

COURSE SYLLABUS

PSCI 497: INTERVIEWING AND INVESTIGATION (3 semester hours)

Online Course

Instructor: Professor April Pitts
Office Location: SS – 163
Office Hours: M – F in virtual office (I will respond to emails over the weekend on the following Monday)
Email: April.Pitts@tamuc.edu

Required Texts

Stephen P. Parsons, *Interviewing and Investigating: Essential Skills for the Legal Professional*, Aspen Publishers, 5th ed. ISBN: 9781454818137

Course Description

This course focuses on fundamental skills in factual investigation and interviewing used in preparation of civil and criminal litigation. This course will focus on formulating a plan for investigation, communication skills, interviewing and locating fact witnesses, preparing and conducting witness and client interviews, working with expert witnesses, and the rules of evidence for the investigator.

Course Objectives

Upon successful completion of this course the student will demonstrate:

- a basic knowledge of the purpose and role of factual investigation and interviewing as it relates to formal discovery and informal investigation in the law office including knowledge of the American adversarial system;
- formal discovery in civil and criminal procedure, the basic rules of evidence, and relevant ethical and professional concerns including the unauthorized practice of law, client confidences, conflicts of interest, and improper communications; and
- a basic ability to utilize such knowledge as well as communication skills and factual analysis skills to competently plan and carry out an effective investigation in a realistic case context, including locating public and private records, identifying fact witnesses, locating qualified expert witnesses, and the scheduling and conducting of a client interview and a witness interview as well as the preparation of a witness statement.

Grading Policy

Informed Participation – You are expected to participate in the discussion each week you have assigned readings. You must prepare for the discussion by reading ALL of the material assigned. Questions will be posted related to each topic the week readings are assigned. You must

thoughtfully respond to the posted questions. In addition, you must thoughtfully respond to at least one post by another student. Short posts or responses unsupported by information in the readings will be given ZERO points.

Quizzes: The quizzes will primarily consist of multiple choice, true/false, and/or fill in the blank. Each weekly quiz will open 12:00 am the Friday morning it is assigned and will close at 11:59 pm on Saturday evening of the same week. Any collaboration with other students with regards to the substance of the exam will result in a failing grade in the course.

Case Study Interviews: You are also responsible for preparing and conducting client and witness interviews based on assigned Case Studies. In addition, each student will be responsible for playing the roles of client and witness as assigned by the instructor. You will be graded on the interview and client/witness role play. DO NOT divulge any information given to you regarding witness and client information for purposes of role play. If you give any information as to the content of your answers as a witness or client, written or verbal, you will be given a failing grade on the Client/Witness Role Play. Collaboration on developing interview questions is strictly prohibited. All information needed to prepare for the interview and client/witness roles will be emailed to each student to maintain confidentiality.

Your grade will be calculated according to the following formula:

| | |
|--------------------------|------------------|
| Informed Participation | 24 points |
| Quizzes | 16 points |
| Client/Witness Role Play | 20 points |
| Case Study Interviews | <u>40 points</u> |
| TOTAL | 100 points |

Grade Distribution is as follows:

- A = 90-99
 - B = 80-89
 - C = 70-79
 - D = 65-69
 - F = 64 and below
- (No extra credit work will be allowed)*

Classroom Etiquette

All students enrolled at the University shall follow the tenets of common decency and acceptable behavior conducive to a positive learning environment. (See Student's Guide Handbook, Policies and Procedures, Conduct) You are expected to exhibit respect for the instructor and fellow students at all times. Failure to adhere to these policies may result in removal from class.

Please be respectful of others' opinions even if you do not agree with them. I look forward to reading a variety of thoughts and opinions and I want you to express yourselves, but please Be Respectful! Remember all caps means you are yelling.

Disability Statement

The Americans with Disabilities Act (ADA) is a federal anti-discrimination statute that provides comprehensive civil rights protection for persons with disabilities. Among other things, this legislation requires that all students with disabilities be guaranteed a learning environment that provides for reasonable accommodation of their disabilities. If you have a disability requiring accommodation, please contact:

Office of Student Disability Resources and Services
Texas A&M University – Commerce
Gee Library
Room 132
Phone: (903)886-5150 or (903)886-5835
Fax: (903)468-8148
StudentDisabilityServices@tamuc.edu

“What is Plagiarism

Many people think of plagiarism as copying another's work, or borrowing someone else's original ideas. But terms like "copying" and "borrowing" can disguise the seriousness of the offense:

According to the Merriam-Webster Online Dictionary, to "plagiarize" means

1. to steal and pass off (the ideas or words of another) as one's own
2. to use (another's production) without crediting the source
3. to commit literary theft
4. to present as new and original an idea or product derived from an existing source.

In other words, plagiarism is an act of fraud. It involves both stealing someone else's work and lying about it afterward.

But can words and ideas really be stolen?

According to U.S. law, the answer is yes. The expression of original ideas is considered intellectual property, and is protected by copyright laws, just like original inventions. Almost all forms of expression fall under copyright protection as long as they are recorded in some way (such as a book or a computer file).

All of the following are considered plagiarism:

- turning in someone else's work as your own
- copying words or ideas from someone else without giving credit
- failing to put a quotation in quotation marks
- giving incorrect information about the source of a quotation

- changing words but copying the sentence structure of a source without giving credit
- copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not (see our section on "fair use" rules)

Most cases of plagiarism can be avoided, however, by citing sources. Simply acknowledging that certain material has been borrowed, and providing your audience with the information necessary to find that source, is usually enough to prevent plagiarism. If you have retained the essential idea of an original source, and have not cited it, then no matter how drastically you may have altered its context or presentation, you have still plagiarized.” (www.plagiarism.org)

If you plagiarize, you will receive an F for the assignment in question and the matter will be referred to the Office of the Dean of the College of Arts and Sciences.

As Instructor, I reserve the right to amend, modify, or alter this syllabus as the situation may require.

Tentative Course Reading Assignments

Week 1

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|------------|--|
| 07/07/2014 | First Day of Class: Course Overview |
| 07/08/2014 | Chapter 1: Introduction to Interviewing and Investigating |
| 07/09/2014 | Chapter 3: The Adversarial System and Pre-filing Investigation |
| 07/10/2014 | Chapter 4: Formal Discovery in Civil Litigation |
| 07/11/2014 | Quiz 1: Covering Chapters 1, 3, and 4 |

Week 2

| | |
|------------|--|
| 07/14/2014 | Chapter 5: Formal Discovery in Criminal Litigation |
| 07/15/2014 | Chapter 6: Rules of Evidence for the Investigator – Part 1 |
| 07/16/2014 | Chapter 7: Rules of Evidence for the Investigator – Part 2 |
| 07/17/2014 | Chapter 8: Communication Skills for the Investigator |
| 07/18/2014 | Quiz 2: Covering Chapters 5, 6, 7, and 8 |

Week 3

| | |
|------------|--|
| 07/21/2014 | Chapter 9: Formulating a Plan of Investigation |
| 07/22/2014 | Chapter 10: Preparing for a Client Interview |

07/23/2014 Chapter 11: Conducting a Client Interview

07/24/2014 Chapter 12: Preparing for a Witness Interview

07/25/2014 Quiz 3: Covering Chapters 9, 10, 11, and 12

Week 4

07/28/2014 Chapter 13: Conducting a Witness Interview

07/29/2014 Chapter 14: Identifying and Locating Fact Witnesses

07/30/2014 Chapter 15: Working with Expert Witnesses

07/31/2014 Quiz 4: Covering Chapters 13, 14 and 15

Week 5

08/04/2011 Case Study Interviews

08/05/2011 Case Study Interviews

08/06/2011 Case Study Interviews

08/07/2011 Case Study Interviews Make-up