

Widener Law Criminal Defense Clinic: Twelve Years of Making a Difference

By *Judith L. Ritter, Associate Professor*

BORN IN THE 1960S,
CLINICAL LEGAL
EDUCATION IS
ROOTED IN THE
NOTION THAT LAW
STUDENTS BELONG
ON THE FRONT LINES
IN THE BATTLE FOR
SOCIAL JUSTICE.

Over time, law school clinics have served the dual functions of preparing students for the practice of law and providing legal assistance to underrepresented populations.

When I joined the Widener Law faculty in 1994, I was offered the opportunity to start a new, live-client, in-house, criminal defense clinical program. “Live client” distinguishes the program from simulation courses. It means that students represent real defendants in real criminal prosecutions. “In-house” means that the clinic functions as a small firm housed at the law school. Looking back at our first twelve years, I am gratified that the Widener Criminal Defense Clinic has exemplified the founding principles of clinical education.

My partner, Staff Attorney Romie Griesmer, and I follow a simple clinical education design: Through hands-on experience, a small caseload, close mentoring, and a “leave no stone unturned” philosophy, we teach students how to be thorough, prepared, and effective defense lawyers. Our goal is for clinic students to graduate having seen and practiced client-centered, zealous, and conscientious defense lawyering.

Another significant feature of the clinic model is “team litigation.” Students work in teams that include a faculty member. Team meetings with routine brainstorming sessions provide valuable opportunities for students to appreciate the intellectual joy of creatively and carefully analyzing legal issues. Moreover, the legal product created by the team is superior to one provided by individual litigators.

Certification from the Pennsylvania Supreme Court authorizes our students to function as first-chair lawyers. We start each semester with an intense training and orientation program that covers substantive law and legal skills. Once the students get their cases, they conduct client interviews, fact investigation, legal research, preliminary hearings, pre-trial discovery and motions, plea negotiations, guilty plea colloquies, pre-trial hearings, and trials. The cases run the gamut of those that a new public defender would encounter: assault, drug possession, DUI, terroristic threats, and thefts. What the students lack in experience, they make up for in preparation and passion enabling them to gain good results for our clients.

In addition to the more routine cases, over the years the clinic has also taken on more unusual cases, as the following highlights demonstrate.

REPRESENTATION OF CAPITAL DEFENDANTS IN *CERTIORARI* PROCEEDINGS IN THE UNITED STATES SUPREME COURT:

The clinic has represented a number of Pennsylvania capital prisoners in petitions for *certiorari* to the United States Supreme Court. These projects provided the students with a breadth of experience as they mastered the formalities, rigors, and requirements of Supreme Court practice. The work strengthened their research skills, as they were required to immerse themselves in complicated, challenging, and often unfamiliar legal issues. Petitions prepared by the clinic presented issues involving the Confrontation Clause, jury instructions, and the Eighth Amendment’s prohibition

of cruel and unusual punishment. These petitions also allowed students to hone their writing skills as they drafted and re-drafted arguments and received much feedback and editing suggestions. Of course, the final product had to be perfect, and students learned how to exert maximum effort to accomplish that goal. Perhaps most important were the relationships students established with condemned prisoners. Students were expected to correspond with their clients and thereby learned something of the personalities behind the names. Indeed, when one *cert* client with sickle cell anemia suffered from hypersensitivity to the cold, a clinic student went through prison channels to get him extra blankets. When he died from his illness while his case was pending, the student attended the funeral, interacted with his family, and felt a loss.

DNA AND INNOCENCE: Defense clinic students took on a couple of cases in which, years after a conviction and the imposition of life sentences, our clients sought the opportunity to be exonerated through DNA testing. In both cases the technology was not available at the time of their trials. While exoneration was not to be, students gained knowledge of the science of DNA, post-conviction law and practice, the challenges of investigating old cases, and techniques for counseling clients with diminishing options.

GOING TO THE GULF: On New Year's Day, nine third-year Widener Law students headed to New Orleans for a week of volunteering, to assist the Office

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Students Dave Iannucci, Danielle Graham, and Lisa Vetro see first-hand the devastation left by Katrina.

of the Public Defender for Orleans Parish. As part of this project, a joint endeavor of the Criminal Defense Clinic and the Public Interest Resource Center, students assisted with and conducted bail motions on behalf of pre-trial detainees who have suffered, and whose cases have been neglected due to the chaotic state of the court system after Hurricane Katrina. Because a number of these students have just completed their Criminal Clinic experience, they have real-world experience doing this work and can provide truly valuable assistance. Much of the financial backing for this trip came from generous contributions from Widener Law alumni who rallied to our call for help.

TWELVE YEARS OF REWARDS: Clinic enrollment is always full because students recognize the enormous rewards the program offers—providing quality defense for the indigent, gaining first-chair lawyering experience, acquiring confidence, enhancing a resume, and employability—to name a few. Then there is the reward for the teachers. That comes when we accompany students to court appearances and see the pronounced growth and professional maturity demonstrated by our students. We feel enormous pride when we see our students conducting court proceedings as professional and persuasive advocates. ■

Judith L. Ritter is professor of law and director of the Criminal Defense Clinic at the Delaware campus. She teaches and writes in the areas of Criminal Law, Criminal Procedure and Post Conviction Remedies.