



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

JUVENILE LIFERS EXTERNSHIP

FALL 2021

CHRIS SELF

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THE PROFESSOR

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| NAME: Chris Self |  |
| TELEPHONE: (cell) 346.316.3439 | |
| EMAIL: Christopher.Self@tmslaw.tsu.edu | |
| LOCATION OF OFFICE: 1201 Franklin Street, 13 th Fl., Houston, Texas 77002 | |
| OFFICE HOURS: Tuesdays during scheduled course session | |

Notes from Professor:

This class will demand intense focus on fact and life history investigation, client-centered representation, and legal research and writing relating to complex and novel legal issues. The environment is intended to provide tutelage and mentorship in the type of atmosphere you would expect in the practice of criminal law.

Biography:

I am a public defender in Harris County. Until very recently, I was in private practice focusing on criminal defense, including trial, appellate, post-conviction, and parole representation. I began my legal career as the John P. Niland fellow of the Texas Defender Service's Capital Trial Project where I worked exclusively on trial-level death penalty cases.

For the past three years, I have supervised the Juvenile Lifers Externship, where we work to help people who received extreme punishment as children obtain release. Students investigate, research, work with clients, and draft pleadings for use in a variety of venues, including state trial courts, federal district courts, the Texas Supreme Court and Court of Criminal Appeals, and proceedings before the Texas Board of Pardons and Paroles.

More recently, student work has expanded into advocating for juvenile parole reform policy as well.

COURSE BOOKS & MATERIAL

Required Reading: *Social History Assessment*, Arlene Bowers Andrews (Sage Publications 2007) ISBN 1-4129-1413-2 or 978-1-4129-1413-0

Deep Work and Digital Minimalism, Cal Newport.

COURSE DESCRIPTION & OBJECTIVE

DESCRIPTION:

The Juvenile Lifers Externship Program is focused on representing clients who are affected by extreme sentences they received as juveniles. All clients' cases are in some phase (investigation or litigation) in state or federal habeas corpus proceedings or are in parole review. Students will be engaged in client relations, family relations, fact and social history investigation, record collection, research, and writing.

The Criminal Trial Practice lecture course is the substantive companion course to your work in the Juvenile Lifers Externship Program. The intent of this course is to inform and guide your work in the JLEP and your understanding of this practice area. As with all experiential learning courses, it is aimed at educating the student in a particular area of law and providing opportunities to apply that education through supervised practice.

OBJECTIVE:

The aim of the JLEP is to train law students to be client-centered advocates who are capable of telling their client's story persuasively and in a way that humanizes the client.

Students will learn valuable investigative and research and writing skills that will enable them to effectively advocate for clients in situations that would otherwise seem hopeless.

STUDENT LEARNING OUTCOMES

ABA Standards and Rules of Procedure for Approval of Law Schools 2017-2018, section 302 identifies the skills that all law schools are minimally expected to train their students in:

Standard 302. LEARNING OUTCOMES A law school shall establish learning outcomes that shall, at a minimum, include competency in the following:

- (a) Knowledge and understanding of substantive and procedural law;
- (b) Legal analysis and reasoning, legal research, problem-solving, and written and oral communication in the legal context;
- (c) Exercise of proper professional and ethical responsibilities to clients and the legal system; and
- (d) Other professional skills needed for competent and ethical participation as a member of the legal profession.

ABA Standards and Rules of Procedure for Approval of Law Schools 2017-2018 interprets 302 (d) by adding other professional skills are determined by the law school and may include skills such as, interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

As such, JLEP students will develop the following competencies:

1. Client-centered representation and advocacy, including interviewing, counseling, and storytelling skills;
2. Mitigation investigation through interviews of life history witnesses and record collection;
3. Fact investigation, through interviews of fact witnesses and review of physical evidence and other documents; and
4. Creative and innovative legal research and writing to advance novel claims.

GRADING

The final grade for this section will be determined as follows:

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| Class attendance and attentiveness | 10% |
| Preparation for and attention to each weekly meeting | 10% |
| Professionalism, i.e. quality of interactions with clients, witnesses, other team members, etc. | 10% |
| Quality of written work | 35% |
| Demonstrated effort and development with non-written case assignments | 35% |

TMSL Grading Policy:

TMSL 2018-2019 Student Regulations:

“ Section 3. Grading System

A. Grade Definition and Structure Letter Grade = Honor Point: Definition

A 4.00 Excellent

A- 3.67 Intermediate

B + 3.33 Intermediate

B 3.00 Good

B- 2.67 Intermediate

C + 2.33 Intermediate

C 2.00 Satisfactory

*C- 1.67 Intermediate *(Does Not Apply to 1L Substantive Courses)

D + 1.33 Intermediate

D 1.00 Marginal

C- 0.67 Intermediate

F 0.00 Failure

I Incomplete - A failure to demonstrate the required competence because: 1) Student has an excused failure to take exam, or 2) Student has been granted an extension of time by the professor in a seminar or other courses where the grade on the paper will constitute a significant percentage of the final grade.

NOTE: (See Article III. Sec. 4 A 7 - Postponed Examination). See also Article III Section 7 for removal of Incomplete.

S =(Satisfactory) This grade can be given only upon the approval of the Academic Standing Committee and the Dean, and shall not be included for the purpose of measuring the cumulative average, but shall be included for the purpose of credit hour requirements.

W =(Withdrawal) An administrative decision by the professor of the course in conjunction with the Office of the Dean that the student has failed to satisfy either minimum or maximum course loads or minimum attendance requirements as specified herein at Article III Section 1 A, and B and Article III Section 4 A 1 attendance required. This grade must also be given where a student withdraws from a course in which withdrawal is permitted. Such withdrawal from a course, or courses, must comply with deadlines and procedures prescribed by law school and University Regulations.

ACCOMMODATIONS

All requests for any special accommodations must be first submitted to the Dean of Student Affairs.

Reasonable accommodations will be given to students whose requests are approved upon a showing of need.

PARTICIPATION, ATTENDANCE & PROFESSIONALISM

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| 1. Generally | |
| a. Special Accommodations | All requests for any special accommodations must be first submitted to the Dean of Student Affairs. |
| b. Final Examination | There is NO Final Examination in this class. |
| 2. Dress | <i>Business casual. If you would not wear it in a law office, do not wear it to class.</i> |
| 3. Class Attendance | |
| a. Attendance Taken- | Daily. “Attendance 1. Required A student is required to be present for all scheduled examinations at the time and place prescribed. Any student who has not withdrawn from a course (See Article III, Section 1A 3, for requisite procedures), or has not received an excused absence (See Article III, section 4, A 7, below for requisite procedures, and Article III, Section 3, A, for definition of Incomplete (I) evaluation), and who fails either to attend an examination or fails to submit an answer shall receive the grade of F” (2018-2019 TMSL Student Rules and Regulations). |
| b. Tardiness- | 5 minutes late, according to the time piece of the Professor, will result in an “Absence” for that day. |
| c. Allowable Number | Refer to The Student Rules of Matriculation. |
| 4. Class Etiquette | |
| a. Cell Phones | <u>Cell phones are not permitted to be used or seen, unless specifically asked to do so by the Professor.</u> Cell phone use will affect your grade for “attentiveness” (see above). |



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| b. Tablets/Smart Phones/laptops | No. Notes must be handwritten. |
| c. Professional Decorum | The classroom and the courtrooms are sacred in that they are the places where positive change is defined; discussed; effectuated; and shared with the others. Please act in a manner that brings dignity to you; your family and the legal profession. |
| d. Yielding the Floor | As in the courtroom, if a colleague, professor or speaker is engaged in presentation or inquiry, please yield the “floor” until you can intervene without disruption. As in a courtroom, only one person can be heard at a time. |
| e. Dismissal | Please do not prepare to leave class until class is dismissed; unless you have told me in advance that you need prior to the dismissal of class. |
| f. Online platform rules | Cameras on and at eye level for entire class period to be counted present. Students must be visible and poised to take handwritten notes. Students are required to be present for exercises of others, with cameras aimed at faces with focused expressions. Mute by default, use “raise hand” feature to be called upon for a question or comment. |
| 5. Class Preparation | |
| a. Student Responsibility | To be prepared to participate in each class session. |
| b. Text Book | Social History Assessment, Arlene Bowers Andrews (SAGE 2007) 978-1-4129-1413-0 |

POLICIES & PROCEDURES

Students are to meet weekly with the supervising attorney(s) on their cases. Students are encouraged to take handwritten notes during the meeting.

The purposes of the meetings are for the supervising attorney(s) to make clear to students what the assignments are, how to successfully complete the assignments, and answer any questions the student has about the assignment.

Students are strongly encouraged to ask questions during weekly meetings and give feedback regarding their understanding of the tasks at hand.

Students should remember that this is a learning process and that they are expected to improve over the course of the semester through trial and error. No student is expected to produce perfect work product initially, but each student is expected to take the work seriously and grow and improve through rigorous effort.

That said, when weekly meetings re-hash the same objectives and assignments without demonstrated effort by the student to apply and execute what they have learned on their own, the meetings are fruitless, and the student is not properly participating in the work.

READING ASSIGNMENTS, WEEKLY OBJECTIVES*

| <i>Week</i> | <i>Topic</i> | <i>Reading</i> |
|-------------|--|---|
| 1 | Overview of the Juvenile Lifers Externship Syllabus Review Clinical Requirements | <i>Graham v. Florida</i> , 560 U.S. 48 (2010) <i>Miller v. Alabama</i> , 567 U.S. 460 (2012) |
| 2 | State and Federal Habeas Parole and Clemency | Social History Assessment, pp. 126-84 |
| 3 | Parole, continued | <i>In re Texas Bd. of Pardons & Paroles</i> , 495 S.W.3d 554 (Tex. App.—Houston [14th Dist.] 2016, no pet.) |
| 4 | Preliminary Mitigation Interviews | Social History Assessment, pp. 126-84 |
| 5 | Certification & Transfer from Juvenile Ct. | <i>Kent v. U.S.</i> , 383 U.S. 541 (1966) <i>Moon v. State</i> , 451 S.W.3D 28 (Tex. Crim. App. 2014) |
| 6 | Prosecutorial Misconduct | <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) <i>Kyles v. Whitley</i> , 514 U.S. 419 (1995) |
| 7 | Parole Reform | Second Look Bill |
| 8 | Ineffective Assistance of Counsel | <i>Strickland v. Washington</i> , 466 U.S. 668 (1984) Schaffer Outline |
| 9 | Mid-term Examination | |
| 10 | Actual Innocence | <i>Schlup v. Delo</i> , 513 U.S. 298 (1995) <i>Herrera v. Collins</i> , 506 U.S. 390 (1993) |
| 11 | Advanced oral advocacy skills: Parole preliminary hearings | Exercise materials given a week in advance |
| 12 | Holiday | |
| 13 | Advanced oral advocacy skills: Suppression hearings | Exercise materials given a week in advance |
| 14 | Review of course | |
| 15 | Final Examination | |

**Sequence of course objectives subject to change at professor's notice.