

**INNOCENCE PROJECT**  
**CLASS & CLINIC**  
**COURSE SYLLABUS SPRING 2018**  
**MONDAY / WED\* 4:00 PM – 6:00 PM**

**PROFESSOR ANTHONY S. HAUGHTON**

**\*Wednesday is Clinic**  
**\*\*This syllabus is not a contract and is subject to change without notice**

## TABLE OF CONTENTS

The Professor .....	3
Course Books & Material .....	4
Course Description & Objective.....	5
Student Learning Outcomes.....	6
Grading .....	8
Accommodations .....	9
Participation, Attendance & Professionalism .....	10
Academic Calendar .....	11
Policies & Procedures .....	13
Reading Assignments.....	14
Writing Assignments .....	14
Presentations .....	17
Syllabus Acknowledgement Form: Student Copy .....	18
Syllabus Acknowledgement Form: Instructor Copy.....	19

## **THE PROFESSOR**

**NAME:** Professor Anthony Haughton

**TELEPHONE:** 713-313-4870 Cell Phone 832-287-9548

**EMAIL:** [ashaughton@tmslaw.tsu.edu](mailto:ashaughton@tmslaw.tsu.edu)

**LOCATION:** Earl Carl Institute Bldg., Suite 108

**OFFICE HOURS\*:** Monday 10:00 AM – 2:00 PM  
Wednesday 10:00 AM – 2:00 PM

\*It is mandatory students meet with Professor each week for a thirty (30) minute interview/case review each week. Absences to these meeting must be excused in advance to the meeting. In addition, because this is a clinic, I have an open door policy. I am on campus most days between 9am and 6pm. Students may come and are encouraged to come to my office any time they have a question about their work.

**NOTES:**

## COURSE BOOKS & MATERIAL

**REQUIRED TEXT:**

Justin Brooks, *Wrongful Convictions, Cases and Materials*, 2<sup>nd</sup> Edition,

IP Material provided by email / Dropbox

**SUGGESTED TEXT:**

Scheck, Dwyer, Neufeld; *Actual Innocence: When Justice Goes Wrong and How to Make it Right*.

Additional texts will be provided on a memory stick, via email or in class.

## **COURSE DESCRIPTION & OBJECTIVE**

### **DESCRIPTION:**

#### **COURSE DESCRIPTION:**

The Innocence Project is an integral part of the curriculum at Thurgood Marshall School of Law. Our students, under faculty supervision, will work directly on Innocence Project cases and are intricately involved in various operations of the project such as screening incoming mail from inmates, obtaining and reviewing case histories, applying screening devices, investigating facts, interviewing involved persons, writing case time lines and summaries, performing case analyses, preparing written case evaluations and pleadings.

### **OBJECTIVE:**

During the course of this semester students will learn basic competency in/or a working knowledge in the following:

The basic law surrounding actual innocence claims, including when and how actual innocence claims can be raised.

A basic understanding of the legal procedures for prosecuting and defending actual innocence claims in state and federal habeas corpus, in parole hearings, and through clemency proceedings. The leading causes of wrongful conviction and the best investigation, litigation, and policy practices and initiatives to prevent or undo them.

The major types of frameworks legal jurisdictions use to govern the admissibility of scientific evidence and expert testimony, namely those based upon the “Daubert Trilogy” of cases from the federal system, and those based upon the “Frye” general acceptance test.

The major contemporary problems associated with forensic science set forth in the 2009 National Research Council Report of the Committee on Identifying the Needs of the Forensic Sciences Community, which outlines the positions and understanding of the preeminent scientific body in the U.S., the National Academies of Science.

A basic working knowledge of each forensic area covered in the class, including: (a) the presence or absence of scientific research supporting the validity and reliability of the discipline; (b) methods employed to gather, analyze, and report on the evidence, (c) critiques of the methods or claims made by forensic practitioners in the discipline; (d) controversies involving the use of the type of evidence; and (e) how courts have treated the evidence to date.

How to write basic and advanced client letters; initial habeas proceedings, memos, and Motions to Challenge / Allow Admissibility of evidence on novel and / or scientific issues supported by independent research on that [forensic science] topic, including both scientific and legal sources.

How to interview prospective clients, lay and expert witnesses, attorneys, judges and others involved in the criminal justice system.

How to prepare for, carryout and oversee, basic criminal investigations / investigation procedures / and methods for finding people, documents and evidence.

A basic knowledge of and proficiency in the use of the “legal files” legal organization software used at the ECI

How to cross examine lay witnesses and experts.

How to review, evaluate and provide helpful written feedback on other students’ oral and written work.

How to think about creating their own learning objectives for the semester.

## **STUDENT LEARNING OUTCOMES**

### **Learning Outcomes**

Upon completion of this seminar, students will have basic competency in/or a working knowledge in the following:

The basic law surrounding actual innocence claims, including when and how actual innocence claims can be raised.

The basic legal procedure for prosecuting and defending actual innocence claims in state and federal habeas corpus, in parole hearings, and through clemency.

The leading causes of wrongful conviction and the best investigation, litigation and policy practices and initiatives to prevent them.

Major types of frameworks legal jurisdictions use to govern the admissibility of scientific evidence and expert testimony, namely those based upon the “Daubert Trilogy” of cases from the federal system, and those based upon the “Frye” general acceptance test.

Forensic science set forth in the 2009 National Research Council Report of the Committee on Identifying the Needs of the Forensic Sciences Community, which outlines the positions and understanding of the preeminent scientific body in the U.S., the National Academies of Science.

Forensic area covered in the class, including: (a) the presence or absence of scientific research

supporting the validity and reliability of the discipline; (b) methods employed to gather, analyze, and report on the evidence, (c) critiques of the methods or claims made by forensic practitioners in the discipline; (d) controversies involving the use of the type of evidence; and (e) how courts have treated the evidence to date.

Written basic form and non-form client letters; a three to five page blog on an innocence issue, at least one Case Memo, an Investigative Memo, and a Motion to Allow or Challenge the Admissibility of some forensic scientific evidence (the motion will require students argue novel and / or scientific issues supported by independent research on the evidence at issue, including both scientific and legal sources) by the end of the semester the Students may also have written Habeas Writs and other Post Conviction pleadings.

Interview prospective clients, lay witnesses, conduct mock interviews, and cross-examination of forensic experts. It is likely that students will interview attorneys, judges and others involved in the criminal justice system as well.

Examine, discuss, and practice basic criminal investigation procedures develop sources for finding people, documents and evidence.

Develop a proficiency in the use of the “legal files” legal organization software used at the ECI

Review, evaluate and provide constructive feedback to their class mates on their oral and written work.

Evaluate the usefulness of learning objectives for adult students through completion of weekly journals and in class presentations.

## GRADING

### CLINICAL HOURS / GRADING:

You are required to work a minimum of 120 hours per semester, at the rate of 8 hours per week. During the first week we will establish a set schedule that you will be expected to maintain. You may change the schedule if needed but must inform the Professor. You are required to complete a weekly timesheet / journal and sign in and out when completing clinic hours. The sign in/out sheet should comport to your established clinic schedule. In the event you are unable to make your scheduled clinic hours, you are required to provide notice to the Professor via email.

Your grade is primarily dependent on the quantity and quality of your clinical work and class preparation. As further guidance for grading please note the following:

**Any passing grade requires, at least, completing a minimum of 120 high quality clinical hours, making all of your one-on-one weekly meetings with the Clinic Supervisor, providing your weekly time logs and journals on time, and completing your exit interview (with required material) before the end of finals.**

A passing grade carries the expectation that the student will conduct at least six out of office clinical assignments; these assignments must be pre-approved by the course instructor. Additionally, out of office field work requires two (2) individuals at all times unless prior approval has been obtained.



## ACCOMMODATIONS

If you require special accommodations, please fill out the necessary forms with the Dean's office. Your application and documentation will remain confidential. Your prompt attention will allow the law school to accommodate you, as soon as it has been made aware of your situation.

Please see:

[http://www.tsulaw.edu/student\\_affairs/docs/2011-2012AccommodationsHandbook.pdf](http://www.tsulaw.edu/student_affairs/docs/2011-2012AccommodationsHandbook.pdf)

## **PARTICIPATION, ATTENDANCE & PROFESSIONALISM**

### **Participation**

#### **CLASS PARTICIPATION:**

Is an integral part of the Project teaching process and students should be expected to be called upon to answer questions during every class.

#### **CASE BRIEFS:**

Throughout the semester I will assign a criminal case for you to read and brief before the next class period.

#### **INNOCENCE PROJECT BLOG:**

Students are expected to write at least one article during the semester for the TMSLIP blog. The articles will be due by the last day of class. The articles should be a minimum of one thousand words and of sufficient quality to appear on our blog. The articles may be written on either an innocence case or topic of the student's choosing. Additionally, a photograph of yourself should be submitted electronically.

#### **KPFT PRISON RADIO SHOW:**

TMSLIP has a regular repeating guest spot on the KPFT prison radio show. Volunteers will be sought from the class to appear on the radio. This is optional for students and does not impact grading.

### **Attendance**

Attendance is required for lectures, office hours and case discussion meetings. You are allowed no more than five (5) absences each semester total. If you arrive after the lecture, your scheduled office hours or the case discussion meeting begins you will be counted as absent.

If you have more than five (5) absences total for the lectures, office hours or case discussion meetings then you will be dropped from the course and a failing grade will be given. (For example: If you miss 2 lectures, 2 of your scheduled office hours and 2 of the case discussion meetings then that is a total of 6 absences and you will be dropped from the class with a failing grade)

**If you fail to work the required hours during the semester you will be dropped from the class and given a failing grade.**

### **Professionalism**

Students should understand that they will be working on behalf of clients and representing the Innocence Project, and that their work will impact the standing of the Project with clients, the local bar, and with the Project's funders.

They should realize that our Students are expected to maintain the highest level of professional demeanor, appearance and ethics while working in the Innocence Clinic. Whenever students interact with clients, courts, attorneys, witnesses, experts or other members of the community on behalf of the Project they are expected to wear professional business attire and maintain a positive business demeanor that will reflect positively on the Project and the School.

**LAPTOP COMPUTERS:**

Students may use laptop computers during class for class purposes only. Any usage that appears to unduly distract the student or distracts other students will be grounds for barring future use of laptops in class.

# THURGOOD MARSHALL SCHOOL OF LAW

TEXAS SOUTHERN UNIVERSITY

## ACADEMIC CALENDAR Spring 2018

(SEVENTY DAYS OF CLASSES)

School Opens	Monday January 2, 2018
First Day of Class	Monday January 9, 2018
Last Day to ADD/DROP	Wednesday January 10, 2018
<b>M L K Holiday (No Classes)</b>	<b>Monday January 15, 2018</b>
<i>Purge of all unpaid course selections Wednesday February 7, 2018</i>	
Mid Term Examinations	Mon – Fri March 5– 9, 2018
Spring Break	Mon – Fri March 12 – 16, 2018
<b>Good Friday (No Classes)</b>	<b>Friday March 30, 2018</b>
Last Day of Classes	Wednesday April 25, 2018
Last Day to Drop a Class	Wednesday April 25, 2018
First Year Professors' Grades due	Wednesday April 25, 2018
Reading Period ( <b>No Classes</b> )	Thur-Sun April 26 - 29, 2018
Final Examinations	Mon-Fri Apr 30 - May 11, 2018
Hooding Ceremony	Friday May 11, 2018
Commencement	Saturday May 12, 2018

**Please note that the calendar events and /or dates are subject to change.**

TMSLAW REGISTRAR  
January 2018

## **POLICIES & PROCEDURES**

Students are expected to attend a four hour Orientation and be familiar with and adhere to the TMSLIP Protocols which will be provided to each student by email.

Students must inform Instructor of any reasonably foreseeable tardiness or absence either by text or email at least thirty minutes prior to the class or meeting that the student will either be late to or unable to attend.

Students are required to register for the IP NETWORK list serve for the Innocence Network Daily Blog at: <http://www.innocenceproject.org/>

Students are also required to examine the web site of the Registry and are required to review their material, which can be found at: <https://www.law.umich.edu/special/exoneration/>

## READING ASSIGNMENTS

**Note: Syllabus is subject to change with or without notice and is not a contract.**

<u>Week Start:</u>	<u>Topic</u>	<u>Reading Assignment</u>
1/8/17	Wk. 1. Introductions and Discussion of the Syllabus / What is The Innocence Project / Clinic Overview  Legal Files / Case and File Management	Nat'l Reg. 2016 Report
1/15	Wk. 2. Notorious Cases of Actual Innocence  Communicating with Inmates and Families  Locating Witnesses and the Art of Interviewing Witnesses	PP 1-37
1/22	Wk. 3. Proving Actual Innocence (Case law) Fact and Information Gathering  FOIA letters  Case Analysis – <a href="http://www.innocenceproject.org">www.innocenceproject.org</a>  (Click on “know the facts” then click on “browse the profiles”)	39-81 & TMSLIP Protocols
1/29	Wk. 4. Why Wrongful Convictions Happen  Eyewitness Identification	193-268
2/5	Wk. 5. Ineffective Representation  Anti – IAC developing a core theory  Goal to be the lawyer with the most information about the case  And the best knowledge of applicable law  The case for lists  The case for starting at the end  Case study on good lawyering (eyewitness id)	83-146            handout
2/12	Wk. 6. Prosecutorial / Police Misconduct  Informants/Snitches and What Role They Play in Wrongful Convictions	147-191
2/19	Wk. 7. False Confessions  Police interrogation techniques / The Reid Method	269-313

**\*\*\* 10/1 and 10/2 Innocence CLE for Students in Dallas**

2/26	Wk. 8. Evidentiary Standards and Science Forensic Evidence, NAS Report	315-391 &
	Daubert and its progeny	Handouts
	Fingerprints	
	Arson	
<b>3/5</b>	<b>(Mid-Terms - - No Class - - Take home assignment)</b>	
<b>3/12</b>	<b>(Spring Break - - No Class)</b>	
3/19	Wk. 10. Evidentiary Standards and Science II. DNA	393-436
3/26	Wk. 11. Innocence and Race Non-DNA mass exoneration cases	Handouts
4/2	Wk. 12. Capital Punishment (PC §12.31, CCP Art. 37.071, 1.14(a))	Handouts
4/9	Wk. 13. Clemency and Pardons	483-504
4/16	Wk. 14. How Do We Fix the System Post-conviction integrity units Innocence Projects Defenders Offices Policy Proposals	Handouts
4/23	Wk. 15. (4/25 Last Day of Class) How Do You Start Over After Being Wrongfully Convicted Policy proposals <i>Guest Lecturer</i>	505-549
<b>4/26-29</b>	<b>Reading Period - - (no class)</b>	
<b>4/30-5/11</b>	<b>Finals (Take home exam)</b>	

## **WRITING ASSIGNMENTS:**

### **WEEKLY TIME LOG / JOURNAL**

Students are required to keep a weekly Time log / Journal. The Time log / Journal will be provided by email. The Time log / Journal must be turned in by email before class each Tuesday by email.

In the journal students will discuss:

1. Class discussion: An item that you learned in class, its future benefit to you, ideas for future leaning on this item:
2. Principal Activities. Student will provide an hourly itemized description of primary work attempted and completed during the previous week.
3. Experience Reflection: Student will reflect on experience of note.



## **PRESENTATIONS**

Three different fifteen minute class presentations will be required. Required presentations are listed below:

1. Interviews presentation
2. Cross-Examining expert witnesses presentation
3. IP cases and clinic experience power point presentation. (Presentations may be in lieu of class)

## **Innocence Project Class and Clinic Syllabus Acknowledgement Form**

Instructions:

STEP 1 - Read this "Syllabus Acknowledgement Form" - (Refer to the [Syllabus](#) IF necessary)

STEP 2 – Sign and return the Syllabus Acknowledgement Form to the Instructor

I have read, understand, and agree to all of the conditions laid out in the syllabus. I specifically acknowledge the following:

Syllabus Acknowledgement:

1. I understand that I am required to provide a minimum of 120 hours of clinical work this semester. Clinic hours are to be worked at minimum eight (8) hours per week.
2. I understand that I must meet with my professor for at least thirty (30) minutes each week to discuss my case(s).
3. I understand that I must complete all assignments in the time allotted. Course work assignments includes but are not limited to the following: Weekly journal entry/log, Self-Assessments, and Semester end report on work accomplished
4. I understand I am to attempt to complete out of office / field tasks. Additionally, I am aware that out of office / field work requires two persons at all-times, unless approved by the instructor prior to the out of office / field work.
5. I understand that I will be an ambassador for the Innocence Project (IP). Additionally, I will be expected to participate with pro bono activities; including the Prison Radio Show, Continuing Legal Education (CLE), and/or other symposiums, Expungement clinics, and social events as related to the IP. Participation in these events may count toward out of office / field tasks.
6. I understand as an adult learner, I will use my best effort to get the most out of the course; but to also understand providing feedback is requested on improving the course for my needs, current and future student needs as well.
7. I understand assigned cases may not be for actual clients with the IP; However, I commit and take ownership of every case assigned to provide my best efforts to provide zealous representation, excellence, integrity, and efficiency. I am representing real people who are depending on my work for potential release. I will work diligently on their behalf under the guidance and direction of the instructor.
8. I understand that these are minimal standards. I am at will and encouraged to provide above and beyond the minimal standards established in this syllabus.

**PRINT NAME:** \_\_\_\_\_

**SIGNED NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**RETAIN FOR YOUR RECORDS**

## **Innocence Project Class and Clinic Syllabus Acknowledgement Form**

Instructions:

STEP 1 - Read this "Syllabus Acknowledgement Form" - (Refer to the [Syllabus](#) IF necessary)

STEP 2 – Sign and return the Syllabus Acknowledgement Form to the Instructor

I have read, understand, and agree to all of the conditions laid out in the syllabus. I specifically acknowledge the following:

Syllabus Acknowledgement:

1. I understand that I am required to provide a minimum of 120 hours of clinical work this semester. Clinic hours are to be worked at minimum eight (8) hours per week.
2. I understand that I must meet with my professor for at least thirty (30) minutes each week to discuss my case(s).
3. I understand that I must complete all assignments in the time allotted. Course work assignments includes but are not limited to the following: Weekly journal entry/log, Self-Assessments, and Semester end report on work accomplished
4. I understand I am to attempt to complete out of office / field tasks. Additionally, I am aware that out of office / field work requires two persons at all-times, unless approved by the instructor prior to the out of office / field work.
5. I understand that I will be an ambassador for the Innocence Project (IP). Additionally, I will be expected to participate with pro bono activities; including the Prison Radio Show, Continuing Legal Education (CLE), and/or other symposiums, Expungement clinics, and social events as related to the IP. Participation in these events may count toward out of office / field tasks.
6. I understand as an adult learner, I will use my best effort to get the most out of the course; but to also understand providing feedback is requested on improving the course for my needs, current and future student needs as well.
7. I understand assigned cases may not be for actual clients with the IP; However, I commit and take ownership of every case assigned to provide my best efforts to provide zealous representation, excellence, integrity, and efficiency. I am representing real people who are depending on my work for potential release. I will work diligently on their behalf under the guidance and direction of the instructor.
8. I understand that these are minimal standards. I am at will and encouraged to provide above and beyond the minimal standards established in this syllabus.

**PRINT NAME:** \_\_\_\_\_

**SIGNED NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACKNOWLEDGE AND RETURN TO INSTRUCTOR**