

Current Developments in American Law: Prisoner Civil Rights Litigation

Law 609-202 Summer, 2019

Course Time and Room: Monday, 4:00–5:40 p.m., Room 164

Professor's Information and Availability:

Professor James P. Chapman
Office hours – by appointment
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Course overview

The purpose of the course is, to teach students at the Law School 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 follow actual prisoner civil rights cases as they approach trial in the Federal Court in East St. Louis and Benton. The Court has appointed private lawyers to represent the prisoners who are indigent. We will study the case pleadings, analyze the case strengths and weaknesses, the strategy we think the appointed attorney should pursue; watch at least part of the actual trial, then hold a post-mortem at the class next after the trial, hopefully speaking with the attorney who represented the prisoner.

You will be requested to write short reflections at each step of the case analysis, from initial case review to trial and its conclusion.

We will deal with 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 prisoner civil rights case to a jury, she or he can try any kind of case. This course presents a unique opportunity to learn and grow in the field of litigation and to prepare for the bar examination. **The Federal Rules of Civil Procedure are a key to the course, which by its very nature will reflect “bar-type easements.” Remember: civil procedure is a substantial part of the examination.**

Reading:

Recommended: “[Federal Court Prison Litigation Handbook](https://www.ilsd.uscourts.gov/)” Available for download at the website for the Southern District Federal Court of Illinois, <https://www.ilsd.uscourts.gov/>.

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: https://law.siu.edu/_common/documents/rules-code/attendance-rules-ay17-18.pdf

Workload Expectations:

To satisfy ABA Standard 310, this course will be treated like an externship program. 85 hours are required for two credits. In addition to class time, hours include all outside activity: for example, reading, drafting, travel to and from court; attendance in court and so on. Out-of-class activity should average about 9 hours per week. You should document your out-of-class hours.

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.