**New Course:** Innocence Project Clinic

Box 1: TYPE OF ACTION
- ADD(NEW) X
- DEACTIVATE □
- MODIFY □
- OTHER □

Box 2: LEVEL OF ACTION
- Non-Credit □
- Undergraduate □
- Graduate □
- OTHER X

**Box 3: ACTION ITEM**
(check appropriate boxes)

<table>
<thead>
<tr>
<th>1. Experimental Course †</th>
<th>NOP</th>
<th>a, c, e</th>
<th>AC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Course Title</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Course Credits</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Course Number</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Course Level</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Pre &amp; Co-Requisite</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Course Description</td>
<td>NOP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>X 8. New Course</td>
<td>NOP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Deactivate a Course</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Program Requirements</td>
<td>NO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11a. UG Specialization (24 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
</tr>
<tr>
<td>11b. Masters Specialization (12 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
</tr>
<tr>
<td>11c. Doctoral Specialization (18 credits or less)</td>
<td>NO</td>
<td>a, b, c, d, e</td>
<td>ABCDEF</td>
</tr>
<tr>
<td>12. Closed Site Program</td>
<td>NOT</td>
<td>e</td>
<td>ABCDHJK</td>
</tr>
<tr>
<td>13. Program Suspension 9</td>
<td>NO,5</td>
<td>a, c, e</td>
<td>ABCDEFGHIK</td>
</tr>
<tr>
<td>14a. Certificate Program (ug/g) exclusively within existing degree program</td>
<td>NO</td>
<td>a, c, e</td>
<td>ABCDEFGHIK</td>
</tr>
<tr>
<td>14b. Certificate Program (ug/g) where degree programs do not exist or where courses are selected across degree programs (12 or more credits)</td>
<td>NO,4</td>
<td>a, b, c, e</td>
<td>ABCDEFGHIL</td>
</tr>
<tr>
<td>15. Off-Campus Delivery of Existing Program</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>15a. UG Concentration (exceeds 24 credit hours)</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>15b. Masters Concentration (exceeds 12 credit hours)</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>16c. Doctoral Concentration (exceeds 18 credit hours)</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>17. Program Title Change</td>
<td>NO, 5</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>18. Program Suspension</td>
<td>NO, 10</td>
<td>d, e</td>
<td>ABCDEFGHJK</td>
</tr>
<tr>
<td>19. New Degree Program</td>
<td>NOQR, 3,8</td>
<td>a, c, d, e</td>
<td>ABCDEFGHJL</td>
</tr>
<tr>
<td>20. Other</td>
<td>Varies</td>
<td>Varies</td>
<td>Varies</td>
</tr>
</tbody>
</table>

**Box 4: DOCUMENTATION**
(check boxes of documents included)

<table>
<thead>
<tr>
<th>X</th>
<th>N. This Cover Sheet</th>
<th>Q. Full 5-page MHEC Proposal</th>
<th>T. Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>O. Summary Proposal</td>
<td>R. Financial Tables (MHEC)</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>P. Course Definition Document</td>
<td>S. Contract</td>
<td></td>
</tr>
</tbody>
</table>

---

1. Approval of experimental course automatically lapses after two offerings unless permanently approved as a new course.
2. Codes: a) Library Services (Langsdale or Law) b) Office of Technology Services c) University Relations d) Admissions
3. Letter of Intent is required by USM at least 30 days before a full proposal can be submitted. Letter of Intent requires only the approval of the dean and the provost and is forwarded to USM by the Office of the Provost.
4. One-page letter to include: Program title & degree/certificate to be awarded; resources requirements; need and demand; similar programs; method of instruction; and oversight and student services (MHEC requirement)
5. One-page letter with description and rational (MHEC requirement)
6. One or two-page document that describes: centrality to mission; market demand; curriculum design; adequacy of faculty resources; and assurance program will be supported with existing resources. (MHEC requirement)
7. Learning objectives, assessment strategies; fit with UB strategic plan
8. Joint Degree Program or Primary Degree Programs require submission of MOU w/ program proposal. (MHEC requirement)
9. Temporary suspension of program to examine future direction; time not to exceed two years. No new students admitted during suspension, but currently enrolled students must be given opportunity to satisfy degree requirements.
Short Description of Proposal:

New Course: Innocence Project Clinic

Proposed Semester of Implementation: Fall X Spring □ Year: 2009

Q-1: Briefly describe what is being requested:

Addition of new course: Innocence Project Clinic

For new courses or changes in existing courses (needed by Registrar):

<table>
<thead>
<tr>
<th>OLD Title</th>
<th>Course # / HEGIS Code:</th>
<th>Credits:</th>
</tr>
</thead>
<tbody>
<tr>
<td>OLD Title</td>
<td>Course # / HEGIS Code:</td>
<td>Credits:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NEW Title</th>
<th>Course # / HEGIS Code:</th>
<th>Credits:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Innocence Project Clinic</td>
<td>Law 800N</td>
<td>6</td>
</tr>
</tbody>
</table>

Q-2: Set forth the rationale for the proposal:

This course will supplement and complement the criminal law course offerings that currently exist at the law school by providing students with the opportunity to examine the operation of the criminal justice system from the pre-arrest investigatory stage through the post-conviction process. The law school does not currently offer any courses that address the substantive and procedural aspects of the criminal post-conviction process. Within the last decade the need for greater attention to this aspect of criminal procedure has been dramatized by the hundreds of exonerations that have occurred years and sometimes decades after the original conviction occurred. This course will provide students with the opportunity to engage in complex criminal litigation that will require analytical rigor and creativity on behalf of clients with compelling claims of factual innocence. For students interested in pursuing a career in criminal law, this course will provide the opportunity to develop a more complete understanding of the operation of the criminal justice system in all its phases and the critical importance of zealous and ethical lawyering in ensuring the integrity of the criminal justice process. All students, whatever their ultimate career goals, will gain an understanding of the importance of factual investigation and carefully constructed case theory as prerequisites to successful litigation outcomes.

For the University of Baltimore and particularly the School of Law, the addition of this course will provide the opportunity to increase its public profile by participating in the process of exonerating wrongly convicted individuals. In addition to contributing to a worthy social cause the establishment of this clinical course will also serve as a platform for the generation of new scholarship in the study of wrongful convictions. Many law schools that offer Innocence Project clinics have made a substantial contribution to the ever-increasing body of innocence scholarship and the University of Baltimore would be well positioned to join their ranks with the addition of this course offering.
0-1: Briefly describe what is being requested:

Addition of new course: Innocence Project Clinic

<table>
<thead>
<tr>
<th>OLD Title:</th>
<th>Course # / HEGIS Code:</th>
<th>Credits:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| NEW Title: Innocence Project Clinic | Course # / HEGIS Code: Law 800N | Credits: 6 |

0-2: Set forth the rationale for the proposal:

This course will supplement and complement the criminal law course offerings that currently exist at the law school by providing students with the opportunity to examine the operation of the criminal justice system from the pre-arrest investigatory stage through the post-conviction process. The law school does not currently offer any courses that address the substantive and procedural aspects of the criminal post-conviction process. Within the last decade the need for greater attention to this aspect of criminal procedure has been dramatized by the hundreds of exonerations that have occurred years and sometimes decades after the original conviction occurred. This course will provide students with the opportunity to engage in complex criminal litigation that will require analytical rigor and creativity on behalf of clients with compelling claims of factual innocence. For students interested in pursuing a career in criminal law, this course will provide the opportunity to develop a more complete understanding of the operation of the criminal justice system in all its phases and the critical importance of zealous and ethical lawyering in ensuring the integrity of the criminal justice process. All students, whatever their ultimate career goals, will gain an understanding of the importance of factual investigation and carefully constructed case theory as prerequisites to successful litigation outcomes.

For the University of Baltimore and particularly the School of Law, the addition of this course will provide the opportunity to increase its public profile by participating in the process of exonerating wrongly convicted individuals. In addition to contributing to a worthy social cause the establishment of this clinical course will also serve as a platform for the generation of new scholarship in the study of wrongful convictions. Many law schools that offer Innocence Project clinics have made a substantial contribution to the ever-increasing body of innocence scholarship and the University of Baltimore would be well positioned to join their ranks with the addition of this course offering.
University of Baltimore

Document P: Required Format for Course Definition Document

1. Date Prepared: December 17, 2008
2. Prepared by: Stephen E. Harris and Michele Nethercott
3. Department: School of Law
4. Course Number(s), including HEGIS code(s): LAW 800N
5. Course Title: Innocence Project Clinic
6. Credit Hours: 6
7. Catalog Description (Paragraph should reflect general aims and nature of the course):
   Under the supervision of two experienced criminal defense attorneys, students will review records, interview clients and witnesses, conduct legal research, devise investigative strategies, draft pleadings and argue motions in cases involving claims of wrongful conviction. Students will develop an understanding of the post-conviction process and the various scientific issues that have emerged that impact on the reliability of eyewitness identification, forensic evidence and police interrogation methods.
8. Prerequisites: Evidence, Constitutional Criminal Procedure
9. Faculty qualified to teach course: Michele Nethercott, Stephen E. Harris
10. Course Type (check appropriate): Clinic
11. Suggested approximate class size: 10
12. Content Outline: See attached syllabus for more details
   Class 1 - Introduction to Maryland Post-Conviction Law and overview of issues typically involved in wrongful conviction cases including false confessions, eyewitness error, faulty forensic science and poor lawyering. Students will be divided into two sections for purposes of case assignment.
   Class 2 - Explanation and demonstration of case analysis including development of case theory and investigative strategies for case development. Introduction to the range of documents needed to assess and develop a case and how documents from various agencies can be obtained.
   Class 3 - Team A will present case reviews for class discussion.
   Lecture component will cover the identification of issues common to wrongful conviction cases.
   Class 4 - Team B will present case reviews for class discussion.
   Lecture component will cover the identification of prosecution and defense theory as presented at trial and how newly discovered evidence might affect the defense theory and guide the course of additional investigative tasks.
Class 5- Team A Case Presentations
Lecture component will address the basic approaches to the evaluation of crime scene evidence collection, analysis and documentation.

Class 6- Team B Case Presentations
Lecture component will address client and witness interviewing techniques

Class 7- Team A Case Presentations
Lecture component will cover discovery process in post-conviction litigation

Class 8- Team B Case Presentations
Lecture component will cover post-conviction DNA testing and other forensic testing issues that arise in a post-conviction context

Class 9- Team A Case Presentations
Lecture component will cover identifying and overcoming procedural barriers to obtaining post-conviction relief

Class 10- Team A Case Presentations
Lecture component will cover specific issues involving in ineffective assistance of counsel claims and Brady claims and their interrelationship

Class 11- Team B Case Presentations
Lecture component will address specific issues in cases involving the use of discredited forensic comparison techniques

Class 12- Team B Case Presentations
Lecture component will address clemency procedures

Class 13- Team A Case Presentations
Lecture component will cover assessment of claims of involuntariness of guilty pleas, effects of Alford pleas on claims for post-conviction relief

Class 14- Team B Case Presentations
Lecture component will cover policy issues and reform proposals relating to eyewitness identification, false confessions, unreliable forensic evidence and other causes of conviction of the innocent.

Class 15- Final class will be dedicated to a roundtable discussion of casework experiences and lessons learned throughout the semester

13. Learning Goals:
a. Develop a working knowledge of the elements of a comprehensive criminal case investigation.
b. Develop the skills necessary for analytical and critical thinking about a case as it applies to the facts and legal issues of that particular case.
c. Develop research, writing and interviewing skills.
d. Develop an appreciation of the issues involved in creating and maintaining an effective relationship with clients.

14. Assessment Strategies:
Draft documents and complex instruments
Short Assignments
15. Suggested Text(s) and Materials (example: textbooks, equipment, software, etc.):
   *Collateral Remedies in Criminal Cases in Maryland: An Assessment*, Michael A. Millemann, 64 Maryland Law Review 968 (2005)
   Additional materials will be distributed throughout the semester.

16. Concentrations (check appropriate)
   Business Law ___ Criminal Practice ___ Estate Planning ___
   Family Law ___ Intellectual Property ___ Int'l & Comp ___
   Litigation & Advocacy ___ Public Service ___ Real Estate Practice ___
Maryland Innocence Project staff:
Michele Nethercott, Co-Director, Maryland Innocence Project
* mnethercott@ubalt.edu
Stephen E. Harris, Co-Director, Maryland Innocence Project
* sharris@ubalt.edu
1420 N. Charles Street
Baltimore, MD 21201
410-837-6798
410-837-4450 (fax)

Course Materials

Wrongly Convicted: Perspectives on Failed Justice, Westervelt & Humphreys, (1st edition 2001)
Collateral Remedies in Criminal Cases in Maryland: An Assessment, Michael A. Millemann,
64 Maryland Law Review 968 (2005)

Additional materials will be distributed throughout the semester.

Course Description:

The Maryland Innocence Project (MIP) serves as a resource for men and women incarcerated in
Maryland’s state prisons who have a meritorious claim of factual innocence. Students
participating in the MIP Clinic will interview clients, review case materials, determine
investigative strategies, prepare pleadings and participate in court proceedings. The classroom
lecture component of the course will cover the basic principles of case analysis, case theory,
interviewing techniques, record collection techniques and review of research relating to the
causes of wrongful convictions including eyewitness misidentification, false confessions,
inaccurate forensic science, ineffective assistance of defense counsel and prosecutorial
misconduct.

Students will be assigned a case, as part of a team, to review, investigate, research, draft motions,
and in some cases, draft pleadings in support of the applicant’s claim of innocence. Students will
learn the basic methodology of criminal defense investigation and litigation. In addition, they will develop many of the practical skills required for the practice of law no matter what particular practice area they ultimately choose to pursue.

Students will also gain exposure to the legal and practical obstacles faced by inmates who claim factual innocence and the difficulties in bringing these claims before the courts. Students will learn about the burden of proof in claims of factual innocence, the proper forum in which such claims must be brought and the procedural requirements for filing such claims.

Students will also further develop their oral and written communication skills through participation in brainstorming sessions. All clinic students will be required to make an oral presentation on the progress of their case before the rest of the class and all are expected to participate in offering ideas and suggestions to others in regard to the cases.

**Course Objectives:**

1. Develop a working knowledge of the elements of a comprehensive criminal case investigation.

2. Develop the skills necessary for analytical and critical thinking about a case as it applies to the facts and legal issues of that particular case.

3. Develop research, writing and interviewing skills.

4. Develop an appreciation of the issues involved in creating and maintaining an effective relationship with clients.

**Course Requirements:**

Students will be expected to participate in the classroom component of the project by completing assigned tasks in a timely manner as set forth in the syllabus/curriculum. Students will also be required to fully participate in the evaluation of cases through oral presentations and “active listening”, i.e. active discussion about other students’ cases.

Furthermore, students are required to prepare a written outline of their oral presentation and provide it, via e-mail, to fellow students and MIP staff two days before the scheduled session. This will help all students and MIP staff prepare for the session and to be actively involved.

Students will be required to maintain complete and accurate records during the academic year. Monthly status reports and time logs are required to be submitted to MIP staff no later than the first day of each month.
All correspondence prepared by the students must be approved by MIP staff prior to the mailing of correspondence. Students shall maintain a signed copy of any correspondence prepared by the student and approved by MIP staff.

GRADING CRITERIA

Students will receive letter grades for each semester from the University of Baltimore School of Law. Final grades and credit for the course will not be officially recorded until the end of the semester.

Grading Will be Weighted as Follows:

A total of 100 points is available per semester.

Class Participation: 20%

Preparation for and participation in each class is expected, including sessions dedicated to discussing other students’ cases. Preparation, delivery of the presentation and topic, and the quality of the analytical assessment of the case will be evaluated.

Written Documentation: 30%

Students will have assignments throughout the academic year that will have deadlines for completion and the assignment will include submission of written memorandums. In addition, students will be required to submit other written reports, including but not limited to monthly status reports, time logs, special reports, letters, etc. Written work will be reviewed and graded for content, grammar, analysis of issues, professionalism, etc. Students are encouraged to consider every document they produce seriously before submitting it; it should be one that they would seek to prepare for any senior or managing partner in a law firm.

Field Assignments: 40%

As noted above, students will have assignments with deadlines. Many of these assignments will require the student to go out into the field to visit courthouses, interview witnesses, visit defense attorneys, etc. MIP staff will go with students on many of these visits. Students will be assessed on their abilities to apply what they learn in the classroom component to the situation at hand, e.g. locating case records, solving problems that they may encounter, communication skills with clients, witnesses, law enforcement and others they may talk to, the thoroughness of their efforts and the overall progression of their case.

Time Management: 10%

A major component of any law practice is time management. Students will be required to submit reports, memorandums, and other required assignments on time. Students will also be required, as part of their case review and investigation, to remain in contact with MIP staff, contact others
related to the case and progress through the investigation in a timely manner. Failure to adequately manage one’s time will result in last minute, hurried decisions, reports or efforts and will reflect negatively on the progress of the case and the student’s grade.

**WEEKLY SCHEDULE**

Class 1 - Introduction to Maryland Post-Conviction Law and overview of issues typically involved in wrongful conviction cases including false confessions, eyewitness error, faulty forensic science and poor lawyering. Students will be divided into two sections for purposes of case assignment.

Class 2 - Explanation and demonstration of case analysis including development of case theory and investigative strategies for case development. Introduction to the range of documents needed to assess and develop a case and how documents from various agencies can be obtained.

Class 3 - Team A will present case reviews for class discussion.

Class 4 - Team B will present case reviews for class discussion.

Class 5 - Team A Case Presentations

Lecture component will cover the identification of issues common to wrongful conviction cases.

Class 6 - Team B Case Presentations

Lecture component will cover the identification of prosecution and defense theory as presented at trial and how newly discovered evidence might affect the defense theory and guide the course of additional investigative tasks.

Class 7 - Team A Case Presentations

Lecture component will address the basic approaches to the evaluation of crime scene evidence collection, analysis and documentation.

Class 8 - Team B Case Presentations

Lecture component will cover post-conviction DNA testing and other forensic testing issues that arise in a post-conviction context

Class 9 - Team A Case Presentations

Lecture component will cover identifying and overcoming procedural barriers to obtaining post-conviction relief

Class 10 - Team B Case Presentations

Lecture component will cover specific issues involving in ineffective assistance of counsel claims and Brady claims and their interrelationship
Class 11- Team A Case Presentations
Lecture component will address specific issues involved cases involving the use of discredited forensic comparison techniques

Class 12- Team B Case Presentations
Lecture component will address clemency procedures

Class 13- Team A Case Presentations
Lecture component will cover assessment of claims of involuntariness of guilty pleas, effects of Alford pleas on claims for post-conviction relief

Class 14- Team B Case Presentations
Lecture component will cover policy issues and reform proposals relating to eyewitness identification, false confessions, unreliable forensic evidence and other causes of conviction of the innocent

Class 15- Final class will be dedicated to a roundtable discussion of casework experiences and lessons learned throughout the semester