/after class, by appointment, by email or by stopping into my office when I am there. I take pride in my accessibility to students and am at school frequently but I have no office hours because of my clinic responsibilities which involve frequent random court appearances. I will try to direct you to the correct answer without answering it for you. One of the skills attorneys must learn is how to answer questions themselves. I am eager to receive questions but answering them will be part of the learning process for you.

The benefit of an externship is exposing you to the real life practice of law through on the scene observation and experiences. The more active you are at your placement, the more you will get out of it. Do not hesitate to request meaningful work from your supervisor. You are not there to be a clerk or secretary; you are there to participate in legal work although you should expect to receive some menial assignments. Contact me if the work is not meeting your expectations and I will attempt to intervene, if necessary.

The benefits of a seminar are that all participants can contribute to the group and we can all learn from each other. Be open when listening to the experiences of your colleagues and kind when offering a different perspective in class. The curriculum is limited only by your experiences at the placement and your curiosity. If there are topics you would like to discuss, let me know and I will attempt to add to the course.

I hope that when you complete this course, you have a better understanding of the way your system of criminal justice operates, an appreciation of the vital role you can play in that system and ways you can work to improve it. I look forward to an interesting, provocative and enjoyable semester.