

University of Florida Levin College of Law

COURSE SYLLABUS: PUBLIC DEFENDER CLINIC

LAW 6942 (12752/12757) - 6 credits S/U, 2 credits graded

Spring 2025

INSTRUCTOR'S CONTACT INFORMATION:

Aaron Kelley

Office Location: 151 SW 2nd Ave., Gainesville, FL 32601

Office Phone: (352) 374-5277

Cell: (209) 747-0629

Email: kelleya@pdo8.org

Office Hours are Wednesdays from 5:00p.m to 6:00pm and Fridays from 4:00pm to 5:00pm. If these times do not work for you, please get in touch with me to schedule a meeting at another time. Students should feel free to contact me anytime to discuss legal issues or ask questions about their cases. You can email, text, call, or drop by my office.

MEETING TIMES AND LOCATIONS:

Classroom location: MLAC 209

This course will meet on the following dates and times: Wednesdays from 6-8 pm

- Due to clinical exercises and various collaborations with the Prosecution Clinic, several special meetings may be held throughout the semester, and the Course Schedule will be modified accordingly. Please plan to attend class on the following particular date, which is already scheduled:

Jury Selection Practicum: Friday, January 31, 8:00 am-5:00 pm

COURSE DESCRIPTION AND OBJECTIVES:

The general learning objectives and goals for this classroom/lab section, consistent with the requirements of the American Bar Association, are as follows:

- To integrate doctrine, theory, and legal ethics in the performance of professional lawyering skills and tasks in a community-based field placement setting;
- To develop intercultural competencies in your client counseling and advocacy work; become aware of your unconscious biases and preferences; contextualize biases and preferences to the practice of law; identify ways to overcome them, enhancing your ability to serve in the legal role;
- To develop understanding of the concepts underlying the professional lawyering skills and tasks;
- To allow an opportunity for students to practice different lawyering skills and tasks to improve mastery;
- To provide a classroom instructional component to support the field placement

experience throughout the semester; and

- To provide ongoing feedback, as well as ongoing student self-evaluation.

In addition, at the end of this experience, students will emerge as improved advocates, possessing the following skill set:

- Stronger understanding of the ethical obligations regarding clients' wishes, in addition to concurrent professional responsibilities, such as serving as an officer of the court and a public citizen lawyer with a duty to improve the legal system;
- Ability to provide zealous, holistic, culturally-aware, and client-centered representation outside of the courtroom context, which includes (1) conducting effective client interviews to develop trust and rapport, and ascertain important case facts and other information, (2) investigating case facts through witness interviews, community-based work, and formal discovery, and (3) developing sentencing mitigation evidence;
- Ability to carefully analyze elements of a charge, understand strengths and weakness of the adversary's case, and develop case theories and strategies, given this information;
- Competence advancing rights and interests of indigent accused clients beyond winning at trial, such as seeking pre-trial release and providing other holistic supports throughout the case, including at the time of community re-entry;
- Facility with negotiating outcomes before trial, consistent with the wishes of the client, and duties as zealous advocates, without any conflicts of interest;
- Familiarity with the practice of pre-trial motions and hearings, as appropriate, to challenge unconstitutional police actions, such as: (1) unlawful searches and seizures, (2) improper interrogations, and (3) suggestive identification processes;
- Commitment to holistic and client-centered representation during guilty/no contest plea colloquies, which includes advancing the client's wishes before the bench, ensuring that all client case-related decisions are knowingly, intelligently, and voluntarily made, and advising clients of both direct and collateral consequences of the plea;
- Enhanced oral advocacy and trial advocacy skills, including the ability to thoroughly and timely prepare evidence, your client and witnesses for trial, draft and deploy direct and cross examinations, and argue legal matters to client's advantage, while being mindful of competing considerations and concerns of the court;
- Confidence and competence as legal writers, produce quality work in the context of real cases, utilize effective large-scale and small-scale organization, as well as strong legal analysis;
- Deeper awareness of the role that race, poverty, gender, sexual orientation, language difference, power, privilege and other factors may play in the legal system processes and outcomes, particularly within the context of indigent defense work; and
- Stronger communication skills in a range of contexts, including informal classroom discussions, across cultural and other differences, as formal public speakers, and in written documents, such as emails and letters to clients.

Lastly, at the end of this experience students will become more contemplative advocates by developing the following skills and capacities:

- To be mindful in the moment;
- Develop equanimity;
- Identify and utilize healthy stress management and self-regulation skills;
- Identify personal and professional values, identify possible scenarios where value “disconnects” may occur, and develop the capacity to navigate and reconcile them to successfully advocate for clients

REQUIRED READING AND VIEWING MATERIALS:

- Criminal Practice: A Handbook for New Advocates
- Additional reading and viewing assignments will be posted in CANVAS prior to the class during which they will be discussed. Occasionally we may view material as a class and discuss.

RECOMMENDED READING:

- Florida Rules of Criminal Procedure
- ABA Standards for Criminal Justice: Prosecution and Defense Functions
- ABA Model Rules of Professional Conduct
- Florida Rules of Professional Conduct
- Rhonda v. Magee, The Inner Work of Racial Justice

Additional readings will be posted in Canvas throughout the semester, and students are encouraged to draw the class's attention to current events and issues in the criminal justice system.

COURSE EXPECTATIONS AND GRADING EVALUATION:

For this course, you will earn eight (8) total credits. Six (6) of these credits are pass/fail (Satisfactory/Unsatisfactory), and two (2) of these credits are graded. The aim of this segment is not to focus your attention on grades. Grades can distract from learning, and I hope they won't shadow your clinical experience. It seems only fair, though, to explain the grading system, as clinical grading differs from grading in standard examination and paper courses. Clinical students will be evaluated in three areas: Clinical Coursework, Clinical Methods, and Clinical Practice.

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent:

Letter Grade	PointEquivalent
--------------	-----------------

A	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C	2.0
C-	1.67
D+	1.33
D	1.0
D-	0.67
E (Failure)	0.0

The law school grading policy is available at: <https://www.law.ufl.edu/life-at-uflaw/office-ofstudent-affairs/current-students/uf-law-student-handbook-and-academicpolicies>

The aim of this segment is not to focus your attention on grades. Grades can distract from learning, and I hope they won't shadow your clinical experience. It seems only fair, though, to explain the grading system, as clinical grading differs from grading in standard examination and paper courses. Clinical students will be evaluated in three areas:

Clinical Coursework (50%)

Weekly reflection journals Class participation

One-on-One supervision meetings

Clinical Methods (25%)

Case preparation at the PDO In-class exercises

Clinical Practice (25%)

Performance on your feet (court appearances and classroom exercises)

Clinical Coursework (Weekly reflection journals, class participation, On-on-one supervision meetings): **50% of final grade**

Your reflection journal, readings, and in-class discussions challenge you to think about and form opinions about the way the criminal legal system works. This kind of critical reflection is essential for any lawyer who wants to be an ethical force in the profession. Clinical coursework also includes the feedback students give one another after class performances and court appearances. Such feedback need not be exhaustive, but should reflect close attention and thought.

Weekly Reflection Journal: Beginning in the second week of the semester, you must write a journal entry each week, reflecting on your experiences in the clinic over the previous week or on the criminal legal system more broadly. **Journal entries are due each Sunday by 11:59pm.**

Delivery via Canvas upload is best, but email is also acceptable. You may take off one free week during the semester. It is helpful, but not required, to begin these entries with a brief description of what you did or saw in the previous week. Please do not merely recite events. The purpose of maintaining your journal is to encourage you to comment on the legal system as you see it. Ask yourselves whether the system is working, whether the various players are doing their jobs, and whether defendants are getting a fair shake. How could the system work better? What can you do to improve it, in your role? Do you like your role?

If it's been a slow week at the office, or if something else in the news or in the class readings or in your life experience bearing on the criminal legal system has grabbed your attention, please feel free to discuss these other matters. Again, the aim is to reflect on the legal system. Within that realm, you are free to explore widely. These journal entries also may serve as a forum for you to provide suggestions about the clinic. You may note that you would prefer a different classroom focus; that you would like different kinds of cases; or that you are having difficulties and want extra guidance.

There is no page restriction on these papers, but it is unlikely you could reflect well on a week's work in less than three double-spaced pages. Please be sure to include your name and indicate the dates covered in your report.

One-on-One Supervision Meetings: You must meet with the professor periodically to review your past work and plan your future work. These meetings should take about thirty minutes. Please come prepared to give a progress report on old cases and to set out a plan of action for new cases. Try to become familiar with the facts of your cases and to read the relevant law in advance. If you have no pressing cases, this time may be used any way you choose. You may find it useful to practice direct or cross examinations or other trial skills or to discuss issues that have arisen in the Field Placement. Please come to the meetings prepared to say how we should use the time

Clinical Methods (Case preparation at PDO and in-class exercises): **25% of final grade** A component of this field placement is performance of not less than 21 hours per week of satisfactory work as a Certified Legal Intern (CLI) in the assigned Public Defender's Office (PDO). While working at the assigned PDO, the CLI will conform to all canons of ethics and disciplinary rules of the Florida Bar, adhere to all performance requirements set by the assigned Assistant Public Defender, and perform to the satisfaction of the assigned PDO supervisor. Your professor and in-court supervisors at the PDO will assess both the energy you invest in preparing your cases and the initiative you show in setting tasks for yourselves and doing them. These tasks include researching the law, contacting and preparing your client and witnesses, contacting (when appropriate) opposing counsel, filing written materials, and searching out and weighing ethical issues presented in your cases. We recognize that you are just starting out and can't always know what needs to be done, and we don't expect you to work without guidance. But it's very important that you read the materials, look at the law and try to figure out for yourselves what needs to be done. And it's important that you have the energy and determination to follow through on tasks.

Clinical Practice (Performance on your feet): **25% of final grade**

This category addresses your court appearances and your class performances. To whatever extent possible, your in-class exercises will be based on the cases you are actually assigned at the PDO, as opposed to hypothetical scenarios. Opening statements, closing arguments, motion

practice, cross and direct examinations, will be based on real cases. If, for some reason, your case assignments do not lend themselves to your performing these, or related exercises, a hypothetical scenario will be provided to the class in advance of the

exercise. We will also collaborate with the Prosecution Field Placement for a jury selection exercise and a plea negotiation exercise.

In some ways, preparation and on-your-feet performance merge, because good preparation almost always improves performance in both court and class. Still, it's true that by crediting good performance, we reward native talent. Some people find it easier to work on their feet than others. Perhaps it's not fair to reward people for native skill. But talent is important: we reward test-taking talent all the time, and talent is one thing prospective employers hope your grades reflect. A word on the Process: After reviewing all your work, I will confer with your supervisors in the PDO. Your final grades will reflect your performance in class, in the office, and in court. I'm generally not a fan of a grading structure. And this class should be one of the most enjoyable, and most useful experiences of your time in law school. But a grading structure is the reality we live in for the lab/classroom section of this course. Please keep in mind that grades are an imprecise tool for judging things that are hard to judge. My intent is that my grades reward effort more than raw talent and will provide feedback for your growth as a litigation attorney

CLASS ATTENDANCE POLICY:

Attendance in class is required by both the ABA and the law school. Any missed session will result in a 5-point reduction in a student's final grade (on the 100-point scale) for each missed class. If you have a legitimate reason for missing class, you should contact me before or after class ends so that your absence can be excused. The law school's policy on attendance can be found at this link: <https://www.law.ufl.edu/uf-law-student-handbook-and-academic-policies#>

[Links to an external site.](#)

UF LEVIN COLLEGE OF LAW STANDARD SYLLABUS POLICIES:

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations, can be found at this link:

<https://ufl.instructure.com/courses/427635/files/74674656?wrap=1>

ABA OUT-OF-CLASS HOURS REQUIREMENTS:

ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Our weekly class time is approximately two hours, requiring at least four hours of preparation outside of class, including reading the assigned materials, completing written assignments, and submitting your weekly reflections. Articles and viewing materials relating to current events will be added to your assignments periodically throughout the semester.

COMMUNICATION COURTESY AND CIVILITY:

Please follow the rules of common courtesy in all email messages and class discussions. Turn off your cell phone during class. I reserve the right to lower your final grade if you engage in behavior that disrupts the learning environment for your classmates.

INTERNET USE DURING CLASS:

Use of the Internet during class is not permitted unless directed by me. You may not check social media sites, email (even clinic- or career-related emails), or news sites. Consider class a vital client meeting, and schedule your emailing needs accordingly. Your internet use, even for a noble purpose, violates the standards of professionalism. If you have concerns about this policy, please discuss them with me.

UF LAW HONOR CODE:

The University of Florida College of Law Honor Code represents a commitment by students to adhere to the highest degree of ethical integrity. Teaching and learning flourish best in an environment where mutual trust and respect form the bedrock of relationships. The Honor Code helps create a community in which students can maximize their intellectual and academic potential. Further information may be found here: <https://www.law.ufl.edu/life-at-uf-law/officeof-student-affairs/additionalinformation/honor-code-and-committee/honor-code>

GETTING HELP:

For technical difficulties with E-learning in Canvas, please contact the UF Help Desk at:

- helpdesk@ufl.edu
- 352-392-HELP
- <https://elearning.ufl.edu/> (See "Message Us" at the top of the page)

STATEMENT RELATED TO ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES:

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, <https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs. Students with disabilities should follow this procedure as early as possible in the semester.

STATEMENT REGARDING ONLINE COURSE EVALUATION:

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.aa.ufl.edu/students/>. Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/>.

COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS:

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and difficulty of each section and is subject to change. Reading and supplemental assignments for this course will be posted in Canvas and may be augmented periodically throughout the semester. In addition to completing the assigned reading/viewing, I'd like you to please be prepared to discuss your cases during each class. These "case rounds" enable students to form connections with one another and help them analyze legal, ethical, and practical problems more efficiently than doing it on their own. Learning by rounds is one of the best aspects of clinical legal education!

Week#	Date	Exercise/Activities	Lecture
Week 1	1/15/25	None	Introduction to the criminal legal system and PD clinic program
Week 2	1/22/25	None	Jury (De)Selection
Week 3	1/29/25	Jury Selection practicum with SAO on Friday, January 31, 2025.	Q&A about jury selection preparation
Week 4	2/5/25	*No Class* in recognition of jury selection and 1-on-1's.	
Week 5	2/12/25	None	Cultural competency and multicultural lawyering

Week 6	2/19/25	Mock client interviews	None
Week 7	2/26/25	Mock change of plea colloquy	Plea Negotiations
Week 8	3/5/25	TBD	TBD
Week 9	3/12/25	TBD	TBD
Week 10	3/19/25	*Spring Break*	*Spring Break*
Week 11	3/26/25	TBD	TBD
Week 12	4/2/25	TBD	TBD
Week 13	4/9/25	TBD	TBD
Week 14	4/16/25	TBD	TBD