LAW 609 Current Developments: Anatomy of a Prisoner Civil Rights Case

Spring 2018

Course Time and Room: Monday, 5:00-6:40 p.m., Room 164

Professor's Information and Availability:
Professor James P. Chapman
Office hours – by appointment
Phone: 312-593-6998
email: jamespchapman@aol.com

Course overview

The course represents a joint undertaking between the United States District Court for the Southern District of Illinois located in East St. Louis Illinois and in Benton ("the Court") and the Southern Illinois University Law School ("the Law School").

We will study the basics of prisoner civil rights litigation: from the initial pro se complaint filed by the prisoner to determining the proper parties defendant under applicable Federal law, to amended complaint preparation, dealing with motions to dismiss and for summary judgment, basic discovery (requests for documents, interrogatories, depositions, requests to admit), different types of claims (medical care denial and inadequacy, assaults by staff, failure to protect, access to religion and court, etc.) and preparation for trial and trial (witness selection and preparation, motions in limine, jury instructions, order of proof, and the trial itself).

We will review in detail actual Southern District court cases as they approach trial, study their pleadings, contemplate the case’s strengths and weaknesses, the strategy we think the appointed attorney should pursue; watch at least part of the actual trial, then discuss our courtroom observations at the next class after the trial, speaking with the attorney who represented the prisoner.

The class is quite interactive. It involves a detailed review of civil procedure as applied to actual cases and therefore constitutes outstanding preparation for the Bar Examination where civil procedure plays a significant role and the actual practice of law. In this context, students will take a timed MPT exercise, tailored to the actual case materials being studied.

Students, if they so choose, may work directly with attorneys appointed by the Court to represent prisoners who have filed pro se complaints as indigents dealing with their conditions of confinement. Students may apply their hours assisting attorneys to their pro bono hours requirement or enroll in a separate public interest course for credit. In class, we will discuss the personalities of lawyers ; what are the concerns they face in this unusual type of type of litigation and how students can effectively work with them when the students are not in the same office. Professor Chapman will be the liaison between the attorneys, the students and the Court and available to discuss questions as they arise.

In addition, the class will study the ethics of appointed pro bono representation; how attorneys are mandated to take these cases; the manner in which these ethics affect the student. We will study the challenges of proving a civil rights violation on behalf of incarcerated persons with serious felony
convictions in a climate of animosity and fear. It is said that if an attorney can prepare and try a civil rights case to a jury on behalf of a prisoner, she or he can try any kind of case. This course presents a unique opportunity to learn and grow in the field of litigation.

Reading:


Materials to be provided: “Anatomy of a Prisoner Civil Rights Case – the Three E’s An Efficient, Economical and Effective Approach” and “Trial and Preparation for Trial.”

Attendance:

Normal Law School Requirements

Workload Expectations:

This is a two credit hour class: 100 minutes of class time per week (the Monday class session) plus two hours per week out-of-class time that includes all outside activity: for example, reading, drafting, travel to and from court; attendance in court, consultation with Professor Chapman and so on.

Recording Policy:

The course sessions will not be recorded, unless required for a disability accommodation.

Grading Policy:

This course will be assessed on a Satisfactory/Unsatisfactory basis. This will be based on class participation, quality of writing assignments, interaction with attorneys when and if assigned.

Final Exam:

There is no final exam for this course.

TWEN Page:

Please register when advised.
Emergency Procedures:

Emergency Procedures. Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. Because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC Emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT’s website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Safety’s website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency. The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

Disability Support Services:

Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, students must come to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. [http://disabilityservices.siu.edu/](http://disabilityservices.siu.edu/). Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar’s Office to ensure the School of Law provides the proper classroom and examination accommodations.

Saluki Cares:

The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress—physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For Information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), [http://salukicares.siu.edu/index.html](http://salukicares.siu.edu/index.html). At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu), and her phone number is 618-453-3135.