USF School of Law
Spring 2021 – First Assignment

Course:

CJJ and Racial Justice Clinics

Professor:

Bazelon

Course Materials:

Please see the Book List, published on the Registrar’s page.

First Assignment:

Class 1: 1/11, Overview, Case Theory, and Fact Development

A case theory is a legal argument with emotional resonance that will convince the factfinder to rule in favor of your client. It combines law—the elements of the charged offense, any weaknesses in those elements—with storytelling: a coherent, credible narrative that will resonate with the jury.

Fact development is the investigation that you conduct to support your case theory—or if it leads in a different direction, to support a different case theory.

We will be working on a real case: State v. Yutico Briley. In the first class, we will provide an overview of how to construct a case theory and develop the facts to support it.

You will be making an opening statement—approximately 3 minutes long. Opening statements are not evidence, they provide the jury a roadmap of what the evidence will show. They are also your first and best chance to introduce your case theory to the jury. Your opening should have a theme—“this case is about”—and a theory: here are the legal elements and how I will prove them to you, or if you are defense counsel, why they are not provable beyond a reasonable doubt.
Readings/Assignments:

- Read the assigned materials posted to Canvas in *State v. Yutico Briley* (911 call transcript, police report, statutes, cross-racial identification materials, statement of Erin Hayden);

- Review sample case memorandum (provided on Canvas);

- In class, be prepared to give a short opening statement in the case: half the class will be assigned the prosecution role and half will be assigned the defense role.