Memorandum of Understanding
Stetson Innocence Initiative – Pro Bono Case Division

To: ___________________________
From: Professor Judith A.M. Scully
      Director of the Stetson Pro Bono Innocence Initiative
Date: _________________, 2015

This memorandum is to confirm the roles of all the participants working with the Pro Bono Case Division of the Stetson College of Law Innocence Initiative.

A short history of the project might be helpful. Stetson began this project in the Fall of 2009 in order to accomplish three goals. First the project was instituted to assist the Innocence Project of Florida (Florida Project) in the investigation and possible representation of criminal defendants claiming factual innocence. Secondly, the Stetson Project was created to give Stetson law students an opportunity to engage in meaningful pro bono work before graduating from law school in order to create within the students a life-long desire to engage in pro bono work. Finally, the Stetson Project was designed to give students the opportunity to be mentored by the best criminal attorneys in the Tampa Bay area and to learn the skills and core values involved in representing clients. It is against this background that we want to identify the various roles of the participants.

The Innocence Project of Florida (“Florida Project”) will refer cases to the Stetson Project that have a close nexus to the Tampa Bay Area. Prior to sending cases to the Stetson Project, the Florida project will obtain an intake questionnaire from individuals currently convicted of crimes that they claim they did not commit. The Florida Project will also collect any documents related to the individual case that are readily available and will send all documents to the Stetson Project. The Florida Project also agrees to provide training for Stetson law students each fall semester (expenses to be paid by Stetson). It should be noted, however, that the Florida Project does not provide any financial support to the Stetson Initiative.

Directors of the Stetson Initiative will serve as the administrators of the Stetson initiative. They will select the students and match them up with the cases and volunteer attorneys. The directors will also serve as resources for the students. All case specific questions, however, must be directed first to the volunteer attorneys. The Directors will supervise a Committee to screen any direct requests for legal assistance from inmates received by Stetson to determine the nature and quality of the case. Direct requests will be judged based on the following factors: (1) whether the case has a close nexus to the Tampa Bay area; (2) whether the individual requesting assistance asserts factual
innocence; (3) whether the individual either has in his or her possession or can obtain relevant court documents.

The Directors of the Innocence Initiative will also conduct, with the assistance of the Stetson Innocence Project Reform & Education Division, monthly meetings to further educate the students in this area of law; and in addition the Directors shall convene a once a month administrative meeting with all students working in the Pro Bono Case Division. Additionally, the Directors will ensure that the students are continuing to work on the cases in a timely fashion; and will assist the Volunteer Attorneys with any student management issues that shall arise.

The Directors, however, do not represent clients.

**Volunteer Attorneys** will provide direction and instruction to the students as to how to proceed with investigation of the case to determine if the case merits representation. As pro bono counsel, they will direct legal strategy as well as factual investigation of the cases with the assistance of Stetson law students. Volunteer attorneys will also provide the same type of financial support that they would provide for any pro bono case they would undertake including but not limited to copying fees for court documents and transcripts, travel expenses, and other incidental costs.

When the preliminary investigation is complete the volunteer attorneys in conjunction with student participants will submit a written recommendation to accept or deny representation of their assigned cases. This written recommendation will be provided to the Directors of the Stetson Initiative and the Florida project. If representation is undertaken after the preliminary investigation, the Volunteer Attorney will contact the client and create an attorney/client relationship with the client directly. The Volunteer Attorney will explain to the client the role of the students in assisting in the representation.

**Student participants** will work under the direct guidance of the volunteer attorneys. They are responsible for following the instructions of their attorneys in the investigation and representation of individuals assigned to them. Students are also responsible for (a) attending at least 3 monthly group meetings per semester; (b) attending educational meetings 2 times per semester; (c) setting up and attending a meeting with one of the Directors at least once a semester; (d) writing an initial case memo after the student has reviewed the case file they are given; (e) writing a summary case memo at the end of each semester highlighting their progress in investigating the case; (f) writing monthly updates on the progress you are making in your cases and presenting this monthly update at our monthly meeting; (g) when appropriate visiting the inmate; (g) reviewing the court file and obtaining all relevant documents; (h) meeting once a semester with their attorneys; (i) maintaining regular email and/or phone contact with their attorneys and with their student partners; (j) after all of the research and review of the case file has been done, students must write a final recommendation memo indicating whether the
Innocence Initiative should take the case or close the case; (k) conducting research under the supervision of their Volunteer Attorney; and (l) contributing at least 3-5 hours of volunteer time to assisting the Innocence Initiative with administrative responsibilities. It is estimated that student participants shall work between 20-40 hours per semester on Innocence Initiative matters. All hours worked will apply to the student’s College of Law legal pro bono requirement.

In the event that a student has a life circumstance or event that conflicts with their ability to fulfill their obligations to their “client” or the Innocence Initiative they agree to contact the Director of the Innocence Initiative first, and then to contact their supervising attorney and assigned student partner.

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Volunteer Attorney

_______________________________________
Student Participant

_______________________________________
Student Participant