MAIN STREET LEGAL SERVICES

DEFENDER LAWYERING SEMINAR AND CLINIC APPLICATION

Instructions

Your Defender Seminar and Clinic Application is due on or before 4:00 p.m. on Tuesday, October 8th, 2013 in V. Hill’s office, located in Room 5-205 of Main Street Legal Services.

A complete application packet includes the following documents: (1) the application form; (2) a current resume; and (3) a writing sample. Place these documents in a sealed manila folder with your name on the outside.

Remember to ALSO submit the preference form to the Academic Affairs office, located in Room 4-106 also due on or before 4:00 p.m. on Tuesday, October 8th, 2013.
DEFENDER CLINIC DETAILS

PREREQUISITE: Defender Lawyering Seminar

Overview

The Defender Clinic is preceded by the Defender Lawyering Seminar. The Seminar is a four-credit class offered during the fourth semester. The Defender Lawyering Seminar emphasizes the NY Penal Law, the NY Criminal Procedure Law, and practice in the New York City Criminal Courts. Upon successful completion of the Seminar, students will be enrolled in the Clinic. The Defender Clinic is a twelve-credit class offered during the fifth semester. The Clinic provides legal representation to indigent teenagers and adults through relationships with the Criminal Defense Practice divisions of the Legal Aid Society and Prisoners’ Legal Services of New York State. Practice areas may include:

* representing clients charged with misdemeanor offenses in the New York City Criminal Court,
* representing clients on appeal of their criminal convictions,
* representing clients placed in solitary confinement for long periods of time as a result of alleged prison disciplinary infractions, and
* representing clients at parole proceedings.

Student Defenders in the Clinic are supervised by Law School faculty who are assisted by the support staff of Main Street Legal Services (the law school’s Clinical program). Student Defenders represent clients pursuant to the Student Practice Order authorized by the Supreme Court, Appellate Division for the Second Department, in effect for both Main Street Legal Services and for the Legal Aid Society. In addition to direct client representation, students will be assigned to work with a community-based organization on a policy or practice issue relevant to the criminal justice system, or may work with outside organizations and practitioners on a trial, a direct appeal or a post-conviction matter. Students are also expected to research and write on an issue of significance to criminal defense practice. Field visits and presentations by guest speakers comprise part of the Clinic.

Objectives and Structure

The specific goals of the Clinic are to provide students with opportunities for: (1) applying and expanding, in a live-client context, skills acquired through prior simulation and in-class learning, especially interviewing and counseling, drafting of motions and memoranda of law, fact investigation, theory development, legal analysis, direct and cross examination and other oral advocacy skills; (2) examining the public interest policy issues raised by the provision of criminal defense services to the poor in an urban criminal justice system; and (3) focusing on the special professional responsibility issues arising in the criminal defense role. In order to accomplish these goals, the students will engage in the following activities:

1. Client Representation

   Student lawyers, under direct faculty supervision, conduct all aspects of the representation of their clients, including arraignment and bail hearings, factual investigation (interviews of client, family and witnesses; visits to the scene), negotiation with prosecutors, preparation of motions and legal memoranda, hearings, trials and sentencing advocacy. Student lawyers who represent prisoners will be responsible for filing administrative appeals of prison disciplinary hearing determinations, and may have the additional opportunity to engage in civil litigation in the form of filing an Article 78 petition. Student lawyers are expected to maintain updated, organized case files, participate in case rounds and regularly meet with
Clinic faculty for individual case conferences. Students are accompanied by Clinic faculty at all court appearances.

2. **Classroom Instruction**

The Clinic utilizes a combination of lecture, discussion, observation and simulation methods. Class explores the social and political aspects of the criminal justice system generally, and New York criminal practice in particular, as well as the full panoply of lawyering and trial advocacy skills (e.g., factual and legal investigation, trial preparation and development of a case theory, motion practice, direct and cross-examination, opening and closing statements, and sentencing advocacy). The culmination of the trial advocacy component of the Clinic is a simulated suppression hearing based on a case handled by a former Clinic student. Much attention is devoted to exploring professional responsibility of the criminal defense practitioner. Members of the judiciary, the local bar and other law schools periodically participate as guest lecturers.

3. **Writing Assignment**

Students in the Defender Clinic are also expected to research and write about a subject of relevance to criminal defense or prisoners’ rights. Students work with Clinic faculty to structure their research and to produce rough and final drafts.

4. **Placement**

In addition to in-house client representation for which students act as lead counsel, students will also assist outside counsel in various criminal justice matters. Typical placements include solo practitioners, small law firms, and criminal defense organizations (e.g., Bronx Defenders, Brooklyn Defender Service, Legal Aid Society, Mental Hygiene Legal Services, Neighborhood Defender Service of Harlem, Office of the Appellate Defender, Prisoners’ Legal Services).

**Admission Policy**

Admission to the Clinic is at the discretion of the Clinic faculty, following the completion of a clinic application, and, if necessary, an interview. No student who desires a career as a prosecutor will be automatically rejected. However, because of the potential for a conflict of interest, no student will be admitted to the Clinic who is currently employed, salaried or otherwise (including interning or externing), with a prosecutor's office or with any law enforcement agency. Please note that students who have accepted or applied for a school-year internship or post-graduate position with a prosecutorial and/or law enforcement agency will be limited in their ability to be primarily responsible for direct individual client representation in the Clinic.

Representation of clients requires a working knowledge of the 4th, 5th and 6th Amendments. As a result, Criminal Procedure is a pre- or co-requisite.
Defender Seminar and Clinic Application Form

Name: ________________________________________________________________

Address: ___________________________________________________________________

_____________________________________________________________________

Phone #: ___________________________________________________________________

Email: ___________________________________________________________________

You may be required to participate in an interview as part of the Application process. You will be notified in advance if you need to make an appointment for an interview.

Do you have any special background in legal or non-legal employment, which might be relevant to the Defender Seminar and Clinic? If so, describe briefly and specify.

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

Have you taken Criminal Procedure?

Yes _____  No _____

Will you need to work during your third year (if you know)? Yes _____  No _____

If so, how many hours per week? __________

Languages other than English:

    Oral Level of Fluency _______________________________

    Written Level of Fluency_____________________________

What are your learning goals for next semester and your third year?

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

_____________________________________________________________________

What are your career goals upon graduating?

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

_______________________________________________________________________

Please be advised that students who have accepted or applied for a school-year internship or post-graduate position with a prosecutorial and/or law enforcement agency will be limited in their ability to be primarily responsible for direct individual client representation in the Clinic.

Please answer the following questions. You may add any additional comments on separate pages. Incomplete applications will not be considered.

1. Why do you want to defend individuals charged with crimes?

2. In your own words, what is the responsibility of the defense attorney? What is the responsibility of the prosecutor?

3. At arraignment, you meet your client for the first time. He is able to verify his family and other ties to the community. In fact, family members are present in court. You believe you can persuade the judge to release him without bail. Before going into court for the formal arraignment, you begin to schedule a second interview date with your client. He tells you not to bother, he is skipping town and will not be back. What do you tell your client? What do you say in your bail argument to the judge?
4. What do you expect to learn from the Defender Seminar and Clinic?

5. What past experiences have you had that you feel will assist you in the Defender Seminar and Clinic?