



## **DEMAND FOR JUSTICE PROGRAM**

### **Criminal Law Clinic**

#### **SYLLABUS**

##### **GENERAL BACKGROUND:**

The Demand for Justice Criminal Law Clinic (the Clinic) will give you the opportunity to assist KBA advocates in their pro bono representation of poor criminal defendants. You will experience the application of academic theory to the actual practice of law by working on live criminal cases with professional advocates. You will be involved in client interviewing and counseling; preparing letters and legal documents; reviewing records; researching the law to provide support for various legal theories; assisting in the drafting and filing briefs, and otherwise helping clients solve legal problems. Students typically handle between 4 and 6 legal matters for individual clients, depending on the duration and complexity of each case. You will work individually and in collaboration with others in the class. Your cases will primarily involve criminal matters of defendants who cannot afford an advocate and do not meet the criteria for ex-officio representation. Accordingly, some of your work will take place in the General Department of the Basic Court in Pristina, the General Department of the Basic Prosecution in Pristina, and Police stations in Pristina.

In addition, you will be involved in some community outreach work and will be required to present high school students with information about your clinical work, and about a variety of legal issues related to justice sector (rights, access to justice, accountability mechanisms, and legal reform) within the Pristina area. The clinic experience will involve you in interdisciplinary conversations, and will expose you to unique ethical and practical issues related to the representation of poor defendants. You will have an opportunity to discuss the concept of community and what it means to be an advocate within and for communities. You will explore strategies for attaining systemic change, where change may be necessary to correct a problem or injustice affecting a community of people. You also will work on other fundamental advocating skills such as interviewing and counseling, developing case theories and plans, direct and cross examination, and other advocacy techniques.

Our goal is to provide each of you with a rich and varied practice experience. Through exposure to real cases and clients as well as a variety of types of advocating activities, we hope to assist you in strengthening and developing versatility in your advocating skills and to assist you in shaping your professional identities and career plans. You will have the opportunity to work under the supervision of KBA advocates, and network and build professional relationship with different justice sector actors.

##### **SUPERVISION:**

With respect to your individual client representation, you will meet individually and in a group with a KBA advocate on a regular basis. You will meet individually with your advocate supervisor at least once each week and as necessary to prepare for and debrief case and client activities. We will all meet jointly for the classroom sessions.



The classroom component of this course is intended to convey information you may need to represent your future clients as well as to provide an opportunity for you to discuss, compare, analyze, and reflect upon your clinical experiences. There is a theoretical component as well. Toward this end, our work in class will be based upon your actual cases. You will be expected to actively participate in each class, and attendance will be mandatory. Below is a summary of the classroom component of your clinical experience.

### **LOGISTICS**

All classes are from 16:00 to 17:30 p.m. on Tuesdays. We will meet in the Demand for Justice Office on the first day of class and for most classroom sessions. Some representation activities (advice, counseling, and advocacy) will take place in KBA advocate offices and, as required, at court or prosecutor premises. Lectures will be delivered by guest speakers who are legal professionals (Prosecutors, Advocates, and Judges), CSO representatives, etc.

### **TIME COMMITMENT**

Representing real clients is an intensive experience. Consequently, your work in the clinic should average 5-6 hours per week [including class, casework, meetings with your advocate, etc.]. At least 1.5 of these hours must take place in the Law Clinic in regularly scheduled lectures. You are expected, however, to devote as much time as you need to work on client's case and to thoroughly participate in class, even if in some instances this requires that you work more than 5-6 hours some weeks or have to go to court or complete work during holidays. Advanced planning and communication with colleagues, clients, and advocates about competing schedules is therefore critical. Our goal is to provide high quality legal services to those who cannot otherwise afford an advocate. Once we agree to take on a case, we bear full professional responsibility for that matter and must perform accordingly. Effective planning, time and case management, and communication with your advocate, the advocate's clients, and fellow colleagues will be critical to your performance.

### **EVALUATION**

Attendance and participation in the class component is mandatory. In addition to preparing for and actively participating in class and completing all course assignments in a timely fashion, you will be expected to support the representation of clients zealously and competently, abiding at all times by the rules of professional responsibility.

A single lapse in professional responsibility or judgment (e.g., missing a deadline, failing to adequately prepare, violating a client confidence or other ethical obligation, etc.) may result in being expelled from the clinic. Failure to attend class, weekly supervision meetings with advocates, or complete assignments as assigned and/or otherwise arranged with your advocate may also result in being expelled.



## WELCOME TO THE PRACTICE OF LAW

### Week 1: INTRODUCTION TO THE LAW CLINIC AND CLINICAL LEGAL EDUCATION

**Time:** 16:00-17:30

**Date:** 1 December 2016

**Location:** Demand for Justice Office

**Lecturer:** TBD

- Clinic Continuation of orientation - clinic pedagogy & goals;
- Become Familiar with KBA Code of Professional and ethical conduct
- Become Familiar with Clinic Rules

### Week 2: INTRODUCTION TO INDIVIDUAL CLIENT REPRESENTATION IN THE CONTEXT OF CRIMINAL LITIGATION

*\*\*Note: Everyone should attend at least one criminal proceeding before Basic Court of Pristina by Thursday, December 6 and be able to share your observations in class.*

**Time:** 16:00-17:30

**Date:** 08 December 2016

**Location:** Demand for Justice Office

**Lecturer:** TBD

**Topics:**

- Case Planning and Analysis; Discovery Planning; Involving the client in planning.

### Week 3: ADVOCATE-CLIENT COMMUNICATION

**Time:** 16:00-17:30

**Date:** 15 December, 2016

**Location:** Demand for Justice Office

**Lecturer:** TBD

**Topics:**

- Overview of interviewing, client communication, and fact gathering skills - simulation and discussion
- Interviewing continued; Case rounds &/or simulations
- Client Counseling (planning and discussion of counseling in cases)

### Week 4: PRETRIAL AND TRIAL ADVOCACY

**Time:** 16:00-17:30



**Date:** 22 December, 2016

**Location:** Demand for Justice Office

**Lecturer:** TBD

**Topics:**

- Fact Investigation
- Negotiation
- Courtroom Direct and cross-examination: understanding and conveying context through questioning (block exercises & moot exercises in preparation of actual hearing); making objections
- Trial Advocacy - Planning, Performance, and Critique

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#### **PART V: ALTERNATIVE CONTEXTS AND STRATEGIES FOR EFFECTIVE ADVOCACY: VARYING OUR APPROACHES**

**Time:** 16:00-17:30

**Date:** 12 January, 2017

**Location:** Demand for Justice Office

**Lecturer:** TBD

**Topics:**

- Creative Problem-solving Strategies  
Advocating for communities and/or groups
- Identifying and exploring creative solutions to systemic problems

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#### **PART VI: ADVOCATEING VALUES AND JUSTICE; EVALUATION & FINAL REFLECTION**

**Time:** 16:00-17:30

**Date:** 19 January, 2017

**Location:** Demand for Justice Office

**Lecturer:** TBD

**Topics:**

- Professional Responsibility and Moral Ethics in Law Practice
- Concepts of Justice and the Role of the Advocate in Improving the Administration of Justice

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#### **Readings**