
SW395K / LAW379M

MITIGATION MATTERS

The Legal and Practical Relevance of Client Social History in Capital and Non-Capital Criminal Proceedings

Wednesdays 6:25-9:25 pm, ONLINE

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Introduction and Overview of the Course

Welcome to Mitigation Matters! Capital and non-capital mitigation work is inherently an interdisciplinary endeavor. Positive outcomes depend on a successful collaboration by mitigation specialists, lawyers, experts, and other professionals. In a functional interdisciplinary team, all members, regardless of background, education and/or training, provide valuable insights and should be respected and treated as professionals.

This interdisciplinary course introduces students to the roles and responsibilities of mitigation specialists and sentencing advocates and begin to develop the skills needed to create effective defense teams. During the first half of each session, you will participate in discussions about mitigation and sentencing advocacy, followed by skills-based, interactive team learning. Guest speakers will include leading experts in various topics related to mitigation and sentencing advocacy, including mental health, investigation, interviewing, and more. Given the team-focused structure of the course, we encourage discussion and require participation in every session.

Members of an interdisciplinary team will necessarily approach their work from their own professional context and are governed by ethical standards of practice and/or cultural norms. Throughout the semester, we will highlight and work through common areas of interpersonal, interdisciplinary, and cross-cultural conflict that might arise when preparing and presenting a mitigation profile. Similar issues may also arise in classroom discussions or activities, and we will address them on an individual and/or group level as appropriate.

Students will apply what they learn to a hypothetical case file that will be distributed throughout the semester. Thus, the second half of each session will be devoted to an interactive exercise or a collaborative working session on the hypothetical client's case. Over the course of the semester, you will generate the materials critical to effective sentencing advocacy, culminating in a comprehensive biopsychosocial history of the hypothetical client.

I. Course Description

This course is designed to facilitate the development and refinement of knowledge and skills necessary to fulfill the mitigation function on capital or non-capital defense teams. The goals of the course are to introduce students to roles and responsibilities of mitigation specialists and sentencing advocates and assist in the development of skills needed to work effectively in interdisciplinary defense settings. In addition to taking a broad interdisciplinary approach to sentencing advocacy, this course provides students with an opportunity to learn legal frameworks that govern the presentation and consideration of mitigating evidence. Through both conceptual instruction and low-ratio supervision workshops, students will learn to develop a biopsychosocial history of the client, interview and forge relationships with clients and their family members, identify underlying causes of behavior, and facilitate restorative solutions for the client and community. Learning will culminate in the production of a compelling mitigation presentation.

This course brings together interdisciplinary teams of social work graduate and law students. Given the interdisciplinary nature of mitigation work, students from other disciplines including communication, education, psychology, sociology, and more are encouraged to enroll. Students from different educational backgrounds and concentrations work together in small diverse groups to produce and present assignments to the larger class. The course will be taught by a combination of lawyers and practicing mitigation specialists, and will feature guest lectures and presentations by leaders in the mitigation field.

II. Course Objectives

At the conclusion of this course, students will be able to:

1. Demonstrate engagement, assessment, intervention and evaluation skills relevant to developing mitigating evidence in a capital or non-capital case; this may include document collection, interviewing, consulting with experts and other skills related to biopsychosocial history and investigation.
2. Understand legal frameworks for the presentation and consideration of mitigation evidence.
3. Constructively participate as a member of an interdisciplinary team while: retaining professional identity; brainstorming issues and problems that arise in the defense of criminal cases; and developing strategies to address them.
4. Discuss and work through ethical issues that arise in capital and noncapital cases.
5. Demonstrate how to incorporate multimedia strategies and tools to present the most compelling mitigation presentation in a given case.
6. Encourage creativity and interdisciplinary conceptualization of overarching themes and stories that arise in capital and noncapital cases.
7. Critically examine the context of systemic and structural oppression and other relevant social justice issues on the micro, mezzo, and macro level.

III. Class Policies

Grading & Assessment Methods

Evaluation will include a combination of written assignments and skills-based exercises. Assessment of skills development will be continuous throughout the course, including live feedback during in-class exercises and several take-home assignments due throughout the course of the semester (the assignments are described below). Students are also responsible for maintaining information-management documents related to our hypothetical case, which, in addition to being graded, will be periodically evaluated by your instructors and will also be useful to you in creating your final project. The final project, a written biopsychosocial history of the client, will draw on skills developed through the assignments and exercises throughout the course. During the final two class periods, students—working in teams of two—will make an oral presentation to the class. Final grades will be based on attendance, participation, and cumulative scores on class assignments. There is no final exam in this course.

Grading will be weighted as follows:

25%	Masterdocs
10%	Interview and Written Documentation
20%	Settlement Presentation
25%	Social History
20%	Attendance and Participation

Attendance Policy

Because we only meet once a week and each class will include an extended interactive element, **attendance is mandatory**, and any unexcused absences may cause you to fail this course. **Our interactions are structured to be team exercises**, which requires even numbers of participants. If you have an emergency, let an instructor know as soon as possible. You may be required to meet outside of class time to make up certain workshops.

**Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities: 512-471-6259, <http://www.utexas.edu/diversity/ddce/ssd/>*

Confidentiality Policy

The materials you will receive from the hypothetical case file are **CONFIDENTIAL**, and are to be treated as you would a real case file. This means you **may not share or discuss them with anyone outside the mitigation class**. Any violations of this confidentiality policy will be taken seriously by your professors, but any intentional violation of the case file confidentiality policy is akin to an ethical violation and, as such, may be considered a violation of the Law School and University Honor Codes.

Unanticipated Distress

Students may experience unexpected and/or distressing reactions to course readings, videos, conversations, and assignments. If so, students are encouraged to inform the professor. We are committed to being responsive and supportive regarding students' participation in course assignments and activities, but students are responsible for communicating clearly if and what kind of support is desired. If counseling is needed, students may contact a service provider of their choosing, including the UT Counseling Center at 512-471-3515 or online at <https://cmhc.utexas.edu/>.

During the semester, we may also refer back to our **community agreements**, which will be discussed in our first class and posted on the course page.

Course Assignments

Master Documents: Chronology, Theory Memo, and People List

Due Oct. 6 and Nov. 3

Beginning in week three, you will periodically receive de-identified client records taken from a variety of real cases. These records, along with interviews you conduct during in-class exercises, will be the basis for our hypothetical client's social history. Compiling and organizing the client's social history information is a foundational skillset. During the Masterdocs Workshop, you will learn how to incorporate social history information into a chronology, a theory of the case memo, and other working "Master Documents." Students will generate master documents regarding our hypothetical client, and continually update and revise them each week as new information about our client emerges.

Digesting records into masterdocs is a detail-oriented and time-intensive process. It is also critical to your understanding of the client's social history. In a real case and in our class, this work cannot be deferred until the last minute. Seriously, you will regret waiting to begin, because there are no shortcuts to this work. **In order to encourage time management and improve the quality of both your ultimate work product and your life in the weeks leading up to the final due date, initial drafts of your masterdocs are due on October 6, 2021** (with all the records from Mental Health I and II classes digested).

We will return those drafts with comments and feedback on October 13. Your final chronology and theory memo are due **November 3**, which will allow you time to integrate what you have learned about our client into your settlement presentation and social history. This assignment is worth 25% of your final grade.

Interview Memo and Declaration or Affidavit

Due Oct. 27

For this assignment, you will interview a person known to you with the goal of discovering new things about them. This should be a person who is comfortable having more than a surface-level conversation with you. **You do not have to ask this person about their past traumas or history of mental illness!** But, you should prepare for and structure your interview intentionally to get to know this person better, to learn new things about this person, and to document the interview that introduces this person in a complex way, avoiding portraying them as all "good" or all "bad."

Consider and incorporate the witness interviewing and documentation presentation, the reflections of the author in the reporting piece linked in the syllabus, and class discussion/feedback.

Your interview and memo submission should include the following:

- A list of at least 10 *substantive* interview questions that you plan to ask during the interview, covering at least 3 *substantive* subject areas (for creative prompts and areas to explore, check out the [StoryCorps](#) archives)
 - things like favorite color don't count (but you can ask them to build rapport!)
 - Consider the question itself; “where were you born” is not a substantive question, but “tell me about the community in which you were raised” might elicit illuminating information about the witness and lead to follow-up questions
- A recording of your interview, ideally 20-30 minutes long (instructions for Zoom recording will be provided)
- A written interview memo, following the sample format, that contains the following:
 - An engaging and descriptive introduction that clearly identifies the person being profiled
 - A defined event or frame of time within which you discuss your topic
 - Observations of your interview subject and the circumstances of the interview
 - Moments of concrete description
 - Subheadings describing the different topics of conversation and what you learned (through verbal and nonverbal cues)
 - Detailed documentation of the vignettes that came out of your interview
 - A Follow-up section with further questions for your “witness” regarding the topics you discussed or additional thoughts you had upon reflection

Be prepared to discuss your editorial choices. Your recording and interview memo are due October 27 and are worth 10% of your grade.

Settlement Presentation

In class Nov. 10 & 17

You will be paired with a student from another discipline to work together on a settlement presentation. Pairs will prepare a 15-minute presentation to the prosecutors urging settlement of the case for a non-death sentence. Consider the most compelling way to present the defense case and your theories of mitigation—unlike the comprehensive social history, which should incorporate the entirety of the case file, strategic decisions may be made in terms of what should be emphasized, minimized, or omitted from the presentation to the State. Remember that prosecutors often care very much about the desires of the community and the surviving victims of homicide, so including any information regarding family and community sentiments is advised. Each team will give their presentation to the rest of their group and receive feedback during the final two class sessions. The presentation is worth 20% of your grade.

Social History

Due Dec. 6

Your final project is a written client social history in which you will integrate all of the information gathered throughout the course of the semester. You may choose the format of the document: a comprehensive social history for the defense team, a settlement letter to the prosecution, or a draft social history section of a postconviction brief. The document should be approximately 10-12 double-spaced pages in 12-point font. This assignment will be worth 25% of your final grade and is due December 6.

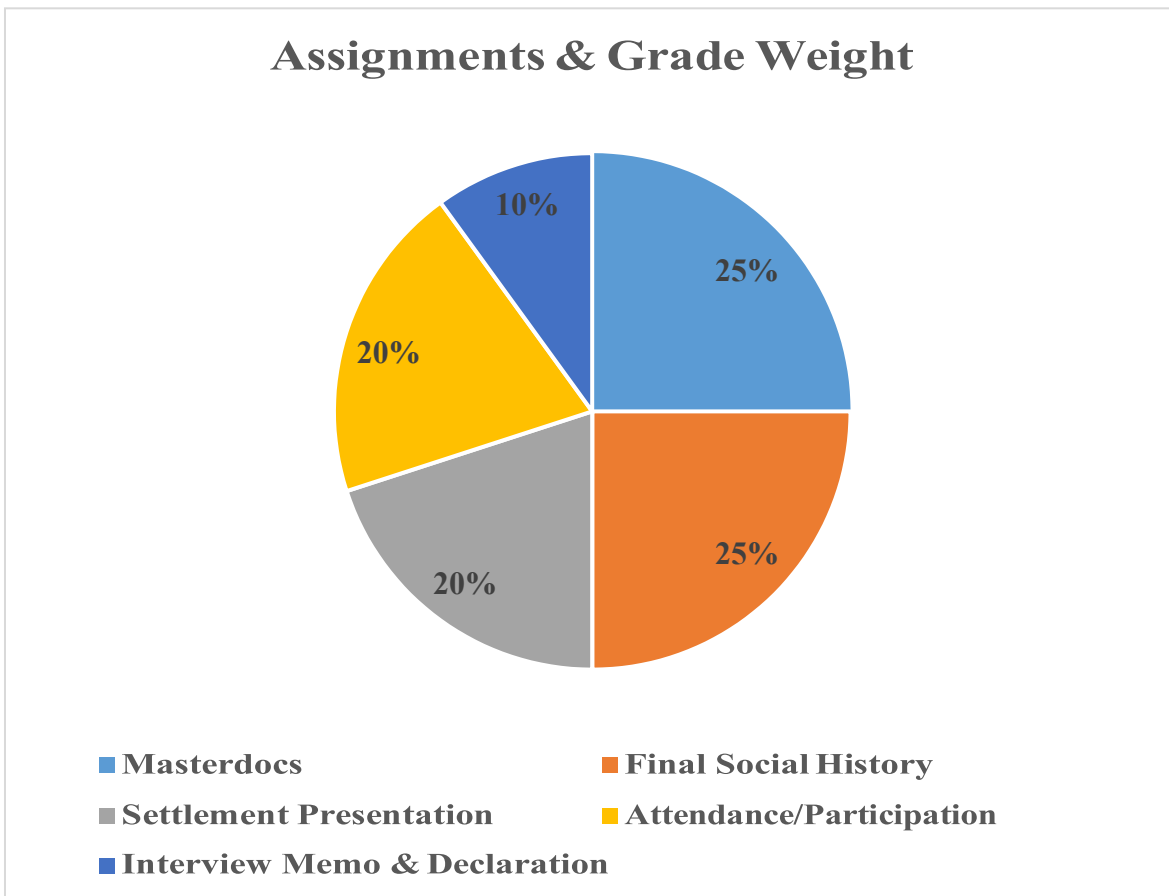
Recording Policy

Due to the circumstances of the current pandemic, class sessions may be recorded. Class recordings are reserved only for students in this class for educational purposes and are protected under FERPA. The recordings should not be shared outside the class in any form. Violation of this restriction by a student could lead to Student Misconduct proceedings.

**The University of Texas at Austin has written several university-wide policies that are mandatory for all course syllabi. These required policies can be found as an addendum to this syllabus and will also be posted separately online on the course Canvas page. For the most part, these required policies supplement or duplicate the information contained in this class syllabus. However, if you are concerned about a potential or explicit conflict between the contents of this syllabus and university-wide policy, please email me at tposal@law.utexas.edu.*

IV. Grading

94.0 and Above	A
90.0 to 93.999	A-
87.0 to 89.999	B+
84.0 to 86.999	B
80.0 to 83.999	B-
77.0 to 79.999	C+
74.0 to 76.999	C
70.0 to 73.999	C-
67.0 to 69.999	D+
64.0 to 66.999	D
60.0 to 63.999	D-
Below 60.0	F



V. Course Schedule

Week 1: August 25, 2021

Mitigation: Who, What, Where, and Why? The Prequel

The introductory session will cover course expectations and overview, introductions, and background information on basic criminal procedure, the structure of the criminal legal system leading up to and following a criminal conviction, and basic social work principles to lay the groundwork for our semester of interdisciplinary exploration.

Required Readings:

- Alex Kotlowitz, In the Face of Death, N.Y. Times (2003)
- Denny LeBoeuf, Joel in the Wormhole (2009)
- Read the [Social Work Code of Ethics](#) (link)

Week 2: September 1, 2021

Mitigation: Who, What, Where, and Why? Part I

Once we have established a foundation of common knowledge concerning the systems in which we operate, this class will take a deeper dive into discussion of the concept of mitigation in capital cases, why it matters, and where in the process it can be introduced.

Required Readings:

- Avi Frey, Determinist Mitigation in Capital Cases, 40 N.Y.U. J. L. & Soc. Change 75 (2015)
- Russell Stetler, The Mystery of Mitigation - What Jurors Need to Make a Reasoned Moral Response, 11 U. Pa. J. L. & Soc. Change 237 (2007-08)
- Craig Haney, Condemning the Other in Death Penalty Trials - Biographical Racism, Structural Mitigation, and the Empathic Divide, 53 DePaul L. Rev. 1557 (2004)

Week 3: September 8, 2021

Mitigation: Who, What, Where, and Why? Part II

In this class, we will host a panel of mitigation specialists working in both capital and non-capital contexts. Incorporating and building on the panel discussion and introductory material, we will explore the roles of each team member, how those roles are defined, and the legal and ethical duties of various members of the defense team. Students will be introduced to and begin thinking about a hypothetical case scenario to come up with potential themes.

Week 3 Required Readings:

- ABA Guidelines for the Appointment and Performance of Counsel in Capital Cases (2003) (excerpt)
- ABA Supplementary Guidelines for the Mitigation Function of Capital Defense Teams (2008) (excerpt)
- Cassandra Stubbs & Liz Vartkessian, *Capital Investigation One Year Into the Pandemic: When Field Work Can Resume (And Why That Day Is Not Yet Here)*, The Champion (May 2021)

Week 4: September 15, 2021 Tools of the Trade: “MasterDocs”

Organization is an important part of case management in every case, but in capital cases in particular, the volume of information, records, and people can be overwhelming. Recordkeeping, digesting, and continuously updating the theory and themes of the case while integrating new material ensures that all members of the team are on the same page and allows for the recognition and development of creative ideas as the case evolves. This class will introduce the common “tools of the trade” that are often used by practicing mitigation specialists in capital and non-capital cases, as well as revisiting the ABA Guidelines as we explore guideline-compliant investigation and development of mitigating themes and theories.

Required Readings:

- Sample Chronology
- Sample Timeline
- Sample Theory of the Case Memo
- Scharlette Holdman, The Nature and Role of Mitigating Evidence in Capital Cases
- *Rompilla v Beard*- Majority Opinion Excerpt

Week 5: September 22, 2021 Mental Health I: Evaluation, Assessment, and Working with Experts

This session will discuss the importance of recognizing signs and symptoms of mental illness and touch on the DSM criteria related to the more common mental health issues found in our client populations. We will also discuss the nuts and bolts of planning a mental health investigation, break down the steps that should be taken before a mental health evaluation is ordered, and discuss the potential pitfalls of retaining and presenting an unprepared or underqualified mental health expert. We will also explore the various ways mental health issues can be used

against our clients, and how to anticipate and combat the State's presentation of harmful mental health evidence.

Week 5 Required Readings:

- John Blume & Pamela Blume Leonard, "Principles of Developing and Presenting Mental Health Evidence in Criminal Cases," *The Champion* (Nov.2000)
- Russell Stetler, *Mental Health Evidence and the Capital Defense Function: Prevailing Norms*, 82 UMKC L. Rev. (2014)

**Potential additional reading assigned by guest lecturer*

Week 6: September 29, 2021

Mental Health II Intellectual Disability

How is intellectual disability defined, and who decides the definition? How do issues of intellectual functioning relate to criminal cases? Intellectual disability and cognitive impairments can not only affect every-day functioning but are important considerations in determining individual culpability. Sentencing advocates and capital defense teams must be prepared to identify red flags signaling potential impairment, must be informed as to how a competent assessment is performed, and must think critically about standardized intellectual functioning measures. Mitigation specialists and sentencing advocates must also be trained in culturally-competent adaptive functioning interviewing.

Week 6 Required Readings:

- James Patton & Edward Polloway, *Offenders with Intellectual and Developmental Disabilities: Contact with the Criminal Justice System* (2018)
- [Texas Psychologist Punished in Death Penalty Cases](#) (link)
- 2017 Morgan et al study: [Chalkbeat](#) and [US News and World Report](#) coverage

Week 7: October 6, 2021

Mental Health III Trauma

**Masterdocs draft 1 due before class via email*

Without exception, our clients have experienced traumatic experiences and these experiences have shaped their lives, informing their coping mechanisms, abilities to form relationships, and responses to stimuli. This session will explore the sources and significance of trauma and abuse in our clients' lives.

Week 7 Required Readings:

- Bruce Perry, et al., *The Impact of Neglect, Trauma, and Maltreatment on Neurodevelopment: Implications for the Juvenile Justice Practice, Programs, and Policy* (2018)
- Mark Cunningham, *Evaluation for Capital Sentencing* (2010) (excerpt from Chapter 4, Preparation for the Evaluation)
- [Trauma in Schools](#) (link)

**Potential additional reading assigned by guest lecturer*

Week 8: October 13, 2021

Client Relations & Interviewing

Developing and maintaining a “good” relationship with any client is essential to effective representation, but capital cases in particular require a successful relationship between the client and team (and present unique challenges). To best represent your client, the team must have an open and productive relationship. This session will discuss building and maintaining relationships, and students will practice client interviewing skills in small groups.

Week 8 Required Readings:

- Margaret O’Donnell, *Successful Relationship with the Capital Client*, *from Tell the Client’s Story* (excerpt)
- Scharlette Holdman & Christopher Seeds, *Cultural Competency in Capital Mitigation*, 36 Hofstra L. Rev. 883 (2008)

**Potential additional reading assigned by guest lecturer*

Week 9: October 20, 2021

Witness Interviews, Declarations, and Memo Writing

Although the client is a major piece of the puzzle, often they are not the most accurate historian of their own lives—they may not even be aware of some of the most compelling mitigation in their cases. Family members, friends, former employers, teachers, probation officers, neighbors, and jurors are just some of the interviewing subjects a sentencing advocate or mitigation specialist might encounter, and the goal of the interview(s) may vary greatly.

For example, proper diagnosis of intellectual disability requires extensive interviewing of those who spent the most time with the client as a child; developing

legal claims and mitigating evidence related to diminished mental capacity requires the same diligent evaluation and interviewing that a diagnosing professional should undertake. In post-conviction cases, taking declarations from important witnesses is a vital component of developing meritorious claims of ineffective assistance of trial counsel; competent mitigation investigation and documentation is the foundation of almost every successful post-conviction petition, whether or not it is immediately evident from the legal basis for relief. It is therefore essential to interview as many social history witnesses as possible, and to document the interviews in memos that can be circulated to the team, integrated into the master documents and theory of the case, and perhaps even provided to experts.

In this session, students will learn and practice effective interviewing skills as well as the process for documenting these interactions. Drafting an accurate, complete, and compelling rendition of a witness's contribution to the case (as well as memorializing the information in a document the witness will sign) is both an art and a skill. This class will cover documenting the various types of interviews mitigation specialists and sentencing advocates may undertake, and the differing goals and strategies for doing so.

Week 9 Required Readings:

- Visit the [Orphans of History](#) page and read:
 - o Stephen Magagnini, *Hmong Teen Builds Future in Two Conflicting Worlds*, Sacramento Bee
 - o Stephen Magagnini, Reporter's Journal: Orphans of History

Week 10: October 27, 2021

Putting It All Together: The Social History

**Interview memo and declaration or affidavit due before class via email*

Each element of a comprehensive mitigation has independent value to the team, client, and theory of the case. Tasks that may seem menial often reveal the most compelling piece of evidence, or the existence of a new and vital witness, or simply instill trust in the team on behalf of the client. Throughout the investigation, the team documents and organizes evidence in a chronology and other masterdocs. Ultimately, the team weaves all of the information into the comprehensive social history of the client, his family, and his environment.

The social history provides the framework for sentencing advocacy and helps the team explain the client and his behavior to each other, to family members, (potentially) to victims, to the State, and to the community. Social histories reveal themes and substantiate theories: they inform settlement strategy, and are often

the outlines for closing arguments. The importance of a complete and compelling social history in the context of capital defense work, as well as in sentencing advocacy, cannot be overstated. This class will discuss the intricacies of weaving the case file together into a complete and accurate document that tells the client's story in a narrative form.

Required Readings:

- *Ex parte Armstrong* excerpt
- *Ex parte Humberto Garza* excerpt
- Jimmy Meders clemency application

**Potential additional reading assigned by guest lecturer*

Week 11: November 3, 2021

Sentencing Advocacy and Settlement Strategy

**Completed Masterdocs due before class via email*

Experienced capital defenders often say that a capital trial is a failed plea negotiation. Or, as others in the profession say, if you're in the courtroom, you've already lost. The best imaginable result for a capital client is almost always to resolve the case pretrial with a plea, often to a life sentence. A plea will not only save the client's life but can also offer finality, sparing the victims the emotional ordeal of a trial and saving the state enormous expense and years of appeals. A basic toolkit of strategies has been developed and implemented by capital trial teams to assist in the settlement campaign, which involves balancing numerous and often competing interests to achieve a life-preserving resolution for the capital client (or a mitigated sentence for a non-capital defendant).

This class will discuss the various strategies available to defense teams attempting to negotiate a settlement with the state, including defense-initiated victim outreach (DIVO) and the burgeoning practice of creating and presenting settlement videos. Strategic thought concerning how, when, and what to divulge to the state will be encouraged.

Required Readings:

- [Watch](#) *A Flattering Biographical Video as the Last Exhibit for the Defense* (link)
- [Listen](#) to PBS NewsHour on Jared Loughner (link)
- Read and watch:
 - o First [this](#)...(link)
 - o ...then [this](#) (link)

**Potential additional reading assigned by guest lecturer*

Week 12: November 10, 2021 Student Settlement Presentations

Week 13: November 17, 2021 Student Settlement Presentations

Week 14: November 24, 2021 - NO CLASS

Week 15: December 1, 2021 Final Class / Wrap-up

***Social history due BY DECEMBER 6 via email**

Course Schedule

Week	Topics	Readings (Optional Readings and Additional Resources on Canvas)	Assignments Due
Week 1 Aug. 25	Prequel: Background on Criminal Trials and Social Work	<ul style="list-style-type: none"> • Alex Kotlowitz, In the Face of Death, N.Y. Times (2003) • Denny LeBoeuf, Joel in the Wormhole (2009) • Read the Social Work Code of Ethics (link) 	
Week 2 Sept. 1	Capital Mitigation: Function and Fit	<ul style="list-style-type: none"> • Avi Frey, Determinist Mitigation in Capital Cases, 40 N.Y.U. J. L. & Soc. Change 75 (2015) • Russell Stetler, The Mystery of Mitigation - What Jurors Need to Make a Reasoned Moral Response, 11 U. Pa. J. L. & Soc. Change 237 (2007-08) • Craig Haney, Condemning the Other in Death Penalty Trials - Biographical Racism, Structural Mitigation, and the Empathic Divide, 53 DePaul L. Rev. 1557 (2004) 	
Week 3 Sep. 8	Mitigation Panel	<ul style="list-style-type: none"> • ABA Guidelines for the Appointment and Performance of Counsel in Capital Cases (2003) (excerpt) • ABA Supplementary Guidelines for the Mitigation Function of Capital Defense Teams (2008) (excerpt) • Cassandra Stubbs & Liz Vartkessian, <i>Capital Investigation One Year Into the Pandemic: When Field Work Can Resume (And Why That Day Is Not Yet Here)</i>, The Champion (May 2021) 	
Week 4 Sep. 15	MasterDocs	<ul style="list-style-type: none"> • Sample Chronology • Sample Timeline • Sample Theory of the Case Memo • Scharlette Holdman, The Nature and Role of Mitigating 	

		<p>Evidence in Capital Cases</p> <ul style="list-style-type: none"> • <i>Rompilla v Beard</i>- Majority Opinion Excerpt 	
Week 5 Sep. 22	Mental Health I	<ul style="list-style-type: none"> • John Blume & Pamela Blume Leonard, “Principles of Developing and Presenting Mental Health Evidence in Criminal Cases,” <i>The Champion</i> (Nov. 2000) • Russell Stetler, <i>Mental Health Evidence and the Capital Defense Function: Prevailing Norms</i>, 82 UMKC L. Rev. (2014) 	
Week 6 Sept. 29	Mental Health II: Intellectual Disability	<ul style="list-style-type: none"> • James Patton & Edward Polloway, <i>Offenders with Intellectual and Developmental Disabilities: Contact with the Criminal Justice System</i> (2018) • Texas Psychologist Punished in Death Penalty Cases (link) • 2017 Morgan et al study: Chalkbeat and US News and World Report coverage 	
Week 7 Oct. 6	Mental Health III: Trauma	<ul style="list-style-type: none"> • Bruce Perry, et al., <i>The Impact of Neglect, Trauma, and Maltreatment on Neurodevelopment: Implications for the Juvenile Justice Practice, Programs, and Policy</i> (2018) • Mark Cunningham, <i>Evaluation for Capital Sentencing</i> (2010) (excerpt from Chapter 4, Preparation for the Evaluation) • Trauma in Schools (link) 	Masterdocs drafts due
Week 8 Oct. 13	Client Relations & Interviewing	<ul style="list-style-type: none"> • Margaret O’Donnell, Successful Relationship with the Capital Client, <i>from</i> Tell the Client’s Story (excerpt) • Scharlette Holdman & Christopher Seeds, Cultural Competency in Capital Mitigation, 36 Hofstra L. Rev. 	

		883 (2008)	
Week 9 Oct. 20	Witness Interviews, Declarations, & Memo Writing	<ul style="list-style-type: none"> • Visit the Orphans of History page and read: <ul style="list-style-type: none"> ○ Stephen Magagnini, <i>Hmong Teen Builds Future in Two Conflicting Worlds</i>, Sacramento Bee ○ Stephen Magagnini, Reporter's Journal: Orphans of History • Sample Memo 	
Week 10 Oct. 27	Pulling it All Together: the Social History	<ul style="list-style-type: none"> • <i>Ex parte Armstrong</i> excerpt • <i>Ex parte Garza</i> excerpt • Jimmy Meders clemency application 	Interview assignment due
Week 11 Nov. 3	Sentencing Advocacy and Settlement Strategy	<ul style="list-style-type: none"> • Watch <i>A Flattering Biographical Video as the Last Exhibit for the Defense</i> (link) • Listen to PBS NewsHour on Jared Loughner (link) • Read and watch: <ul style="list-style-type: none"> ○ First this...(link) ...then this (link) 	Completed Masterdocs due
Week 12 Nov. 10	Settlement Presentations		
Week 13 Nov. 17	Settlement Presentations		
Week 14 Nov. 24	NO CLASS		
Week 15 Dec. 1	Final Class - Feedback		
*Final social history due by DECEMBER 6			

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VI. University Policies

COVID-19 RELATED INFORMATION. The University's policies and practices related to the pandemic may be accessed at: <https://protect.utexas.edu/>

THE UNIVERSITY OF TEXAS HONOR CODE. The core values of The University of Texas at Austin are learning, discovery, freedom, leadership, individual opportunity, and responsibility. Each member of the university is expected to uphold these values through integrity, honesty, trust, fairness, and respect toward peers and community.

DOCUMENTED DISABILITY STATEMENT. Any student who requires special accommodations must obtain a letter that documents the disability from the Services for Students with Disabilities area of the Division of Diversity and Community Engagement (471- 6259 voice or 471-4641 TTY for users who are deaf or hard of hearing). A student should present the letter to the professor at the beginning of the semester so that needed accommodations can be discussed and followed. The student should remind the professor of any testing accommodations no later than five business days before an exam. For more information, visit: <http://diversity.utexas.edu/disability/>.

PROFESSIONAL CONDUCT AND CIVILITY IN THE CLASSROOM. The professor expects students to act as professionals in class. This means students should arrive on time for class, be prepared to participate in the class discussion, and show respect for one another's opinions. A course brings together a group of diverse individuals with various backgrounds. Students are influenced and shaped by such factors as race, ethnicity, gender, sex, physical abilities, religious and political beliefs, national origins, and sexual orientations, among others. We expect to learn from each other in an atmosphere of positive engagement and mutual respect. This atmosphere includes working intentionally to recognize and dismantle racism, sexism, heterosexism, and ableism in the classroom. Social Work also deals with complex and controversial issues. These issues may be challenging and uncomfortable, and it would be impossible to offer a substantive classroom experience that did not include potentially difficult conversations relating to challenging issues. In this environment, we will be exposed to diverse ideas and opinions, and sometimes we will not agree with the ideas expressed by others. Nevertheless, the professor requires that students engage one another with civility, respect, and professionalism.

UNANTICIPATED DISTRESS. Students may experience unexpected and/or distressing reactions to course readings, videos, conversations, and assignments. If so, students are encouraged to inform the professor. The professor can be responsive and supportive regarding students' participation in course assignments and activities, but students are responsible for communicating clearly what kind of support is desired. If counseling is needed, students may contact a service provider of their choosing, including the UT Counseling Center at 512-471-3515 or online at <https://cmhc.utexas.edu/>.

POLICY ON SOCIAL MEDIA AND PROFESSIONAL COMMUNICATION. Public social networks are not private. Even when open only to approved or invited members, users cannot be certain that privacy will exist among the general membership of sites. If social work students choose to participate in such forums, please assume that anything posted can be seen, read, and

critiqued. What is said, posted, linked to, commented on, uploaded, subscribed to, etc., can be accessed and archived, posing potential harm to professional reputations and prospective careers.

Social work students who use social media (e.g. Facebook, Twitter, Instagram) and other forms of electronic communication (e.g. blogs) must be mindful of how their communication may be perceived by clients, colleagues, faculty, and others. Social work students are expected to make every effort to minimize material which could be considered inappropriate for a professional social worker in training. Because of this, social work students are advised to manage security settings at their most private levels and avoid posting information/photos or using any language that could jeopardize their professional image.

Students are asked to consider the amount of personal information posted on these sites and are obliged to block any client access to involvement in the students' social networks. Client material should not be referred to in any form of electronic media, including *any* information that might lead to the identification of a client or compromise client confidentiality in *any* way. Additionally, students must critically evaluate any material that is posted regarding community agencies and professional relationships, as certain material could violate the standards set by the School of Social Work, the Texas Code of Conduct for Social Workers, and/or the NASW Code of Ethics.

Social work students should consider that they will be representing professional social work practice as well as The University of Texas at Austin School of Social Work program while in the classroom, the university community, and the broader area communities.

POLICY ON SCHOLASTIC DISHONESTY. Students who violate University rules on scholastic dishonesty are subject to disciplinary penalties, including the possibility of failure in the course and/or dismissal from the University. Since such dishonesty harms the individual, all students, and the integrity of the University, policies on scholastic dishonesty will be strictly enforced. For further information, the student may refer to the Web Site of the Student Judicial Services, Office of the Dean of Students: <http://deanofstudents.utexas.edu/sjs/>.

USE OF COURSE MATERIALS. The materials used in this course, including, but not limited to exams, quizzes, and homework assignments, are copyright protected works. Any unauthorized duplication of the course materials is a violation of federal law and may result in disciplinary action being taken against the student. Additionally, the sharing of course materials without the specific, express approval of the professor may be a violation of the University's Student Honor Code and an act of academic dishonesty, which could result in further disciplinary action. This sharing includes, among other things, uploading class materials to websites for the purpose of distributing those materials to other current or future students.

CLASSROOM CONFIDENTIALITY. Information shared in class about agencies, clients, and personal matters is considered confidential per the NASW Code of Ethics on educational supervision and is protected by regulations of the Family Educational Rights and Privacy Act (FERPA) as well. As such, sharing this information with individuals outside of the educational context is not permitted. Violations of confidentiality could result in actions taken according to the policies and procedure for review of academic performance located in sections 3.0, 3.1, and 3.2 of the Standards for Social Work Education.

USE OF E-MAIL FOR OFFICIAL CORRESPONDENCE TO STUDENTS. Email is recognized as an official mode of university correspondence; therefore, students are responsible for reading their email for university and course-related information and announcements. Students are responsible for keeping the university informed about a change of e-mail address. Students should check their e-mail regularly and frequently—daily, but at minimum twice a week—to stay current with university-related communications, some of which may be time-sensitive. Students can find UT Austin’s policies and instructions for updating their e-mail address at <http://www.utexas.edu/its/policies/emailnotify.php>.

RELIGIOUS HOLIDAYS. By UT Austin policy, students must notify the professor of a pending absence at least fourteen days prior to the date of observance of a religious holy day. If the student must miss a class, examination, work assignment, or project in order to observe a religious holy day, the professor will give the student an opportunity to complete the missed work within a reasonable time after the absence.

TITLE IX REPORTING. In accordance with Title IX of the Education Amendments of 1972, the University of Texas at Austin is committed to maintaining a learning environment that is free from discriminatory conduct on the basis of sex <https://titleix.utexas.edu/>. Faculty, field instructors, staff, and/or teaching assistants in their supervisory roles are mandated reporters of incidents of sex discrimination, sexual harassment, sexual violence, stalking, dating violence, or any other forms of sexual misconduct. Students who report such incidents will be informed of University resources. Incidents will be reported to the University’s Title IX Coordinator. Further information, including student resources related to Title IX, may also be found at <https://titleix.utexas.edu/>.

CAMPUS CARRY POLICY. The University’s policy on campus carry may be found here: <https://campuscarry.utexas.edu>.

SAFETY. As part of professional social work education, students may have assignments that involve working in agency settings and/or the community. As such, these assignments may present some risks. Sound choices and caution may lower risks inherent to the profession. It is the student's responsibility to be aware of and adhere to policies and practices related to agency and/or community safety. Students should notify the professor regarding any safety concerns.

BEHAVIOR CONCERNS and COVID-19 ADVICE LINE (BCCAL). If students have concerns about their behavioral health, or if they are concerned about the behavioral health of someone else, students may use the Behavior Concerns and COVID-19 Advice Line to discuss by phone their concerns. This service is provided through a partnership between the Office of the Dean of Students, the Counseling and Mental Health Center (CMHC), the Employee Assistance Program (EAP), and The University of Texas Police Department (UTPD). Call 512-232-5050 or visit <https://safety.utexas.edu/behavior-concerns-advice-line>. The Behavior Concerns and COVID-19 Advice Line has been expanded to support The University of Texas at Austin community during the COVID-19 pandemic. By calling 512-232-5050 - Option 2 for COVID-19, students, faculty and staff can be assisted in English and Spanish with COVID-19 support.

EMERGENCY EVACUATION POLICY. Occupants of buildings on the UT Austin campus are required to evacuate and assemble outside when a fire alarm is activated or an announcement is made. Please be aware of the following policies regarding evacuation:

- Familiarize yourself with all exit doors in the classroom and the building. Remember that the nearest exit door may not be the one you used when entering the building.
- If you require assistance to evacuate, inform the professor in writing during the first week of class.
- In the event of an evacuation, follow the professor's instructions.
- Do not re-enter a building unless you are given instructions by the Austin Fire Department, the UT Austin Police Department, or the Fire Prevention Services office.

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