Course Objective: Students will learn the importance of thorough, ethical and culturally competent investigation to effective representation. Students will learn to identify and obtain relevant documents, and use the documents to identify witnesses and, working with a skilled investigator, prepare and conduct effective interviews.

Day 1:

Required Reading: Susan Glaspell, *A Jury of Her Peers*

1. Overview of Course: Goals, Objectives and Methods for a thorough, reliable, ethical and client-centered investigation


   What really happened here? Why did it happen?
   What assumptions drove the “official” investigation?
   Were those assumptions valid?
   What forces were at play that led to those assumptions?
   What forces were at play in the “unofficial investigation”?
   Which came closer to the truth? Why?
   What evidence/clues were important in getting to the truth?

4. Thursday witness assignments *State v. Crown* - Master Narrative

Day 2: The Foundation of a Good Investigation


1. Legal and Ethical Principles of Investigation

   Mary Kay O’Malley & Quinn O’Brien: Privilege, Ethics, ABA and Juvenile Court Guidelines, Special considerations in Abuse and Neglect cases
   [Anatomy of a Murder film clip; Marcia Narine CLE materials]

2. Sources of Data
Quinn O’Brien: Working with investigators
   FOIA, HIPA, Sunshine Laws and request letters (samples?)
   Using the Internet and other data sources
   Getting documents and identifying people
   Relationship with client and counsel

3. The Lawyer’s Duty of Investigation

   Sean O’Brien: The Guiding Hand of Counsel: What is it? Why is it essential?
   Parallel Tracks: People and Paper
   The Circular Investigation
   Working with Chronologies
   Identifying and Overcoming barriers to disclosures

Day 3: People and Paper

1. Group Exercise: Brainstorming documents

   Participants will be divided into groups and given documents to read and brainstorm. What information is apparent on the face of the documents? What hypotheses do you want to explore as a result of looking at the documents? What further investigation might you want to do based on the documents? Are there other documents to obtain? What are they, and what would you hope to learn? Are there witnesses you want to talk to? What questions do you want to ask them? Each group will designate a reporter to keep track of the discussion and work with the group to draft an investigative plan.

   We will reconvene as a class. Each group will report on its investigative plan.

2. The Interview

   The importance of rapport with clients and witnesses

   The investigator’s mindset: nonjudgmental collector of objective data

   Types of questions and when to use them (open ended, closed-ended, broaching touchy subjects)

   Cultural Competence and the importance of diversity

   Listening Skills/ Practicing active listening

Day 4 & 5: Witness Interview Group Exercise

   Required Reading: Case Summary
Each student will question a witness to accomplish a specific goal. The questioning session will be followed by a group discussion of the interview styles and techniques employed. What approach produced the best information? Were there approaches that were counter-productive? What have we learned as a group?