Syllabus

All classes are scheduled to meet for two (2) hours, and all classes meet at the Public Defender Office, St. Louis County Justice Center, 100 S. Central, 2nd Floor, Clayton, MO. The class normally will meet on Tuesdays from 3:30 p.m. to 5:30 p.m. All readings are available through this website.

WEEK ONE ORIENTATION

January 9 - 3:30 to 5:30 p.m.

The first class meeting is an orientation to the course and to the Public Defender Office. Prior to the class, please read these materials:

- Clinic Overview
- Clinic Experience
- Course Requirements
- The Missouri Public Defender System
- Ethics for Legal Interns in the Criminal Justice Clinic
- St. Louis County Criminal Procedure [distributed in hard copy]
- Criminal Justice Clinic Experience Checklist [opens in a new window]
- Tips on Experiences, Time, and Experiences

Class will start with a tour of the Public Defender Office. Class discussion will focus on Missouri Criminal Procedure, from arrest through sentencing. Come prepared to fill out your weekly schedules for working at the Public Defender Office. The orientation continues with a discussion and role plays of income eligibility interviews.

There will be a short handout distributed prior to class. Please check your mail folder.

Starting on Wednesday, January 10, you should begin reporting to the Public Defender Office and checking in with Pat Brayer each day when you arrive. He will arrange for you to begin to observe and participate in the daily workings of the office. If possible, a criminal trial will be identified so that you will be able to observe a trial whenever you have some free time. When you observe proceedings in court, please make notes of what you see and questions you have. We will discuss these in class. There will also be a
tour of the Courts, and you will be orally quizzed on Missouri Criminal Procedure. We will try to have another orientation session toward the end of the first week of classes.

**WEEK TWO - Orientation Continues (1/16)**

- Readings: No additional readings.

This class will focus on intake interviewing, criminal procedure issues, and other matters to complete your orientation to the clinic. By this date, you should have established your regular schedule for the clinic.

**WEEK THREE - Anatomy of a Preliminary Hearing (1/23)**

- Readings: A sample case file will be distributed during week two. Read Tips on Effective Preliminary Hearings Anatomy of a Preliminary Hearing

This class focuses on the theory and practice of successful preliminary hearings. There is a short reading on preliminary hearings on the clinic website, and you will be given a sample case file prior to class. During the class, two attorneys from the office will discuss their theories for doing preliminary hearings. You will then analyze the sample file and discuss the objectives of the preliminary hearing for the sample case. There will be a mock preliminary hearing involving the two lawyers from the office assuming the role of prosecutor and defense counsel. After the mock hearing, you will discuss and critique the hearing. You will receive assignments for mock preliminary hearings you will conduct in Week Four. Students who still need to observe actual preliminary hearings are reminded to do so as soon as possible.

**WEEK FOUR - Mock Preliminary Hearings (1/30)**

- Readings: Come prepared to do the mock preliminary hearings based on the assignments you received last week. Short Office Meeting Mock Preliminary Hearings

Prior to doing the hearings, there will be a short office meeting to deal with any pressing issues or questions. The class will then go to a courtroom where each student will participate in role as a prosecutor and also in role of defense counsel in two mock preliminary hearings based on the same problem. If possible, a judge will meet with the class prior to the mock preliminary hearings to discuss his or her view of preliminary hearings. One or two attorneys from the office will assist by playing the roles of witnesses and/or judge for the preliminary hearings. Each mock case has one or two witnesses.

**WEEK FIVE - Mock Preliminary Hearings Continued, Bond Negotiations & Hearings, and Pleas (2/6)**
Readings: There may be a handout.

Prior to doing the hearings, there is a short office meeting to deal with any pressing issues or questions you have, particularly any issues arising out of the screening interviews they are conducting. Come to class prepared to discuss one tip you would give someone doing screening interviews and the most difficult thing you find about doing the interviews. We will then proceed to conduct mock bond hearings and pleas.

WEEK SIX - Jail Tour (2/13, or a different date during the week to be announced)

Readings: No readings.

A jail tour will be arranged this week. The tour will take us throughout the entire jail, from the processing area in the basement to the low security pods, to the maximum security cells, and finally the command center. We will have to arrange to do this visit during an earlier time slot than our regular class. The day and time will be announced as soon as a mutually convenient meeting time is determined.

WEEK SEVEN - Verdicts, Interviewing, and Office Meeting (2/20)

Readings: No readings. Verdicts Office Meeting: Interviewing issues and tips to share

By this time everyone should have watched most of at least one case, and almost everyone will have seen at least one jury verdict returned. The lawyer in a recent case, and at least one other lawyer, will come to discuss recent cases in the office and dealing with guilty verdicts and not guilty verdicts. The discussion will focus on issues of effective client representation, dealing with family and friends of clients, and the substantive and tactical issues in the case. This usually leads to a discussion of trial strategy and a selfreflective critique of what worked and did not work in the trials you observed or participated in.

For the balance of the class, each student will be expected to discuss at least one thing he or she has learned while taking this course. Also, you should come prepared with at least one question you have about some issue you have not resolved.

WEEK EIGHT - Individual Meetings (2/27)

There is no general class meeting or office meeting for this week. Rather, there are extended individual meetings with the students to discuss the work each student is doing and any special projects that have been assigned.

WEEK NINE - Criminal Procedure Review and Ethical Issues (3/6)
• Reading: Ethical Issues in Criminal Defense Cases

Office Meeting: Some Ethical Issues in Criminal Defense

Please come prepared to discuss at least one pending assignment and any questions you have. This is an opportunity to brainstorm with others about how to approach the assignment, where to look for resources, or how to deal with an issue. If you do not have any questions to raise, come prepared to discuss an issue you resolved since the last class meeting.

The readings for this class will include representing guilty persons and lying clients. These ethical and practical issues will be discussed.

WEEK TEN - Ethical Issues Continued (3/20)

• Readings: Ethical Issues of Clients with Disabilities, Ethical Issues Continued

This class will continue with a discussion of other ethical issues in criminal defense work. The reading will focus on representing clients under a disability, such as mental illness, substance abuse, or the legal disability of being a minor. These issues will be discussed as well as other ethical issues you have encountered.

WEEK ELEVEN - Prison or Other Special Issues (3/27)

• Readings: There may be a handout.

We will discuss this class prior to this week. We may arrange a visit to a prison this week, or we may focus on some other special issues of interest identified by the class. If we visit a prison, we will likely do it on Friday of this week.

WEEKS TWELVE & THIRTEEN - (4/3, 4/10)

• Readings: Issues for Prosecutors (Part 1, Part 2, and Part 3)

During one of these weeks, the class will meet with two prosecutors to discuss the prosecutors' views on their responsibilities as both advocates and administrators of justice. The meeting will be set up to accommodate the schedules of the prosecutors, and at the time the syllabus is being compiled the exact date has not been determined. You will be advised of which date will be the meeting with the prosecutors.
Read the assignment, and please note that the prosecutors have been asked to discuss the following issues:

- discretion in the charging decision
- disclosure of evidence which tends to negate guilt
- ex parte communications with represented persons and judges
- pleas discussions from the prosecution’s perspective
- examination of witnesses at trial
- role in sentencing.

The other class meetings will be used as general office meetings for you to discuss issues you are facing in your cases and to clarify your end of the semester responsibilities.

**WEEK FOURTEEN - (4/17)**

There is usually no class this week. I meet with each student individually for an exit interview, and you should arrange exit interviews with the attorneys in the office you worked with the most. There is also an intern happy hour to celebrate the end of the semester jointly sponsored by the Public Defender Office and me that will take place prior to the end of classes.

[View syllabus in Adobe PDF]