COURSE NAME: Death Penalty Clinic

COURSE NUMBER: 8713

PROFESSOR: Sean D. O’Brien

ESSENTIAL PREREQUISITES: Criminal Law, Criminal Procedure 1. Advance permission from Professor O’Brien and screening for conflict of interest are required to enroll.

DESIRABLE PREREQUISITES: Criminal Procedure 2, Fundamentals of Investigation (mini-term), Evidence, Postconviction Remedies

COURSE BOOKS:

REQUIRED: Student Intern Manual (provided at no cost)

RECOMMENDED:

METHOD OF GRADING & APPRAISAL OF STUDENT FOR GRADE: Pass/fail. To pass, students must fulfill the minimum requirements of the clinic, including 80 hours of volunteer work, attend all training sessions, and generate acceptable written work product in the form of a legal memorandum, legal pleading, document or issue summary or other writing as directed by the student’s supervisor.

SUMMARY DESCRIPTION OF COURSE: Under the supervision of an attorney, students will participate in the representation of a prisoner on death row. Activities depend on the procedural posture and needs of the individual case, including organizing and digesting documents and discovery, drafting legal pleadings, interviewing jurors, clients or witnesses, and assisting with evidentiary hearings or other judicial proceedings. This is strictly a defense clinic.

COURSE CONTENT: Students will receive prior training or instruction on every assignment, and will meet regularly with a supervising attorney for feedback and to report progress. Because all clients of the clinic are under a sentence of death, students must become familiar with 8th Amendment jurisprudence and evidentiary issues commonly encountered in death penalty cases.

COURSE OUTCOMES: An important objective of the clinic is to develop future death penalty defense attorneys to meet the critical shortage of qualified legal services available to prisoners on death row. Students will learn issues of professional responsibility unique to death penalty cases. Other skills students will acquire include the ability to organize and review voluminous documents, critically analyze evidentiary foundations and expert witness opinions, and develop a complete reliable life history investigation of the client.

RELEVANCY OF COURSE FOR CAREER PURPOSES: The clinic will be very helpful to students who wish to pursue a career in criminal defense. Outstanding participation in the clinic frequently leads to job placement in public defender offices of other indigent defense agencies.
RELEVANCY OF COURSE FOR MO/MULTI-STATE BAR EXAMINATION: This is not a doctrinal course, although students will learn criminal law and procedure through practical application.