Criminal Appeals and Post-Conviction Services Clinic

About the Clinic

The Criminal Appeals and Post-Conviction Services Clinic (CAPS) (formerly known as the Federal, Criminal and Appellate Clinic (FAC)) focuses on written and oral advocacy on behalf of clients convicted of criminal offenses. Under faculty supervision, third-year students litigate appellate cases, primarily direct appeals from criminal convictions. Students handle their cases from intake through oral argument and sometimes beyond, maintaining client contact and filing petitions for certiorari in higher courts where needed. Students meet with incarcerated clients, analyze appellate records, identify and research potential issues, file motions, write opening and reply briefs, and present oral arguments to appellate courts. Through the Clinic, students develop a wide array of skills including interviewing and counseling clients, identifying relevant facts and issues in lengthy records, selecting and framing legal issues, integrating facts and law, advocating in difficult cases, writing and speaking persuasively, managing cases, and collaborating with others. The classroom component focuses on skills development, appellate case theory and practice, criminal procedure and ethics, roles of criminal justice actors, professional identity, and structural issues related to the criminal justice system.

Information for Students

Third-year students eligible for court certification take responsibility for real clients in serious cases. Participants develop written and oral advocacy skills, as well as counseling and investigation experience and tactical judgment. Students interested in trial work have an opportunity to study, in depth, the trial of a serious case and post-conviction issues that the trial creates. They establish relationships with clients who are usually incarcerated, and view and participate in court proceedings. In almost all cases, students argue before a three-judge panel of the Maryland Court of Special Appeals during the course of the Clinic year. The Clinic is a highly collaborative experience from beginning to end. Students may enroll in this course and in Law 6668 only with permission of both instructors.

Students are assigned to two cases, which are staggered over two semesters. They work in teams of two, with one student serving as lead counsel (who takes primary responsibility for the case and presents the oral argument in court) and the other as co-counsel. Students' roles alternate on their second case. In addition to these specific case assignments, students participate in all Clinic cases through brainstorming sessions, peer review of written drafts, and mooting for oral arguments. Students are graded at the end of each semester based on a variety of factors including brief-writing skills (research, analytic, and writing ability), case management skills (administrative matters and time management), oral advocacy skills, seminar participation, interpersonal skills (with both clients and Clinic colleagues), and overall commitment to the Clinic.

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**Criminal Appeals and Post-Conviction Services Clinic (LAW 6625)**

**Professor Anne K. Olesen**

**Adjunct Professor Wyatt Feeler**

**Eligibility:** 3Ls; Interview

**Prerequisites/Co-requisites (with instructor permission):** Evidence (Law 6230), Criminal Procedure (Law 6360)

**Credits:** 6 each semester/Experiential

**Duration:** Full Academic Year

**Grading Method:** Letter Grades
Seminar and Faculty Supervision

All students are required to attend a weekly 2-hour course seminar. In the seminar, Clinic faculty provide intensive instruction in appellate procedure and all skills necessary for students to have successful client relationships, write appellate briefs, and present oral arguments. Students participate in role-plays, videotape review, mini-arguments and other hands-on activities. Time is also devoted to round-table discussions of cases so that students learn from each other and help each other develop appellate issues and prepare briefs and oral arguments. We also discuss systemic issues that affect Clinic cases, including criminal justice issues generally, and explore the role of both defense counsel and prosecutors in criminal cases.

Students meet with Clinic faculty at least once a week for case supervision and often more frequently than that. In these meetings, faculty help students prepare for client meetings, assist in developing legal arguments, review drafts of motions, letters and briefs, and discuss any other strategic issues that arise in the case. Student teams conduct client visits on their own after extensive preparation.

Time Commitment

Students take this Clinic for the Fall and Spring semesters with six letter-graded credits awarded each term. Students generally work for four hours per week, including participating in the 2-hour seminar, for each credit earned. This means students work an average of 24 hours per week. Nonetheless, some cases are far more time-intensive than expected; others less. Because CAPS is a year-long Clinic and cases span two semesters, work does not stop over winter break or any other break. Students are expected to be available as their cases require and to check with their supervisors before scheduling out-of-town trips. Many Clinic students have other obligations such as part-time jobs or journal work. Most students are able to balance these commitments. However, any other commitment must be flexible enough to allow for you to attend Clinic meetings and work almost full time (or more) during the week or two before briefs are due. For the most part, Clinic students may do their case work from home or wherever they have a secured law school network connection.

Student Application Information

Students will be selected based on their potential to provide high quality, client-centered representation to our clients and to contribute to the Clinic as a whole. Faculty will consider a student’s interest in, and commitment to, criminal law and public interest work, but such interest is not required. Faculty try to select a class that has different backgrounds, experiences and interests, but a common desire to serve clients and gain invaluable experience. Interested students must fill out the Uniform Clinic Application from the Law School's student portal website under "Clinics", where a complete set of application instructions is posted at least a few weeks prior to the registration period for the next semester. Each spring, the Clinics hold an Open House where each Clinic’s faculty and/or students will be available to answer questions. Students may contact Professor Olesen at any time to discuss the Clinic or to ask specific questions. Students are encouraged to express interest and learn more about the Clinic as early as their 1L year. Permission of the instructor is required prior to registration.

About Professor Anne Olesen
Professor Olesen has degrees in both law and criminology. Her work at Steptoe & Johnson included criminal defense and pro bono death penalty litigation. She was a founding director of the D.C. Prisoners’ Legal Services Project and has been active in prisoners’ rights issues. She worked in the U.S. Department of Justice in the Civil Rights Division on rights of institutionalized persons, and has taught for 16 years.