

# USC Gould

School of Law

## POST-CONVICTION JUSTICE PROJECT Fall 2024

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### Course Description

The Post-Conviction Justice Project is a year-long clinical program where second and third-year law students represent clients on post-conviction matters under the supervision of Professors Rummel, Parente, and Siriwong. Many of the clients are convicted of crimes committed in their youth and are serving life sentences for first- or second-degree murder in California state prisons.

The Project emphasizes three interconnected areas of post-conviction representation. First, students represent clients seeking release through the lifer parole process. Second, students challenge the constitutionality of parole denials and pursue resentencing through state court proceedings. Third, students advocate for executive clemency and defend parole grants before the Governor. These responsibilities involve meeting with clients and conducting hearings at various prisons throughout California. Though many proceedings may be held virtually, students must be able to travel to meet with clients and appear in court as needed. Students are also required to travel for prison workshops as described below.

The seminar portion of the course is held weekly during the fall semester. Readings, lectures, and classroom exercises focus on state and federal constitutional due process rights, substantive parole and resentencing law, lawyering skills, and the legal, social, and political issues of incarceration. Students will develop oral advocacy and legal writing skills through classroom exercises and live-client representation.

### Clinic Hours and Class Meetings

This is a five-credit course. The seminar meets Wednesdays from 3:00 to 5:30 in Room 3 during the fall semester. Students will also meet weekly with a supervising attorney on each case. Students are expected to devote an average of 20 hours per week to PCJP, though some weeks may require more or less work depending on the demands of particular cases.

### Learning Outcomes

- Research, analyze, and apply substantive and procedural legal rules to achieve case goals
- Produce effective written and oral communication
- Exercise professional judgment and ethical responsibilities to clients and the legal system
- Communicate and collaborate effectively with a diverse community of clients, attorneys, decisionmakers, students, and other professionals
- Engage in advocacy and problem-solving to further client goals

**Pre-/Corequisites**

Students enrolled in the Project must have completed Evidence or be enrolled in Evidence during the fall semester. Students are also required to enroll in Trauma-Informed Lawyering in the fall semester.

**Required Materials**

All required reading and client material will be provided to you. There is no assigned textbook.

**Grading**

Students are graded CR/D/F in the fall semester, and numerical grades are assigned in the spring. There is no final examination.

**Attendance**

Attendance at the weekly seminar is mandatory. Students are expected to complete the readings on time, and they may not be reviewed in class. Classroom discussion is an essential component of the clinical experience. Your preparation is essential so you can meaningfully participate in that discussion and effectively represent your clients.

**Workshops**

Students who have participated in PCJP's summer program, completed one full semester of PCJP, or have represented a client in a parole hearing will be assigned to participate in PCJP's prison workshops where the student will be assigned several clients to provide limited-scope parole readiness representation. The Project typically conducts two workshops (consisting of two days each) per semester. One or both workshops may require travel outside of the Los Angeles area and a one or two-night overnight stay. The workshops are not optional and are included as part of the case assignments.

**Disabilities Requiring Accommodation**

If you have a disability for which you are requesting accommodation, please contact the Registrar or Dean of Students as soon as possible. A statement on academic conduct and support systems is attached to this syllabus, and you are encouraged to use these services if needed.

## Weekly Course Schedule

(Reading materials are linked; the password for select materials is “fighton”)

	Readings/Assignments	Topics/Activities
<p><b>Week 1: 8/28</b></p> <p>The PCJP Experience</p>	<p><a href="#">PCJP Procedures Manual</a></p> <p>Interview Exercise (sent via email)</p> <p><u>Looking ahead:</u></p> <ul style="list-style-type: none"> <li>● Aspirational Letter of Recommendation Due Tuesday, 9/10; send to <a href="mailto:PCJAdmin@law.usc.edu">PCJAdmin@law.usc.edu</a>.</li> <li>● Compose a letter of recommendation from your PCJP supervising attorney for your dream job. Consider the legal skills and professional work habits that would make you the most effective lawyer and most desirable candidate for the job.</li> </ul>	<p><u>Meet the PCJP Team:</u> an introduction to members of the PCJP team and their roles within the Project.</p> <p><u>In-Class Interview Exercise:</u> students will introduce each other based on information obtained during the previously assigned interview exercise (sent via email).</p> <p><u>Overview of PCJP</u></p> <ul style="list-style-type: none"> <li>● The PCJP Experience</li> <li>● What Makes a Great Lawyer</li> <li>● Types of Cases</li> <li>● Learning Objectives</li> <li>● Professional Expectations</li> </ul>
<p><b>Week 2: 9/4</b></p> <p>Intro to CA Parole Process and Professional Obligations</p>	<p>Cal. Penal Code §§ <a href="#">187(a)</a>, <a href="#">189</a>, <a href="#">190</a>, <a href="#">190.2</a>, <a href="#">190.3</a>, <a href="#">190.5</a></p> <p>Cal. Penal Code §§ <a href="#">3041</a>, <a href="#">3041.5</a>, <a href="#">3046</a>, <a href="#">3051</a>, <a href="#">4801</a></p> <p>Cal. Code Regs. tit. 15 §§ <a href="#">2281</a>, <a href="#">2402</a></p> <p><a href="#">In re Lawrence</a>, 44 Cal. 4th 1181 (2008)</p> <p><a href="#">In re Shaputis</a>, 44 Cal. 4th 1241 (2008)</p> <p>Cal. R. Ct. <a href="#">9.42</a>; Certified Law Student Rules</p>	<p><u>Overview of the California Parole Process and Legal Standards Governing Parole</u></p> <ul style="list-style-type: none"> <li>● Fundamentals of Criminal Prosecutions and Sentencing</li> <li>● Steps in the California Parole Process</li> <li>● The <i>Lawrence</i> Standard for Determining Parole Suitability</li> <li>● <u>In-Class Exercise:</u> Making Arguments under <i>Lawrence</i> and <i>Shaputis</i></li> </ul> <p><u>CA Rules of Professional Responsibility</u></p> <ul style="list-style-type: none"> <li>● Cal. Bus. &amp; Prof. Code <a href="#">§ 6068</a></li> <li>● RPC <a href="#">1.1</a>, Duty of Competence</li> <li>● RPC <a href="#">1.3</a>, Duty of Diligence</li> <li>● RPC <a href="#">1.4</a>, Duty of Communication</li> <li>● RPC <a href="#">1.6</a>, Duty of Confidentiality</li> <li>● RPC <a href="#">1.7</a>, Conflicts</li> <li>● RPC <a href="#">3.3</a>, Duty of Candor</li> </ul> <p><u>Setting Client Boundaries &amp; Expectations</u></p> <p>PCJP Procedures Manual (Quiz!)</p>

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<p><b>Week 3: 9/11</b></p> <p>Understanding the C-File</p>	<p>Watch <a href="#">P JW How to Read a C-File</a></p> <p>Review the following materials for each of your parole clients (if available):</p> <ul style="list-style-type: none"> <li>● Prior parole hearing transcript(s)</li> <li>● Comprehensive Risk Assessment(s) or CRA(s)</li> <li>● Most recent transition memo</li> <li>● Most recent Parole Submission and Exhibits</li> </ul> <p>Start Drafting a Case Plan</p> <p>Aspirational Letter of Recommendation due Tues. 9/10.</p>	<p><u>Understanding the Parole Hearing Record</u></p> <ul style="list-style-type: none"> <li>● Legal Documents (probation report, transcripts, appellate decision)</li> <li>● Prior Parole Transcripts and Decisions</li> <li>● Disciplinary History</li> <li>● Programming, Education, Work History</li> <li>● Comprehensive Risk Assessments</li> <li>● Confidential Information (Forms 810 and 1030)</li> <li>● Mental Health Records</li> </ul> <p><u>Developing the Record into a Narrative of Change</u></p> <ul style="list-style-type: none"> <li>● Persuasive Framing of Facts</li> <li>● <u>In-Class Exercise</u>: Addressing Rules Violation Reports (RVRs)</li> </ul>
<p><b>Week 4: 9/18</b></p> <p>Comprehensive Risk Assessments &amp; ADA Accommodations</p>	<p>Cal. Code Regs. tit. 15 §§ <a href="#">2240</a> (CRAs), <a href="#">2253</a> (waivers, stipulations, postponements)</p> <p>Watch <a href="#">P JW Understanding the CRA</a></p> <p>Read the CRA for one of your assigned cases.</p>	<p><u>Pre-Hearing Advocacy</u></p> <ul style="list-style-type: none"> <li>● Comprehensive Risk Assessments</li> <li>● ADA Accommodations</li> <li>● Mental Health Records</li> <li>● Waivers, stipulations, postponements</li> </ul>

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<p><b>Week 5: 9/25</b></p> <p>Preparing Parole Submissions and Exhibits</p>	<p>Read <a href="#">California Parole Hearing Process Handbook</a></p> <p>Review Client's C-File; start on C-File Worksheet.</p> <p>Read Client's Most Recent Petition to Advance (PTA) (if available)</p> <p>Review Case Plan in Supervision Meetings</p>	<p><u>Supplementing the Record</u></p> <ul style="list-style-type: none"> <li>● Parole Plans; Support Letters</li> <li>● Insight Statement: What, Why, How?</li> <li>● Remorse Letter/Impact Statement</li> <li>● Relapse Prevention Plans</li> <li>● <i>Franklin</i> Materials</li> </ul> <p><u>How to Write a Parole Submission</u></p> <ul style="list-style-type: none"> <li>● Organizing and Writing</li> <li>● Storytelling/Case Theory/Narrative</li> <li>● Presenting Social and Institutional History</li> <li>● Preparing the Submission and Exhibits</li> <li>● Organizing Exhibits</li> </ul> <p><u>How to Write a Petition to Advance (PTA)</u></p> <ul style="list-style-type: none"> <li>● Dissecting a Parole Denial</li> <li>● Developing a Client Roadmap</li> <li>● Making the Case for an Earlier Hearing</li> <li>● <u>In-Class Exercise</u>: Client Roadmap and PTA Outline following a Denial</li> </ul>
<p><b>Friday, 9/27</b> 9:00 a.m. – 1:00 p.m.</p>	<p>California State Prison, <a href="#">Lancaster</a> Tour</p>	<p>CSP Lancaster is 60 miles from Los Angeles and we must arrive no later than 9:00 a.m. Address: 44750 60th Street West, Lancaster, CA 93536-7620.</p>
<p><b>Week 6: 10/2</b></p> <p>Client Interviewing</p>	<p>Tibensky, <a href="#">Interviewing for Noncapital Mitigation</a></p> <p><a href="#">Adverse Childhood Experiences Questionnaire for Adults</a></p>	<p><u>Client Interviewing</u></p> <ul style="list-style-type: none"> <li>● Addressing Inconsistencies in the Record</li> <li>● Discussing and Evaluating Trauma</li> <li>● ADA and Non-English Speaking Clients</li> <li>● Cultural Competency</li> <li>● Preparing for the CRA</li> <li>● Preparing for the Parole Hearing</li> <li>● <u>In-Class Exercise</u>: Client Interviewing</li> </ul>
<p><b>Week 7: 10/9</b></p> <p>Youth Advocacy</p>	<p>Cal. Penal Code §§ <a href="#">1170(d)</a>, <a href="#">3051</a>, <a href="#">4801</a></p> <p>Prison Law Office, <a href="#">Youth Offender Parole Hearings</a> (updated April 2024)</p> <p>HRW, <a href="#">Youth Offender Parole Guide</a></p> <p><a href="#">Miller v. Alabama</a>, 567 U.S. 460 (2012)</p> <p><a href="#">People v. Franklin</a>, 63 Cal. 4th 261 (2016)</p>	<p><u>Adolescent Brain Development in the Law</u></p> <ul style="list-style-type: none"> <li>● Juvenile Justice Reform in California</li> <li>● Youth Offender Parole</li> <li>● SB 9; Prop 57; SB 394</li> <li>● <u>In-Class Exercise</u>: Arguments Based on Mitigating Factors of Youth</li> </ul>

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<b>Week 8: 10/16</b>  Governor Referrals, En Banc Proceedings, Clemency	Cal. Penal Code § <a href="#">3041(b)</a> (en banc process)  Cal. Penal Code §§ <a href="#">4800</a> , <a href="#">4802</a> , <a href="#">4805</a> (clemency)  Cal. Const., <a href="#">art. V § 8</a> (clemency)  P JW <a href="#">Post-Hearing Flowchart</a>	<u>Defending a Grant of Parole</u> <ul style="list-style-type: none"> <li>• Decision Review</li> <li>• En Banc Proceedings</li> </ul> <u>Clemency</u> <ul style="list-style-type: none"> <li>• The Governor’s Clemency Power</li> <li>• Making the Case for a Commutation, Pardon, or Reprieve</li> </ul>
<b>Week 9: 10/23</b>  Client Panel	Ear Hustle podcast, S1, Episode 11 <a href="#">Unwritten</a>  Choose an Ear Hustle episode and write a short insight on life in prison to share with the class.  Send your summary and three questions for the panel to <a href="mailto:PCJAdmin@law.usc.edu">PCJAdmin@law.usc.edu</a> by end of day 10/22.	<u>Panel Q&amp;A with Former PCJP Clients</u> <ul style="list-style-type: none"> <li>• Prison Culture and Prison Gangs</li> <li>• Programming and Rehabilitation</li> <li>• Client Experience of Working with Certified Law Students</li> </ul>
<b>PCJP Workshop at Avenal, October 24-25 (Thursday-Friday)</b>		
<b>Week 10: 10/30</b>  Victim Survivor Perspectives	Lazare, <a href="#">Four Corners of an Apology</a>  Watch the Film: <a href="#">Five Minutes of Heaven</a>  <a href="#">Ellis Cohen Curtis Victim Impact Statements</a>  Trino Jimenez, “ <a href="#">He Befriended his Brother’s Murderer</a> ,” LA TIMES.	<u>Victim Survivor Perspectives</u> <ul style="list-style-type: none"> <li>• Thinking About the Victim’s Perspective</li> <li>• Working with Clients to Understand Harms and Express Remorse</li> </ul> <u>Case Rounds</u> <ul style="list-style-type: none"> <li>• 30-minute discussion of cases and issues</li> </ul>
<b>Week 11: 11/6</b>  Legislative Policy Overview	<a href="#">Overview of CA Legislative Process</a> <a href="#">Overview of Legislative Process</a>	<u>Overview of California’s legislative process</u> <ul style="list-style-type: none"> <li>• Potential areas for reform</li> <li>• Short-term and long-term strategies for reform</li> </ul>

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<b>Week 12: 11/13</b>  Habeas Corpus	Cal. Penal Code §§ <a href="#">1172.1</a> (resentencing), <a href="#">1172.6</a> (felony murder), <a href="#">1473</a> (habeas)  28 U.S.C. § <a href="#">2254</a>  <a href="#">In re Lawrence</a> , 44 Cal. 4th 1181 (2008)  <a href="#">In re Palmer</a> , 10 Cal. 5th 959 (2021)  LADA Resentencing <a href="#">Policy</a> <a href="#">FAQ</a>	<u>Habeas Corpus Overview</u> <ul style="list-style-type: none"> <li>● Challenging parole denials</li> <li>● California’s revised felony murder laws</li> <li>● Resentencing</li> <li>● Federal habeas</li> </ul>
<b>Week 13: 11/20</b>  Systemic Racism	<a href="#">Just Mercy</a> by Bryan Stevenson  <a href="#">13th</a> documentary directed by Ava DuVernay  <a href="#">Ellis v. Harrison</a> , 947 F.3d 555 (9th Cir. 2020) (en banc)  Cal. Penal Code § <a href="#">745</a> (Racial Justice Act of 2020)	<u>Race and the Criminal Justice System</u> <ul style="list-style-type: none"> <li>● Historical roots of racial disparities in sentencing and incarceration</li> <li>● Implicit bias in the criminal system</li> <li>● Efforts to address racism</li> <li>● Reflections on Just Mercy and 13th</li> <li>● Open discussion</li> </ul>
<b>Thanksgiving Break: November 27-29</b>		
<b>Week 14:</b> <b>*Mon 12/2</b>  Semester Wrap-up	*Wednesday classes meet Monday ( <a href="#">academic</a> <a href="#">calendar</a> ).	<u>Wrap-up</u> <ul style="list-style-type: none"> <li>● Semester Checkout Process</li> <li>● Responsibilities Over Break</li> <li>● Mid-Year Feedback and Reflection</li> </ul>

## Statement on Academic Conduct and Support Systems

### Academic Conduct:

Plagiarism – presenting someone else’s ideas as your own, either verbatim or recast in your own words – is a serious academic offense with serious consequences. Please familiarize yourself with the discussion of plagiarism in SCampus in Part B, Section 11, “Behavior Violating University Standards,” <https://policy.usc.edu/files/2020/07/SCampus-Part-B-2.pdf>. Other forms of academic dishonesty are equally unacceptable.

### Support Systems:

*Student Counseling Services (SCS) – (213) 740-7711 – 24/7 on call*

Free and confidential mental health treatment for students, including short-term psychotherapy, group counseling, stress fitness workshops, and crisis intervention.

<https://studenthealth.usc.edu/counseling/>.

See also this guide for Gould students to facilitate access to mental health resources on campus: <https://gould.usc.edu/assets/docs/directory/Mental-Health-Services-at-USC.pdf>

*National Suicide Prevention Lifeline – 1 (800) 273-8255*

Provides free and confidential emotional support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week. [www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

*Relationship and Sexual Violence Prevention Services (RSVP) – (213) 740-4900 – 24/7 on call*

Free and confidential therapy services, workshops, and training for situations related to gender-based harm. <https://studenthealth.usc.edu/sexual-assault/>

*Sexual Assault Resource Center*

For more information about how to get help or help a survivor, rights, reporting options, and additional resources, visit the website: <https://eeotix.usc.edu/>

*Office of Equity and Diversity (OED)/Title IX Compliance – (213) 740-5086*

Works with faculty, staff, visitors, applicants, and students around issues of protected class. <https://eeotix.usc.edu/>

*Bias Assessment Response and Support*

Incidents of bias, hate crimes, and microaggressions need to be reported allowing for appropriate investigation and response. <https://eeotix.usc.edu/>

*The Office of Disability Services and Programs*

Provides certification for students with disabilities and helps arrange relevant accommodations. <https://dsp.usc.edu/>

*Student Support and Advocacy*

Campus Support and Information is where members of the Trojan Family go to seek support for themselves, for others, and for the community. It is a one-stop-shop for care and support, troubleshooting and advocacy. <https://cwci.usc.edu/campus-support-and-intervention/>



If you are concerned about a fellow Trojan challenged with personal difficulties, you can file a report through Trojans Care for Trojans. The form can be found at: <https://campussupport.usc.edu/trojans-care-4-trojans/>.

#### *Diversity at USC*

Information on events, programs and training, the Diversity Task Force (including representatives for each school), chronology, participation, and various resources for students. <https://diversity.usc.edu/>

Gould-specific information can be found at <https://gould.usc.edu/about/race-equity/> (Law, Race and Equity page) and <https://gould.usc.edu/students/diversity/> Students can submit anonymous EDI-related comments/complaints through the law portal: <https://mylaw2.usc.edu/about/contact/anonymous-comments>

#### *USC Emergency Information*

Provides safety and other updates, including ways in which instruction will be continued if an officially declared emergency makes travel to campus infeasible. <https://emergency.usc.edu/>

*USC Department of Public Safety – UPC: (213) 740-4321 – HSC: (323) 442-1000 – 24-hour emergency or to report a crime.*

Provides overall safety to USC community. <https://dps.usc.edu/>