

CRIMINAL JUSTICE CLINIC

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Faculty	Prof. John Copacino, Prof. Vida Johnson, and E. Barrett Prettyman Fellow Drew Flood
What do students do	Students serve as defense counsel in misdemeanor cases in the D.C. Superior Court, hearings before the U.S. Parole Commission, and assist in IRAA cases.*
Semester or year-long	Year-long
Open to	3Ls (at least 53 credits)
Prerequisite(s)	All first-year courses and Evidence. (P/T students: this includes Criminal Justice or Democracy and Coercion. Transfer students: this includes Criminal Procedure, either at Georgetown or a prior law school. Criminal Law does not satisfy this requirement.)
Credits	14 for the year (7 in the fall, 7 in the spring)
Requires Student Bar Certification	Yes
How many students	14
Conflicts	Students with part-time or full-time jobs with the Federal government are ineligible for this clinic
Average time commitment	25 hours/week, on average. Work on cases may continue beyond the end of the semester.
Seminar hours	Tues. & Thurs., 3:30pm-5:30 pm
Orientation	Mandatory 5-day orientation before classes begin in the fall
Information session(s)	TBD

THE CRIMINAL JUSTICE CLINIC EXPERIENCE

The Criminal Justice Clinic (CJC) offers students the opportunity to engage in the practice of criminal law by serving as defense counsel in misdemeanor cases in the District of Columbia Superior Court, in parole revocation hearings before the United States Parole Commission, and assist in preparing petitions for sentencing reductions under the Incarceration Reduction Amendment Act who were sentenced as youths and have served at least 15 years. Through classes and closely supervised practice in these two areas, students in the CJC develop the knowledge and skills needed to practice law.

In our criminal cases we represent clients who are charged with misdemeanor offenses such as assault, assault on a police officer, drug possession, theft, shoplifting, unlawful entry, destruction of property, contempt, threats, prostitution, and weapons offenses. Our parole clients have previously been convicted of more serious offenses and are facing revocation of their parole either because they have been accused of violating a condition of their parole or because they have allegedly committed a new criminal offense. The criminal cases in Superior Court make up most of the student's caseload and are supervised by the CJC's faculty and fellow. Parole cases, which are supervised by attorneys from the parole division of the Public Defender Service for the District of Columbia (PDS), give our students the opportunity for individual client representation in a different litigation forum. IRAA cases give students the opportunity to assist in the preparation of complicated sentencing petitions in serious felony cases.

Students meet their client for the first time in the cellblock in Superior Court before his or her first appearance in court. The student's first task is to interview her client and prepare an argument to convince the judge that under the statutes and rules governing pre-trial release, the client should be released pending trial. After the first appearance, the student embarks on the myriad tasks involved in representing someone charged with a crime. To prepare our students for this representation, clinic classes provide intensive instruction in constitutional criminal procedure, pretrial and trial skills, sentencing advocacy, and legal ethics. The pretrial skills of client interviewing and counseling, fact investigation, negotiation, and theory development are taught in classes and honed in small group simulations. The trial skills involved in motions practice, opening statement, cross examination, direct examination, objections, and closing argument are taught through assigned readings, classes, demonstrations, and small group simulations with individual feedback. Other classes focus on the ethical decisions involved in reconciling the obligation of zealous representation with other ethical obligations of a defense lawyer, as well as broader topics such as the impact of race and class on the criminal justice system and the efficacy and fairness of that system.

Students do not work in teams and, except in IRAA cases, they work on direct client representation in individual cases in which the student acts as the attorney under faculty supervision. We believe that students learn best when they 1) have a strong grounding in the theory of representation, 2) have the opportunity to practice the skills necessary for representation in simulations and receive abundant feedback on their performance, 3) prepare carefully with close supervision to perform as lawyers, 4) act as lawyers, under careful supervision, in real cases for which they are completely responsible, with all of the unpredictability that role entails, and 5) have the opportunity to review their performance after each stage of the representation and learn from it. The experienced lawyers and teachers in the CJC strive to ensure both that the students benefit from an extraordinary educational experience and that their clients benefit from extraordinary representation from our students.

While criminal litigation skills are the major focus of the CJC, the lawyering skills developed in the clinic are applicable beyond criminal practice. Students learn to apply a complex array of law from the constitution, statutes and case law to the often-changing fact scenarios in a case to attain their client's goals. Students learn judgment and problem solving by creating alternatives for attaining those goals and analyzing the likely outcome of each. Students learn respectful client-centered counseling to involve and empower their clients in the decision-making regarding their cases.

Because every case is unique and outcomes are determined by factors beyond our control, we cannot promise that each student will conduct a trial in court. Even so, every case presents a myriad of learning opportunities, and almost every criminal case provides some litigation experience before a judge.

TIME COMMITMENT

The Clinic is demanding and time consuming. Students are required to return to school one week before classes begin to participate in an intensive orientation program. This year the orientation will begin on Monday, August 24, 2020, and will be held every day that week. Participation in the orientation is a requirement for the clinic and no exceptions will be made. This intensive orientation gives students the opportunity to become immersed in making the transition from students to lawyers without the distraction of other responsibilities, and it enables us to begin work with real clients much earlier in the semester.

After the orientation, the Clinic meets for class twice each week, on Tuesdays and Thursdays from 3:30-5:30 p.m. Based on the number of credits they receive, students can expect to work an average of approximately 25 hours per week on clinic and casework, although the actual hours vary considerably depending on the scheduling of trials and hearings. Our students generally find that there is a greater overall time commitment in the clinic during the fall semester than the spring semester, as they are

devoting more time to learning the essentials of litigating a case for the first time. Because our clients' freedom is at stake in each case, we expect that clinic work will take precedence over most other activities in a student's life when necessary. We expect that students will be responsible for their cases through graduation, although the cases often wrap up before that time.

CONFLICT OF INTEREST

A rigid federal conflict of interest statute precludes students who are employed by the Federal Government from participating in the Clinic, because the United States is the prosecuting authority in the District of Columbia.

INVESTIGATION

To be a competent attorney, a student must learn how to conduct fact investigation and must investigate each case thoroughly. Seana Holland, our experienced staff investigator, will train students in investigation, interviewing, and statement-taking. Included in the training are techniques and procedures for minimizing danger. Students work in pairs and follow established guidelines designed to ensure safety. However, given the nature of our work and the urban location of our crime scenes, investigating cases involves some minimal risks. We believe that investigating our cases is safe, and all our supervisors regularly go into the field to investigate their own cases. Nevertheless, if you are reluctant to take on the responsibility of investigating your cases, you should not enroll in this clinic.

OPEN HOUSE

On a date TBD, the Clinic will have an open house via Zoom. This open house will give students the opportunity to meet the faculty and supervisors and ask any questions which they might have. Attendance at the open house is optional.

SELECTION CRITERIA/APPLICATION PROCESS

1. Each applicant must certify that s/he is eligible to participate in the clinic (i.e., has completed the prerequisite courses and is eligible for admission to the bar under the D.C. Student Practice Rule).
2. Applicants must complete the general clinic application by the deadline. When filling out the on-line application, you will be asked to write a clinic-specific statement of interest: Please describe any experience you have had in the criminal justice system, criminal law practice, or in working with poor people. For employment, please include where you worked, the dates of your work, and a brief description of your experience. The statement should also indicate why you wish to enroll in the Criminal Justice Clinic and what you expect to gain from participating in it.
3. Those students who satisfy the criteria listed in #1 above form the pool for selection. We will then select those students who have exceptional prior experience with criminal or poverty law practice, or some other experience that, in the judgment of the professors, will enhance the pedagogical experience of the class. We expect that this will be approximately one-third to one-half of the slots in the clinic. The remaining slots will be filled by lottery.

TEACHING STAFF

The students will be intensively supervised by Professors John Copacino and Vida Johnson, Prettyman Fellow Andrew Flood, and Adjunct Professors from the Public Defender Service who oversee the parole cases. Seana Holland, our staff investigator, teaches investigation and oversees the investigation of cases.

PROF. JOHN M. COPACINO: B.A., M.A.T., Duke; J.D., University of Virginia; LL.M., Georgetown. Prof. Copacino has been on the faculty of the Criminal Justice Clinic since 1987. Following law school, Prof. Copacino was an E. Barrett Prettyman Fellow at Georgetown. He has also been the director of the Criminal Law and the Juvenile Law clinics at Antioch School of Law and the Suffolk Defenders criminal defense clinic at Suffolk Law School. Prof. Copacino was the third recipient of the Law Center's Frank Flegal Teaching Award, the teaching award given annually for outstanding contributions by full-time faculty to teaching at the Law Center. He has tried criminal cases in the Superior Court since 1979, serving as lead trial counsel in hundreds of felony cases. He continues to represent clients in serious felonies and post-conviction litigation. He is actively involved in efforts to improve the practice of criminal law in the District of Columbia. He is a former chair of the Steering Committee of the D.C. Bar's Criminal Law and Individual Rights Section and serves on numerous Superior Court Criminal Division committees. He regularly participates in local and national training programs for criminal defense lawyers.

PROFESSOR VIDA JOHNSON: Prior to joining Georgetown University Law Center, Prof. Johnson was a supervising attorney in the Trial Division at the Public Defender Service for the District of Columbia (PDS), where she worked for eight years. At PDS Ms. Johnson was assigned to the most serious cases at the "Felony One" level, and her experience included numerous trials in D.C. Superior Court representing indigent clients facing charges including homicide, sexual assault, and armed offenses. Ms. Johnson's responsibilities at PDS also included supervising other trial attorneys and serving as one of the agency's two representatives to the D.C. Superior Court Sentencing Guidelines Commission. In 2009, Ms. Johnson was a Visiting Associate Professor in the Juvenile Justice Clinic at Georgetown University Law Center. Before joining PDS, Professor Johnson was an E. Barrett Prettyman fellow at Georgetown University Law Center. As a fellow she represented indigent adults in the D.C. Superior Court and supervised students in the Criminal Justice Clinic. Ms. Johnson earned her law degree from New York University Law School in 2000 and she earned her B.A. in American History from the University of California, Berkeley in 1995.

PRETTYMAN FELLOW ANDREW "DREW" FLOOD: Drew grew up in San Diego and earned his law degree from Stanford in 2018 and his B.A. in History from the University of California, Berkeley in 2012. While at Berkeley, Drew got his start working in the indigent defense world as an investigative intern with the Prettyman program. After graduating, Drew worked as an investigator at the Louisiana Capital Assistance Center and as a tutor and mentor at an all-boys charter high school in Chicago. At Stanford, Drew sought out clinical and progress-lawyering-focused opportunities, working directly on legal issues for indigent clients in the Community Law Clinic, Criminal Defense Clinic, and with the Housing Pro Bono project, as well as organizing students to think critically about these issues with the Critical Law Society and National Lawyers Guild. Drew spent his law school summers at the Southern Center for Human Rights and the Metropolitan Public Defender in Portland, Oregon. After graduating law school, Drew clerked for the Honorable Michelle T. Friedland on the Ninth Circuit.

2019-2020 CRIMINAL JUSTICE CLINIC STUDENTS

**Veena Bansal
Matthew Barnes
Meredith Brumfield
Millan Das
Nicqelle Godfrey
Mackenzie Johnson
Kevin Kay
Grace Manning
Chris Meyer
Laruen Simenauer
Shelby Smith
Anna Stone
Jessica Tracy
Sherry Yu**