

***Hitting the Ground Running:
The Use of "Boot Camps" and Other Pre-Semester Orientation Periods
in Prosecution Externships and Clinics***

To be published in the MISSISSIPPI LAW JOURNAL in an upcoming symposium issue
on prosecution externships and clinics.

Larry Cunningham¹

Assistant Professor of Law & Director of the Criminal Prosecution Clinic
Texas Tech University School of Law, Lubbock, Texas
(806) 742-3787 x225
larry.cunningham@ttu.edu

Clinicians have been at the forefront of many new pedagogical models and techniques in legal education. They were among the first to use cameras to record real and simulated interviews, for example. Reflective dialogue, experiential learning, and multi-cultural lawyering all have their roots in clinical education and with clinical educators. "Thinking out of the box" is a norm in clinical education.

It should not be surprising that some of these same educators have challenged the notion that the classroom component of a clinic should be taught at the same pace as doctrinal classes. In traditional courses, students attend class a certain number of days a week. The number of hours devoted to the course is constant throughout the semester. This has its disadvantages, though, for clinical courses. A constant and even rate of delivery hampers the effectiveness of our clinics and reduces the learning for students. We need our students to be ready and able to accomplish basic tasks in a very short period of time. Many students are only able to enroll in a clinic for one semester, either because of space limitations or because of other obligations. To have students gain the most from their clinic, they must experience as much as possible in a very short period of time. Clinical legal education is learning by *doing*. But what if they will not know how to *do* the very basic skills of a particular clinic until late in the semester?

"Boot camps"—pre-clinic orientation periods—can accomplish the goal of infusing new clinic students with the basic skills necessary for them to do the most immediate and basic tasks of a clinic. It allows them to "hit the ground running." Boot camps reflect some clinicians' view that clinic seminars do not necessarily have to meet at a constant rate throughout the semester. Front-loading a clinic's classroom component can have significant educational benefits for the student and instructor alike.

¹ Tenure-track faculty member, appointed 2003. J.D., Georgetown, 2000; B.S., John Jay College of Criminal Justice, 1997. Prior to coming to Texas Tech in 2003, I was a prosecutor in Alexandria, Virginia, and a law clerk to a federal district judge. At Texas Tech, I teach criminal law, juvenile justice, and direct a criminal prosecution clinic. In the Fall, I will be starting a criminal defense clinic at Texas Tech.

In an upcoming issue of the *Mississippi Law Journal*, I will be writing an article that discusses the use of "boot camps" in clinical legal education. I will draw on, first, my own "boot camp" experience as a clinic student at the Georgetown Juvenile Justice Clinic. I will compare and contrast that experience with the mandatory "boot camp" I included when I took over the Texas Tech Criminal Prosecution Clinic.

Clinicians should not randomly or haphazardly use "boot camps" in their courses. Instead, boot camps should be well-thought out with specific goals and issues addressed, including:

- different models for boot camps
 - administrative ("here's the photocopier, letterhead, and restroom ...")
 - skills-intensive (interviews, trial advocacy skills, client counseling, etc.)
 - combination
- the types of skills/topics which can be effectively taught in a boot camp atmosphere
 - procedure (?)
 - substantive law (?)
 - skills
 - clinical reflection (?)
 - assignment/orientation to particular cases
- intangible benefits
 - group unity
 - fun (?)
 - quiet time when students and faculty have no other obligations
- the challenges for students, clinics, and administrators inherent in boot camps
 - pre-orientation preparation/planning/reading
 - time away from cases and other work
 - keeping students' interest
 - getting students to commit to arriving to campus early, cutting short their summer or winter vacations
- can boot camps be used in traditional courses?
- collaboration between clinics within a law school (conserving resources?)

Attachments

- Schedule, Spring 2004 Boot Camp
- Pre-Boot Camp Reading List



**TEXAS TECH UNIVERSITY SCHOOL OF LAW
CRIMINAL PROSECUTION CLINIC**

Boot Camp Schedule

Friday, January 9, 2004

- 9:00-9:15 Introductions
9:15-10:15 Theory: The Role of the Prosecutor; Case Analysis and Strategy
10:15-10:30 Break
10:30-11:30 Case Analysis and Strategy (cont.)
11:30-12:30 Lunch Break
12:30-1:30 Theory: Witness Interviews and Direct Examinations
1:30-1:40 Break
1:40-3:00 Practical Exercise: Interviews

Monday, January 12, 2004

- 8:30 Meet at Law School
9:00-12:00 Court Tour
DA Office Tour
Meet Judges
Misdemeanor Procedure
Paperwork Flow
Clinic Procedures
12:00-1:15 Lunch Break
1:15-1:45 (Meet at Law School)
Theory: Case Disposition
1:45-2:45 Practical Exercise: Case Disposition

Tuesday, January 13, 2004

- 9:00-10:30 Practical Exercise: Direct Examinations
10:30-10:45 Break
10:45-11:30 Theory: Cross Examinations
11:30-12:30 Lunch Break (and preparation for cross examination exercise)
12:30-2:00 Practical Exercise: Cross Examinations
5:00-? Happy hour – Location TBA.



**TEXAS TECH UNIVERSITY SCHOOL OF LAW
CRIMINAL PROSECUTION CLINIC**

Pre-Boot Camp Reading List

The following must be read *before* Boot Camp. Do not leave your reading list until the last minute.

Abbreviations:

Supplement = Course Supplement

Mauet = THOMAS A. MAUET, TRIAL TECHNIQUES (6th ed.) (Aspen Pub.)

Reamey = GERALD REAMEY, CRIMINAL OFFENSES AND DEFENSES IN TEXAS (3d ed.) (Harrison Pub.) (* optional text – Prof. Cunningham has copies of the relevant pages in his office if you would prefer not to buy this \$110 book)

Code = DIANE BECKHAM, CRIMINAL LAWS OF TEXAS 2003-2005 (TDCAA)

TOPIC	READINGS
Role of the Prosecutor	Supplement: <input type="checkbox"/> 1-118 Code: <input type="checkbox"/> CODE OF CRIMINAL PROCEDURE § 2.01
Boundaries of Attorney Conduct	Supplement: <input type="checkbox"/> 213-22 (SKIM) <input type="checkbox"/> 223-78 (SKIM ALL EXCEPT RULES: 3.01, 3.02, 3.03, 3.04, 3.04, 3.06, 3.07, 3.09, 4.01, 4.02, 4.03, 4.04, 8.01, 8.02, 8.03, 8.04) <input type="checkbox"/> 283-334
Trial Advocacy	Mauet: <input type="checkbox"/> Chapter V (Direct Examination) <input type="checkbox"/> Chapter VI (Exhibits) (SKIM) <input type="checkbox"/> Chapter VII (Cross-Examination) (SKIM) <input type="checkbox"/> Chapter X (Objections) (SKIM) Supplement: <input type="checkbox"/> 601-27 (READ CAREFULLY) <input type="checkbox"/> 635-44 <input type="checkbox"/> 661-839
Procedural Law	Supplement: <input type="checkbox"/> 413-19 <input type="checkbox"/> 467-88 <input type="checkbox"/> 559-64 <input type="checkbox"/> 565-96 Code: <input type="checkbox"/> CODE OF CRIMINAL PROCEDURE §§ 2.04, 4.01, 4.05, 4.07, 4.08, 4.11, 4.12, 5.06, 7.06, 12.01, 12.02, 16.01 through 16.22, 24.01 through 24.04, 26.01, 26.011, 26.02, 32A.02, 42.031, 42.032, 42.033, 42.034, 42.035, 42.036, 42.037, 42.08, 42.12,

<p style="text-align: center;">Substantive Law</p>	<p>Supplement: <input type="checkbox"/> 893-96</p> <p>Code: (SKIM ALL EXCEPT BOLDFACE SECTIONS)</p> <p><input type="checkbox"/> PENAL CODE §§ 1.05, 2.01, 2.02, 2.03, 2.04, 2.05, 7.02, 9.04, 9.31, 9.33, 9.41, 9.42, 9.43, 12.03, 12.04, 12.21, 12.22, 12.23, 12.32, 12.33, 12.34, 12.35, 12.41, 12.42, 12.43, 15.01, 15.02, 21.07, 21.08, 22.01, 22.02, 22.06, 28.03, 28.04, 28.05, 28.06, 28.08, 29.02, 29.03, 30.01, 30.02, 30.03, 30.04, 30.05, 30.06, 31.01, 31.02, 31.03, 31.04, 31.06, 31.07, 31.08, 31.09, 31.10, 32.32, 32.41, 36.06, 36.06, 38.01, 38.02, 38.04, 38.15, 42.01, 42.04, 42.07, 43.02, 46.01, 46.02, 46.03, 49.01, 49.02, 49.031, 49.04, 49.09(a), 49.11</p> <p>Reamey:</p> <ul style="list-style-type: none"><input type="checkbox"/> Assault<input type="checkbox"/> Controlled Substances Act<input type="checkbox"/> Disorderly Conduct<input type="checkbox"/> Driving While Intoxicated<input type="checkbox"/> Parties to Crime<input type="checkbox"/> Punishments<input type="checkbox"/> Theft
---	--