

CRIMINAL LAW CLINIC

SPRING SEMESTER, 2025 SYLLABUS

Instructor information

Instructor

Prof. Chuck Hasse

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Office location & hours

Mock Trial Room, Wednesday.
4:00-5:50 p.m.

General information

Description

This two-component course is a two-unit live-client/courtroom clinic, and a two-unit seminar. The live-client clinic is conducted in collaboration with the offices under the Orange County Public Defender, and will take place at their offices and in the courtroom. Students who enroll in the course can practice law under faculty supervision pursuant to the State Bar's Rules Governing the Practical Training of Law Students. Students in the clinic will participate in representing clients on a range of matters such as interviewing, case development, issue spotting, motion writing, and courtroom advocacy. Students who appear in court will be under the direct supervision of the clinic faculty. Weekly seminars are a mix of lectures, exercises, and discussions related to criminal defense advocacy. Performance in the clinic component can improve the grade for the seminar component. **It is estimated that, on average, the assigned reading and other classroom preparation should require four or more hours outside of class for each class session.**

Required text

- CEB (on-line Secondary Sources - Criminal Law):
 - California Criminal Law Procedure and Practice
 - Defending Your Client in a Misdemeanor Case
- CALCRIM (will be provided)
- California Penal and Evidence Code (will be provided)
- Real case files (will be provided)

Course schedule

Note: Working on criminal cases is a fluid process, depending on our interactions with judges, prosecutors, clients, or all of the above. Therefore, a topic on this syllabus might be rescheduled if an issue becomes more salient to one of our cases. If this happens, I will provide the class with as much advance notice as possible.

| Week | Topic | Reading | Exercises |
|------------|---|--|---|
| January 15 | What it means to be a public defender. Duties and ethical obligations | Arraignment outline (provided by Prof. Hasse CEB Criminal Law: §§ 6.1- 6.5, 6.7-6.8, 6.12-6.15, 6.17- 6.24, 6.27-6.29 | <i>Arraigning your client.</i> |
| January 22 | Guest Speaker: <i>Director of the Alternate Public Defenders, Derek Bercher</i> Common defense themes Jury Instructions that form the foundation of your defense | CALCRIMS: 220, 222, 223, 224, 225, 226, 315, 332, 333, 350, 351, 355, 358, 370, 372, 3470, 3471, 3472. | <i>Round table discussion on jury instructions.</i> |
| January 29 | Jury Instructions Deep Dive | Read the penal code section and then find the matching CALCRIM instruction for the following offenses: Penal Code §§ 422, 314, 273.5, 148(a), 240-243, Health and Safety Code §§ 11550, 11377 Vehicle Code § 23152(a) and (b) | <i>Breathing life into the jury instructions.</i> |

| Week | Topic | Reading | Exercises |
|-------------|--|---|--|
| February 5 | <p>Guest Speaker: Deputy Public Defender Daisy Bautista, Western State Alum</p> <p>Gathering information: Discovery from the DA (Brady, Pitchess); Gathering information from the client</p> | <p>CEB Criminal Law §§: 11.1, 11.3-11.11, 11.19-11.22.</p> | <p><i>The attorney-client interview and how to gain trust.</i></p> |
| February 12 | <p>Negotiations, Diversion, Documenting your file</p> | <p>CEB Defending Your Client in a Misdemeanor Case: Step 15 - Obtaining Discovery Step 35 - Diversion Step 36 - Civil Compromise Step 32 - Pre-trial Conference Step 33 - Negotiations and Dispositions</p> | <p><i>Real case round table.</i></p> |
| February 19 | <p>Misdemeanors vs. Felonies Upgrades Wobblers</p> | <p>Re-read Penal Code §§ 422, 273.5, 245 (a) and (b) and matching CALCRIM's. Prof. Hasse's preliminary hearing cheat sheet</p> | <p><i>Real case round table</i></p> |
| February 26 | <p>Voir Dire - Part 1</p> | <p>CEB Defending Your Client in a Misdemeanor Case: Steps 44-45 - Voir Dire</p> <p>Real case file review</p> | <p><i>Mock Jury Selection - Part 1</i></p> |
| March 5 | <p>Voir Dire - Part 2</p> | <p>Real case file review</p> | <p><i>Mock Jury Selection - Part 2</i></p> |

| Week | Topic | Reading | Exercises |
|-----------------|--------------------------------|--|--|
| March 12 | No class - Spring Break | | |
| March 19 | Opening Statements | CEB Defending Your Client in a Misdemeanor Case: Step 46 - Opening Statement Real case file review | <i>Developing an opening for a real case</i> |
| March 26 | Direct-Examinations | CEB Defending Your Client in a Misdemeanor Case: Step 50- Direct Examination Real case file review | <i>Real case round table</i> |
| April 2 | Cross-Examinations | CEB Defending Your Client in a Misdemeanor Case: Step 48 - Cross Examination Real case file review | <i>Real case round table</i> |
| April 9 | Objections | CEB Defending Your Client in a Misdemeanor Case: Step 47 - Making Evidentiary Objections Prof. Hasse's Objections Cheat Sheet | <i>Objecting in real time: Matching your gut with your brain</i> |
| April 16 | Closing Arguments - Part 1 | CEB Defending Your Client in a Misdemeanor Case: Step 52 - Final Argument | <i>Mock closing on a real case - Part 1</i> |

| Week | Topic | Reading | Exercises |
|----------|----------------------------|---------|---|
| April 23 | Closing Arguments - Part 2 | | <i>Mock closing on a real case - Part 2</i> |
| April 30 | No Class - Reading Period | | |