5166LAW
Innocence Project

Semester 1, 2012

Academic Organisation: Griffith Law School
Faculty: Griffith Law School
Credit point value: 10CP
Student Contribution Band (HECS/Cluster Band): Band 3
Course level: Undergraduate
Campus/Location/Instruction Mode: Gold Coast / On Campus / In Person
Convenor/s: Ms Lynne Weathered
Enrolment Restrictions: Restricted: Course must be listed in Program
This document was last updated: 1 December, 2011

BRIEF COURSE DESCRIPTION
Griffith University Innocence Project is committed to freeing innocent persons who have been wrongly convicted. By working to correct failures in our criminal justice system, the Project will foster an Australian legal culture that champions the defence of the innocent, and protects the marginalised and oppressed. Through working with law students, the Project will invest in lawyers of the future who uphold the values of truth in justice. Students, acting on instructions from the lawyers, will undertake research and utilise new evidence in an attempt to exonerate persons who have been wrongly convicted. All professional case-management decisions are the responsibility of the lawyers involved. Student will also work under the supervision of an academic.

Advised Prerequisites or co-requisites: 4031LAW Criminal Procedure and Sentencing, 4032LAW Principles of Criminal Law AND 4022LAW Evidence.

Note: Enrolment in this course is through successful selection in the ballot process. Ballot process information can be obtained from the Griffith Law School or Course Convenor.
SECTION A – TEACHING, LEARNING AND ASSESSMENT

COURSE AIMS

Course Aims
Students will undertake activities to assist people who have been wrongly convicted in Queensland and Australia. In addition, students will gain a greater understanding of the strengths and weaknesses of the criminal justice system of this and other jurisdictions.

Students, acting under the supervision of the Director and on instructions from the lawyers, will undertake activities to investigate claims of wrongful conviction and utilise new evidence in an attempt to exonerate persons who have been wrongly convicted. All professional case-management decisions are the responsibility of the lawyers involved.

The course will offer students an interdisciplinary perspective on the interaction between science, psychology and criminal law. It provides an international perspective on wrongful conviction.

This course aims to fulfil the mission statement of the Innocence Project.

Innocence Project Mission Statement:
Griffith University Innocence Project is committed to freeing innocent persons who have been wrongly convicted. By working to correct failures in our criminal justice system, the Project will foster an Australian legal culture that champions the defence of the innocent, and protects the marginalised and oppressed. Through working with law students, the Project will invest in lawyers of the future who uphold the values of truth in justice.

LEARNING OUTCOMES

Following completion of this course, students should:

1. Have gained an international overview of causes of wrongful conviction within the criminal justice systems of Australia, the United States, Canada and England
2. More fully understand the operation of the Queensland criminal justice system, in particular the difficulties with the current limited access to information and appeal mechanisms for wrongful conviction applicants
3. Have developed the ability to undertake case-file management
4. Have learned to work as a team on a case
5. Understand ethical elements of Innocence Project work
6. Have learned to undertake tasks as designated according to Innocence Project processes
7. Appreciate professional responsibility and legal professional privilege
8. Have learned to work under instructions from a practising lawyer.
CONTENT, ORGANISATION AND TEACHING STRATEGIES

Intensive Introduction
This course is conducted at the Gold Coast campus. The course consists of an initial classroom component that is compulsory.

Allocation to Teams
Students will normally work in teams on cases that are allocated to them as the Project demands. Students will also be required to work on cases individually if appropriate to the demands on the Project. Students will be required to review police reports and trial transcripts, amongst other relevant documents or evidence. Students may have contact with applicants. All student work must be undertaken with the supervision of the Director and prepared and completed following instructions from the lawyers who are ultimately responsible for the applicant's case.

It is anticipated that many cases will require more than one semester of work. (Some cases will take years of investigation.) These cases will then be passed on to the incoming students. The nature of the course means that each case will involve unique issues. Students will need to be prepared to be flexible in allocating time for the course. It is a professional-style course in that students will be given instructions, which they need to carry out much like in a work environment, though the students will have access to the Director for guidance and supervision regarding all their work. Students will also be expected to treat the cases upon which they work in a similar manner to that which they would in a professional legal setting, with confidentiality and privilege requirements attaching to the Project work. The Director will explain these obligations during the intensive introductory program.

Weekly Team Meetings
Regular meetings with the Director and/or the lawyers are scheduled for Tuesday evenings, from 6.00pm to approximately 8.00pm. This will be when student teams will meet with the Director and take instructions regarding the cases. The work undertaken as part of the Innocence Project is highly confidential and legal professional privilege may attach to it. Details of cases must never be discussed with anyone other than Project members.

There will occasionally also be a set time during which applicants can contact the students in the designated Innocence Project room. Students will have contact with the lawyers through email, telephone and face-to-face meetings, as each case demands. It is anticipated that once during the semester, the team meeting will follow on from Innocence Project Executive meeting. This will mean that the student meeting starts approximately one hour later than usual. All team meetings will form part of the participation assessment.

Investigative Work
Students will be involved in a range of investigative activities. These activities will fall broadly into four categories:

(i) Analysing relevant documents;
(ii) Telephone contact with relevant persons;
(iii) Campus visits by relevant persons; and
(iv) Field activities, which may include visiting a crime scene, or prison, if appropriate.

All such activities must first have the approval of the Project Director and Project lawyers and students will be accompanied by the Director or lawyers when undertaking field activities.
Of the four areas noted above, the vast majority of student investigative work will fall under (i) analysing relevant documents. Such documents include the police record of interviews, committal, trial and appeal transcripts, witness statements and other relevant documents. This is a major and essential component of Innocence Project work as it is necessary to have a comprehensive understanding of the facts of the cases and the evidence as presented at trial, prior to seeking access to further information, considering what potential new evidence may be available and seeking to access any such evidence.

*The Project has a policy not to contact victims, as we do not wish to impinge on the position of victims of crime.*

**Types of Cases the Project Accepts**
The Griffith University Innocence Project will take on cases where initial investigations support applicants’ assertions that they have been wrongly convicted and where innocence may be established through the use of DNA technology.

**Goals:**
- Investigate claims of wrongful conviction
- Determine if they have merit and if new evidence of innocence is available
- Obtain release of wrongly convicted inmates.

**Types of Cases the Project Does Not Accept**
- Where a conviction would be overturned through a technicality rather than factual innocence
- Cases that are currently on or awaiting trial, where appeal time limitations have not yet expired or where there is less than two years remaining on the term of imprisonment
- Cases which rely on any type of legal defence such as for example, self defence, provocation or consent
- Cases involving fraud or drug convictions
- Any sexual offences where there is an admission of sexual contact.
CONTENT SUMMARY

Students will be given a detailed program prior to the commencement of the intensive week. Topics covered during the week will typically include:

(1) **Introduction to the Innocence Project**

The aims and objectives of the Innocence Project

- Structure of the Course and Project
- Communication procedures and precedents
- Student responsibilities including:
  - Confidentiality and privilege requirements
  - Preliminary instructions on case file management

(2) **Forensic Science**

- DNA Profiling: Basic Concepts

(3) **Causes of Wrongful Conviction**

- Faulty Eyewitness Identification
- Overzealous or Improper Police Investigation or Prosecution
- Informer Evidence
- Tunnel Vision
- Poor Defence Lawyering
- Incorrect Scientific Evidence
- Plea Bargaining
- False Confessions
- Community Pressure for Conviction/Media
- Race/Wrongful Conviction and Indigenous Australians

The clinical component of the course covers the whole semester. Students will be undertaking their case file management activities, investigative activities and research activities relating to case management throughout the semester.
ASSESSMENT

Summary of Assessment

<table>
<thead>
<tr>
<th>Item</th>
<th>Assessment Task</th>
<th>Length</th>
<th>Weighting</th>
<th>Total Marks</th>
<th>Relevant Learning Outcomes</th>
<th>Due Date and Time</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Individual Innocence Project Work Assessment</td>
<td>40%</td>
<td>40</td>
<td>1 - 8</td>
<td></td>
<td>Continuous, final assessment due week 14</td>
</tr>
<tr>
<td></td>
<td>Documentary Case File Management – Group Mark</td>
<td>50%</td>
<td>50</td>
<td>1 - 8</td>
<td></td>
<td>Continuous, final assessment due week 14</td>
</tr>
<tr>
<td></td>
<td>Reflection</td>
<td>10%</td>
<td>10</td>
<td>5, 7, 8</td>
<td></td>
<td>Week 14</td>
</tr>
</tbody>
</table>

Assessment Details

Individual Innocence Project Work Assessment: 40%

Students complete a variety of tasks when undertaking Innocence Project work. For this major piece of the assessment, students will be individually assessed on a continual basis, in the following areas.

- Ability to respond quickly, appropriately and efficiently to applicant, lawyer and Director requests.
- Ability to follow Innocence project guidelines, processes and procedures in all activities undertaken.
- Problem-solving analysis skills, including recognition of evidence and legal issues involved.
- The level of initiative taken with designated tasks.
- Ability to work effectively as a team member.
- Appreciation of legal professional privilege and confidentiality requirements of the Project.
- Advocacy skills and ability to clearly articulate the work undertaken each week in response to case instructions and questions from the lawyers and the Director.
- Advocacy skills in presenting case summaries to the Executive for selection.
- Preparation of letters to applicants following instructions from the lawyers and supervision of the Director.
- Efficient record keeping of all instructions and communications between team members, applicants, lawyers and the Director.
- Thoroughness in the preparations and production of documents as requested by the Director and instructing lawyers each week, including the factual matrix and any other documents and summaries produced.
- Research skills utilised to support case investigation.
- Participation during the intensive classroom component and all regular team meetings. This involves the level of involvement in and the commitment to Innocence Project work, demonstrated by the student over the semester. This includes the number of hours dedicated to the Project work as well as interaction during all group sessions.
Documentary Case File Management: 50%

The actual case files of each of the applicants, which should include all their relevant documents, materials and summaries, factual matrices and other documents that are prepared and produced by the student teams, must be kept completely up to date and organised for ease of reference by all Innocence Project staff and students. Each relevant case file which has been worked upon during the semester will be reviewed by the Director each week and at the end of the semester.

*It is this file or files* that will be reviewed and marked at the end of the semester, with the team being awarded a group mark based on that file(s)

The final document that should be prepared and placed at the front of the case file is the case summary. The case summary should be approximately 500 words in length and include the following information:

- **Name of applicant**
- **Crime(s) for which applicant was convicted**
- **City and State where incident occurred**
- **Sentence**
- **Scheduled Release Date**
- **The applicant’s pleading at trial**
- **Brief Summary of Case**
- **Prosecution Planks**
- **Potential New Evidence (if any)**
- **Current Status of Case at the conclusion of the semester**

The overall documentary case file will be assessed on:

- The production of a complete, well structured and easily assessable case file which incorporates all written work undertaken by the team during the semester
- The inclusion of a clear and concise final case summary or summaries that encompass the major facts and issues of the case as relevant to Innocence Project work undertaken during the semester
- The ease with which different material and documents within the case file can be found
- The quality of the overall file as presented and produced by the students

The case file must be completed by Friday of Week 14.

**Reflection** 10%

Students are required to consider the course information and work they have undertaken during the semester and write a reflection of that. It is suggested that a diary be kept during the course, which will allow for the development of thoughts, ideas and learning to be put to writing. This is designed to be a personal reflection. It should incorporate any ethical issues you found yourself confronted with during the course. It should be approximately 500 words in length.

This reflection is due on the Wednesday of week 14.

**Return of Assessment Items**

Refer to Section B for information.

**Notification of Availability of Feedback on Assessment**
Students may speak to the Director of the Project at any time during the course, to gain feedback on assessment items. The Director will provide informal feedback on assessment during the semester.

GRADUATE SKILLS

The [Griffith Graduate Statement](#) states the characteristics that the University seeks to engender in its graduates through its degree programs.

<table>
<thead>
<tr>
<th>Graduate Skills</th>
<th>Taught</th>
<th>Practised</th>
<th>Assessed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective communication (written)</td>
<td>☒</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>Effective communication (oral)</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
</tr>
<tr>
<td>Effective communication (interpersonal)</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
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<tr>
<td>Information literacy</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Problem solving</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>Critical evaluation</td>
<td>☐</td>
<td>☒</td>
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<tr>
<td>Work autonomously</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
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<tr>
<td>Work in teams</td>
<td>☐</td>
<td>☒</td>
<td>☒</td>
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<tr>
<td>Creativity and innovation</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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<tr>
<td>Ethical behaviour in social / professional / work environments</td>
<td>☒</td>
<td>☒</td>
<td>☒</td>
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<tr>
<td>Responsible, effective citizenship</td>
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TEACHING TEAM

**Course Convenor**

<table>
<thead>
<tr>
<th>Convenor Details</th>
<th>Gold Coast</th>
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</thead>
<tbody>
<tr>
<td>Campus Convenor</td>
<td>Ms Lynne Weathered</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:L.Weathered@griffith.edu.au">L.Weathered@griffith.edu.au</a></td>
</tr>
<tr>
<td>Office Location</td>
<td>G36_3.75</td>
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<tr>
<td>Phone</td>
<td>07 5552 8527</td>
</tr>
<tr>
<td>Fax</td>
<td>07 5552 8667</td>
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<tr>
<td>Consultation times</td>
<td>TBA</td>
</tr>
</tbody>
</table>

Additional teaching team members
Adjunct Professor, Chris Nyst, Nyst Lawyers.
Adjunct Lecturer, Jason Murakami, Nyst Lawyers.
COURSE COMMUNICATIONS

All inquiries and requests of a general nature about the course should be made to the Course Convenor/Director.

Enrolment in this course is limited to 15 students. Students may apply to be admitted into the Course. Students wishing to enrol in the Innocence Project should apply in writing, on the Innocence Project Application Form, available on the university website or from the Law School Administration offices. Students will be selected on the content and quality of their application. A student’s grade point average is not a major factor in student selection. Students need not wish to practise criminal law. The Project is seeking students with a passion for justice and the ability to make a strong commitment to Project work for at least one semester.

Priority will be given to:

Fourth and final year students

Students who have completed or are currently undertaking the following courses: 4031LAW Criminal Procedure and Sentencing; 4032 LAW The Principles of Criminal Law; and 4022LAW Evidence.

It will be necessary to continually check your emails for information regarding the course.

Noticeboards

You are expected to check the noticeboards

For courses that are on-line - You are expected to keep up to date with the course through regular use of blackboard.

TEXTS AND SUPPORTING MATERIALS

Prescribed Readings

Griffith University Innocence Project Student Manual

Students must read and become familiar with the Griffith Innocence Project Student Manual which includes, amongst other things, the structure of the Project, precedent letters and other important relevant information.

Other prescribed articles will be provided to the students at the commencement of the course.

Recommended Text

The following texts have been placed on reserve in the Gold Coast library.


Academic Misconduct

Griffith Law School takes a very dim view of academic misconduct, a practice which seems, alarmingly, to be increasing. Our policies are stringent as we are a professional faculty bound by professional requirements. Academic misconduct includes inappropriate collaboration, cheating and plagiarism. Plagiarism can lead to the making of a complaint of academic misconduct to the Chair of Assessment Board (see paragraph 4.4.1). Such a referral may result in the imposition of serious penalties including a fail for the Course or exclusion from the course (see paragraph 4.3).

Plagiarism

Plagiarism is defined in the Griffith Law School’s Assessment Policy as –

4.1.5 Plagiarism is the knowing presentation of the work or property of another person as if it were the student’s own.

Some examples of plagiarism listed in paragraph 4.1.5.4 include –

- word for word copying without both appropriate use of quotation marks indicating direct copying as such and the inclusion of a reference identifying the source of the material; or
- closely paraphrasing material without acknowledging the source; or
- submitting work which has been produced by someone else.

Inappropriate Collaboration

4.1.5.1 Assessment may take the form of individual or group work. Some items of assessment include both components. Unless the instructions for the item of assessment indicate to the contrary, an item of assessment is individual work. For the purposes of this policy, the designation of an item of assessment as group or individual work influences the extent to which students may permissibly collaborate with other students.

In respect of any item of assessment, a student may:

(a) discuss with other persons the issues raised by the item of assessment;
(b) discuss with other persons possible means by which to address issues raised by the item of assessment
(c) collaborate in the location of, and share, sources of information relevant to the item of assessment; and.
(d) ask for assistance from a member of the teaching team for the course in question.

When an item of assessment is individual work, a student must not:

(c) collaborate with other students, or other persons, in planning the format or structure of the student’s submission for that item of assessment;
(f) collaborate with other students, or other persons, in the writing of all or a part of the student’s submission for that item of assessment;
(g) collaborate with other students, or other persons, in the writing of all or a part of any other student’s submission for that item of assessment;
(h) provide a copy of his or her work in respect of that item of assessment to another student, irrespective of whether that work is complete or has not been finalised;
(i) accept a copy of the work of another student in respect of that item of assessment, irrespective of whether or not that work is complete or has not been finalised, and irrespective of whether or not the student changed his or her own work after having accepted the work of the other;
accept a copy of the work of a student who has undertaken a substantially similar item of assessment at an earlier time at this or another University, irrespective of whether or not the student changed his or her own work after having accepted the work of the other;

offer to give comments of any sort on the draft or final work of another student at any time prior to submission by the other student;

ask for comments of any sort on the student’s draft or final work at any time prior to submission by the student.

It will be the practice of the teaching team to refer all suspected academic misconduct to the Chair of Assessment Board. Students are encouraged, if they are uncertain as to their use of source materials, to approach any member of the teaching team to seek clarification.

If you are found to have committed any form of Academic Misconduct this may affect your ability to practice as a lawyer. The Legal Practitioners Admission Board's attitude is as follows:

"Due to the large number of recent applicants disclosing incidents of academic dishonesty such as cheating, plagiarism, etc, during their applications for admission, the Board has resolved that, while it may not oppose the applicant's admission, it will require full disclosure of such incidents to the Court."

(Letter from the Solicitors’ Board [now the Legal Practitioners Admission Board] to the Dean of Law, 24 July 2003, on file with Course Convenor).

This is NOT an undertaking by the Board not to oppose the admission of an applicant who has committed Academic Misconduct.

**Extensions and Late Submission of Assessment Items**

Requests for extensions for assessment items must be directed to the Course Convenor. The Griffith Law School Assessment Policy sets out the process which must be followed if you need to apply for an extension. Students who submit assessment items late without prior approval for an extension will be penalised under Section 7 of the Griffith Law School Assessment Policy. The Griffith Law School Assessment Policy can be found at [http://www.gu.edu.au/school/law/](http://www.gu.edu.au/school/law/) then click on “Undergraduates”, then click on “Policies”.

**Submission and Return of Assessment Items**

Assignments are to be lodged with OC&AHS (Off-Campus and Assignment Handling Services, formerly GFLS) by the due date and time at one of the following offices:

**Gold Coast** – At the Assignment Handling counter, next to the Information Desk on the ground floor of the Library (G10) available while the library is open. During semester, this is:

8am-10pm Monday-Thursday,
8am-6pm Friday and
10am-5pm Saturday and Sunday.

**Logan** - opposite the Library entrance during hours of 9am – 5pm and next to Student Administration for 24-hour access.

**Mt Gravatt**- At the Student Administration Centre, with 24 hour access.

**Nathan**- Level O of the Willett Centre, opposite the Enternet Café, with 24 hour access.

OC&AHS staff are available at all of the above offices between 9am-5pm and are able to supply receipts to students for their assignments.

Once the assignment has been time and date stamped, it will be delivered back to the Griffith Law School for collection by the Course Convenor.

After the assignment has been marked, it will be returned to students at the next available class. For assessment due at the end of teaching, assignments will be posted out to the students.
Non-attendance of Compulsory Classes (Small Groups and Offices)

If you are unable to attend a class with a compulsory attendance requirement for medical reasons, you are required to complete a copy of the pro forma at the back of this course outline, together with a copy of a medical certificate in the format prescribed by the University.

Students at the Nathan campus are required to take the completed form and medical certificate to Ms Wendy Lawton for scrutiny and recording. Students at the Gold Coast campus are required to take the completed form and medical certificate to Ms Alison Brooks for scrutiny and recording. Please note the following:

Medical certificates not in the prescribed University form will not be accepted. The certificate can be found at http://www.gu.edu.au/ua/aa/sta/forms.html.

To be eligible to excuse non-attendance at small groups or offices, the Medical Practitioner must complete Section B of the certificate and indicate that the student’s medical condition would affect either Lectures or Practical Sessions in a manner either moderate or severe.

Students must complete a separate copy of this form for any other courses offered by the Griffith Law School in which they have missed compulsory classes.

The submission of this form does not have any effect in relation to extensions for assignments or other assessment items. See above for the procedure for extensions.