



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL *of* LAW

**INNOCENCE PROJECT  
CLASS & CLINIC  
COURSE SYLLABUS SPRING 2015**

**PROFESSOR ANTHONY HAUGHTON**

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## **THE PROFESSOR**

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

**OFFICE HOURS\*:** Tuesday 10:00 AM – 2:00 PM  
Thursday 10:00 AM – 2:00 PM

\*Because this is a clinic students, I have an open door policy and am on campus most days from 9 to 6. Students may come and are encouraged to come to my office any time they have a question about their work.

**NOTE FROM THE PROFESSOR:**

## 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 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:

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.



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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:

Read, been lectured on, and discussed the basic law surrounding actual innocence claims, including when and how actual innocence claims can be raised.

Read, been lectured on and discussed the basic legal procedure for prosecuting and defending actual innocence claims in state and federal habeas corpus, in parole hearings, and through clemency.

Read about, been lectured on and discussed the leading causes of wrongful conviction and the best investigation, litigation and policy practices and initiatives to prevent them.

Examined and discussed 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.

Examined and analyzed the current criticisms of 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.

Learned and been asked to display through oral presentation a basic working knowledge of each forensic area covered in the class, including: (a) the presence or absence of scientific research



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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.

Interviewed a prospective client, a lay witnesses, and will have conducted a mock interview and cross-examination of a forensic expert. It is likely that students will have interviewed attorneys, judges and others involved in the criminal justice system as well.

Examined, discussed and practiced basic criminal investigation procedures and have developed sources for finding people, documents and evidence.

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

Reviewed, evaluated and provided constructive feedback to their class mates on their oral and written work.

Discussed and been exposed to the 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. 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.



## 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 between three and five pages long, 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.

#### **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.



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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.

## ACADEMIC CALENDAR

### FALL SEMESTER 2014 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 11-15, 2014
<b>First Day of Class</b>	<b>Monday</b>	<b>August 18, 2014</b>
Last Day to ADD/DROP	Wednesday	August 20, 2014
<b>Labor Day (NO CLASSES)</b>	<b>Monday</b>	<b>September 1, 2014</b>
<i>Purge of all unpaid course selections</i>	Wednesday	September 17, 2014
Mid Term Examinations	Mon – Fri	October 13-17, 2014
<b>Veterans Day (No Classes)</b>	<b>Monday</b>	<b>November 10, 2014*</b>
Last Day of Classes	Tuesday	November 25, 2014
Last Day to Drop a Class	Tuesday	November 25, 2014
First Year Professors' Grades due	Tuesday	November 25, 2014
Reading Period (NO CLASS)	Wednesday	November 26, 2014
<b>Thanksgiving Holiday</b>	<b>Thurs – Fri</b>	<b>November 27-28, 2014</b>
Reading Period	Sat-Sun	November 29-30, 2014
Final Examinations	Monday	December 1-Dec. 12, 2014
Commencement	Saturday	December 13, 2014

### SPRING SEMESTER 2015 (SEVENTY DAYS OF CLASSES)

School Opens	Friday	January 2, 2015
First Day of Class	Monday	January 12, 2015
Last Day to ADD/DROP	Wednesday	January 14, 2015
<b>M L K Holiday (No Classes)</b>	<b>Monday</b>	<b>January 19, 2015</b>
<i>Purge of all unpaid course selections</i>	Wednesday	February 11, 2015
<b>President's Day Holiday (No Classes)</b>	<b>Monday</b>	<b>February 16, 2015</b>
Mid Term Examinations	Mon – Fri	March 9– 13, 2015
Spring Break	Mon – Fri	March 16 – 20, 2015
<b>Good Friday (No Classes)</b>	<b>Friday</b>	<b>April 3, 2015</b>
Last Day of Classes	Wednesday	April 29, 2015
Last Day to Drop a Class	Wednesday	April 29, 2015
First Year Professors' Grades due	Wednesday	April 29, 2015
Reading Period ( <b>No Classes</b> )	Thur. – Sun	April 30- May 3, 2015
Final Examinations Begin	Monday	May 4 – May 15, 2015
Hooding Ceremony	Friday	May 15, 2015
Commencement	Saturday	May 16, 2015

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

TMSLAW REGISTRAR

April 2014

\*date correction

## **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>Date</u>	<u>Topic</u>	<u>Reading Assignment</u>
1/12/15	1. Orientation / Introductions and Discussion of the Syllabus / What is The Innocence Project / Clinic Overview  Legal Files / Case and File Management	Nat'l Reg. 2013 Report
1/19	2. Mon. MLK Day no class  Notorious Cases of Actual Innocence  Communicating with Inmates and Families  Locating Witnesses and the Art of Interviewing Witnesses	PP 1-37
1/26	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
2/2	4. Why Wrongful Convictions Happen  Eyewitness Identification	193-268
2/9	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
2/16	6. Mon. Presidents Day No Class.  Prosecutorial / Police Misconduct  Informants/Snitches and What Role They Play in Wrongful Convictions	147-191



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2/23

7. False Confessions 269-313  
 Police interrogation techniques / The Reid Method

3/2 8. Evidentiary Standards and Science 315-391 &

Forensic Evidence, NAS Report

Daubert and its progeny Handouts

Fingerprints

Arson

**3/9 9. (10-13-17 Mid-Terms - - No Class - - Clinic Hours Due)**

3/16 10. Spring Break

3/23 11. Evidentiary Standards and Science II. 393-436

DNA

3/30 12 Innocence and Race Handouts

Non-DNA mass exoneration cases

4/6 13. Capital Punishment Handouts

(PC §12.31, CCP Art. 37.071, 1.14(a))

4/13 14. Clemency and Pardons 483-504

4/20 15. How Do We Fix the System Handouts

Post-conviction integrity units

Innocence Projects

Defenders Offices

Policy Proposals

4/27 16. How Do You Start Over After Being Wrongfully 505-549

Convicted

*Guest Lecturer*

Policy proposals Handouts

**4/30-5/3 Reading Period - - (no class)**

**5/4- 5/15 Finals\* All Materials must be collected and exit interview completed prior to end of finals.**



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Student Notes: