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### Expanding and Strengthening Legal Clinical Education in Ukraine

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**USAID** | **УКРАЇНА**  
ВІД АМЕРИКАНСЬКОГО НАРОДУ

# EXPANDING AND STRENGTHENING LEGAL CLINICAL EDUCATION IN UKRAINE

**Contract No.** AID-OAA-I-13-00032, **Task Order No.** AID-121-TO-16-00003

**Nove Pravosuddya Justice Sector Reform Program (New Justice)**

**Contracting Officer's Representative:** Oleksandr Piskun, Democracy Project Management Specialist, Office of Democracy and Governance

**Development Objective 1:** More Participatory, Transparent and Accountable Government Processes

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**Submitted by:**  
Chemonics International Inc.

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# CONTENTS

**I. BACKGROUND FOR THIS REPORT.....**

**II. INTRODUCING CLINICAL EDUCATION TO THE TRADITIONAL  
LAW SCHOOL CURRICULUM.....**

**III. COMMENTS ON DRAFT SYLLABUS FOR A COURSE IN  
FUNDAMENTALS OF LEGAL CLINICAL PRACTICE.....**

**IV. RECOMMENDATIONS.....**

**ANNEX A. INTERNATIONAL STANDARDS AND BEST PRACTICES  
ON CLINICAL LEGAL EDUCATION.....**

**ANNEX B. GLOSSARY OF TERMS.....**

**ANNEX C. A SAMPLE U.S. CLINICAL COURSE: THE CATHOLIC  
UNIVERSITY OF AMERICAN FAMILIES & THE LAW CLINIC.....**

Detailed syllabus distributed to students.....

Graphic illustrating the credit composition.....

Columbus Community Legal Services Families and the Law Clinic policies and  
procedures manual.....

# I. BACKGROUND FOR THIS REPORT

On June 21, 2017, I submitted a report to USAID Nove Pravosuddya Justice Sector Reform Program (New Justice) titled *A Role for Regulations, Standards, Best Practices, and Monitoring in Building Strong Clinical Legal Education Programs*. That report centered on an analysis of three documents: (1) the Draft Model Regulation on Legal Clinic of a Higher Educational Institution as posted by the Ukrainian Ministry of Education and Science (MOE) on April 19, 2017; (2) the Standards for Legal Clinics Functioning in Ukraine developed by the Association of Legal Clinics of Ukraine (ALCU) (hereafter Standards); (3) a draft instrument to monitor law school clinics being developed by the ALCU (hereafter Monitoring Instrument).

In my 2018 work on clinical legal education (CLE) with New Justice, I considered two documents: (1) a Draft Syllabus for a Fundamentals of Legal Clinical Practice course developed at Yaroslav Mudryi National Law University and (2) a CLE Manual on which a group of Ukrainian clinicians had worked with Iryna Ivankiv from OSCE Project Co-ordinator in Ukraine (OSCE) for some time. I worked from an English translation of the Draft Syllabus. For the multi-chapter Manual, I worked from an English translation of the Table of Contents and an oral summary of each chapter's content.

I also had been asked by New Justice to prepare an overview of relevant international and European good practices concerning an "LCE course" for law students for use in analyzing the Ukrainian "draft curriculum" as well as presenting recommendations to stakeholders. My preliminary analysis and recommendations on the Draft Syllabus and Manual were presented at a meeting at New Justice's Kyiv office on September 14, 2018.

While New Justice, ALCU representatives, and I discussed developments with regard to the three documents that were the subject of my June 2017 report during my September 2018 visit to Ukraine, this report does not concern the current status of these three very valuable documents or return to their substance. This report, though, continues my June 2017 report's discussion of the role of standards, best practice, and monitoring in building strong clinical legal education programs as focusing on integration of clinical education courses in the Ukrainian law school curriculum.

First a bit about my background in clinical education to explain my perspective on Ukrainian programs in historical and international context. Unusual for someone of my law school vintage, I was fortunate to legal work on "real" matters during all six semesters of the three years of my J.D. degree at Harvard Law School (1970-1973). The first three semesters of work were pro bono on a volunteer basis without credit. My second year of law school coincided with Professor Gary Bellow moving from the University of Southern California Law School to Harvard. In the last two years of my JD, I took both his civil and criminal lawyering process courses as well as an advanced civil course under his direction. I began teaching at The Catholic University of America (CUA) Law School in 1981 in a newly-created, tenure-track position, which was designed to be half-time in classroom teaching and half-time as the coordinator of CUA's then twelve clinical programs as well as bringing direction to the law school's externship program in which students worked in a number of placements in the Washington D.C. area.

In 1996, CUA clinical colleague Catherine Klein and I started working with Jagiellonian University in Kraków, Poland on establishing a clinical program. Through that work, I was involved in conferences and training sponsored by a number of international donors. With that introduction to international work, I have been fortunate to work in 32 countries in at least one of clinical legal education, work on teaching legal ethics, legal profession reform, and legal education reform.

At least as early as 1999 at a colloquium in Poland sponsored by the Public Interest Law Initiative (PILI), I became aware of Ukraine's pioneering work in clinical education. With Ford Foundation and PILI support, the Polish Legal Clinics Foundation (Fundacja Uniwersyteckich Poradni Prawnych or FUPP) was established in 2002, and it has become perhaps the strongest national clinics association outside the United States. I periodically learn something about Ukrainian clinical activity from Polish clinicians. The National University of Kyiv-Mohyla also was part of

two Open-Society-Foundation-funded-programs in which I participated for about eight years, and I stayed generally aware of at least Kyiv-Mohyla's program. Generally, though, Ukraine has not been much represented in international and regional meetings of clinical teachers in which I have taken part.<sup>1</sup>

Ukraine has a long and rich history in clinical education. Most of that story though is not available in English, which is the medium through much discussion of CLE teaching and program development takes place. Geography, lack of funding, and language have been barriers to Ukraine's fuller participation in the international dialogue about clinical education to which its teachers would have much to contribute and learn.

In my view, this isolation of Ukrainian clinicians from the clinical mainstream creates problems with a common definition of terms and the understanding of the nature of CLE courses.

Appendix B is a glossary of terms I prepared for the September 14, 2018 meeting at New Justice with some revision in light of the discussion that day. This addresses differing understandings of terms including course, syllabus, curriculum, and teaching plan. Appendix C provides a sample syllabus for students and clinic manual for The Catholic University of America Families and the Law Clinic (FALC). They are provided as types of documents defined in the glossary (Appendix B). Appendix C also provides a graphic representing how the clinic's distribution of hours of student effort required makes the clinical work the centerpiece with the classroom seminar as support and preparation for the clinical work.

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<sup>1</sup> For a review of worldwide developments, see THE GLOBAL CLINICAL MOVEMENT: EDUCATING LAWYERS FOR SOCIAL JUSTICE (F. Bloch ed., 2010).

## II. INTRODUCING CLINICAL EDUCATION TO THE TRADITIONAL LAW SCHOOL CURRICULUM

The international dialogue on clinical education commonly understands clinical education to involving a student acting in a “recognized role within the legal system”.<sup>2</sup> The teacher relies on this experience as the “focal point” for the learning and creates a structure to prepare the student for the experience, enhance the learning from it, and assure clients involved receive an appropriate level of professional service. Three types programs are commonly recognized as clinical experiences today: (1) in-house, live, or law clinic; (2) externship or field placement clinical opportunities; (3) community literacy, public education or street law programs. In all three, it is the students’ experience that is the heart of the clinical course and is expected to comprise the majority of the students’ expenditure of time.

The clinical experience may take place within a “law clinic” in which a student provides (supervised) full representation to a client. In some law clinics, the client work involves only a part of a lawyer’s work, e.g., “advice only” through providing a written opinion to the client. In externship clinical programs, students work alongside legal professionals, e.g., lawyers, prosecutors, or judges, in a placement external to the law school. Law students also may teach legal literacy in schools, prisons, or other community settings (often called Street Law programs).

Part of a clinical teacher’s role is structuring what the student will experience: the selection of cases in an in-house clinic; the selection of placements in an externship and training of field supervisors; the selection and negotiation of an agreement with the setting for a community literacy program. For an in-house clinic, this clinical teaching task involves hours of work setting up a law office that will assure appropriate professional standards are met in working with clients and publicizing to clients the clinic seeks. The law school may decide to work with an existing nonprofit legal services provider rather than setting up a clinic, but this also entails considerable work in agreeing on the arrangement under which law students will work in those organizations, e.g., who will supervise, what is expected of them, types of cases on which students will work, time expectations. For externship programs, placement possibilities must be considered for the experience they will offer the student and to be sure students, placement supervisors, and the law school are all “on the same page” about what experience and supervision will be provided. For street law, a number of logistical things will need to be worked out and permissions obtained for law students to teach in institutions like secondary school, juvenile institution, or community center.

In addition to structuring the practice setting for the students, the teacher must consider how to prepare the law students to do professional legal work for the ultimate beneficiary, e.g., the clients, the court in a judicial externship, the students of the Street Law program. This may done in part through a prerequisite course, preparatory classes at the beginning of a semester, a seminar alongside the experience, readings, reflective assignments, and so on. These aspects though are seen as preparation for and support of the clinical work, which is the heart of the learning.

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<sup>2</sup> Gary Bellow, author with Bea Moulton, of the foundational text in US clinical theory, *THE LAWYERING PROCESS*, uses this term in his three-part definition of clinical education. Gary Bellow, *On Teaching the Teachers: Some Preliminary Reflections on Clinical Education Methodology*, *COUNCIL ON LEGAL EDUCATION FOR PROFESSIONAL RESPONSIBILITY*, *CLINICAL EDUCATION FOR THE LAW STUDENT* 371, 379 (1973) quoted in Leah Wortham, *A Role for Regulations, Standards, Best Practices, and Monitoring in Building Strong Clinical Legal Education Programs* prepared for New Justice in June 2017; GARY BELLOW & BEA MOULTON, *THE LAWYERING PROCESS: MATERIALS FOR CLINICAL INSTRUCTION IN ADVOCACY* (1978). The *CLINICAL LAW REVIEW* devoted a symposium issue to the 25th anniversary of the publication of his 1978 book to which I contributed an article describing my experience in his courses, which were the precursor of ground-breaking textbook: Leah Wortham, *Thanks for the Book and the Movie*, 10 *CLIN. L. REV.* 399 (2003).

The CLE materials on which a group of Ukrainian clinicians have been working the OSCE for some time are very helpful contributions on how to structure the clinical experience as well as teaching materials that can be assigned to students in preparation and support of their work. Division into materials to be assigned to students and a manual for clinic teachers on clinic organization and approaches to teaching is a good approach, which will make the resulting products more usable for both purposes. As discussed in the recommendations in Part IV of this report, the assessment and reward system for Ukrainian academics should be considered, and New Justice should urge that contribution of both types of chapters, e.g., for student reading or for program and teacher use, should be valued. Both types of materials are quite important to spread of clinical education and its continually improving quality.

The clinical education model is quite different from traditional legal education although other university disciplines will have had analogous supervised practice and service learning components for many years. For law schools built around a traditional “lecture” and “seminar” model conceiving education as a transfer of content from professor to student, this different education paradigm presents challenges. The university system normally measures professor workload and compensation by professor hours in the classroom. Student credit may be measured in the same way. “Quality of teaching” may be thought of only or primarily as quality of a lecture delivered from a podium.

Furthermore, many countries have been used to an educational model with many required courses, and students expected to spend many hours a week in lectures on these courses. Optional elective courses is sometimes still a relatively new concept, and there may be little space for elective courses in the curriculum and inadequate resources to support them.

Worldwide the goal is clinical education integrated into the law school curriculum for which the student and teacher receive credit commensurate with the level of effort and learning that would be received in other law school courses. Hence, teachers’ workload needs to reflect hours spent on the tasks above including structuring the clinical experience, designing the preparation and support for student learning, supervising student work (or in an externship working with field placement supervisors on their supervision), and assessing student learning. Student credit needs to be based on the time spent not only in the corequisite classes or completing reading assignments or journals but also in the clinical work itself. As above, it is this clinical work that should be the “focal point” of the course, i.e., the point of departure and the main grist for learning.

New clinical programs may take “half-way” measures to get started, to get a “foot in the curricular door,” e.g., getting clinical work certified as filling an existing practicum requirement in the required curriculum, beginning clinics as volunteer activities. See, for example, the discussion in Appendix A on standards-to-qualify-for-a-benefit for Italian clinics’ deliberation about whether to seek such a status for clinical programs. While these may be good ways to start, sustainable programs require pushing as early as possible for teacher and student credit commensurate with the level of effort involved to support the student’s learning.

For the reasons above, “live” programs are labor intensive. They chart new territory and grow and improve by experimentation. Both for the “legal consumers” involved and for the important modeling of professional responsibility to students, care must be taken in the professional standards observed in the work. Hence, it is generally wise that such programs start as relatively small elective programs. They often initiated by particularly motivated teachers and taken by particularly motivated students, which can be a great benefit in their development. As the model is refined and developed, the law school can “then build on success” to expand the opportunities to more students.

As described below, I was asked to prepare an overview of relevant international and European good practices concerning an “LCE course” for law students for use in analyzing the Ukrainian “draft curriculum” as well as presenting recommendations to stakeholders. This presents a definitional problem because the Draft Syllabus for a Fundamentals of Legal Clinical Practice course primarily describes a prerequisite or corequisite to support clinical work, not a course for which clinical work is the centerpiece. The Draft Syllabus provides an excellent starting point for discussion. Further suggestions on the Syllabus are found in Part III of this report.



The syllabus refers to 18 lecture hours, 30 hours in practical training, 4 other class hours, and 38 hours of a student's independent work. My September 2018 visit did not allow time to fully develop what is anticipated regarding those out-of-class hours. Presumably various kinds of experience could be involved in that practical or independent work, e.g., simulation of lawyering tasks with feedback on them, work in a legal clinic initially established with volunteers, street law teaching. It also provides a possible framework for a class that could be offered to a relatively large number of students although I believe that any form in which it is offered should include at least simulation of some lawyering tasks on which students receive feedback, i.e., some "practice" component.

Appendix A provides the survey I did of relevant international and European good practices concerning an "LCE course" for law students for use in analyzing the Ukrainian "draft curriculum" as well as presenting recommendations to stakeholders. They do not align with a standards or best practices for a course like that described in the Draft Syllabus. As described in Appendix A, international and other country's standards and best practices on clinical education normally concern issues about structuring a program in which students learn clinically, e.g., adequate supervision of client work, observation of professional standards in service provided to clients. These standards and best practices rarely say much about the classroom-based preparation of students and support of their work. They also do not provide a single "model" because the assumption is the type of preparation, e.g., instruction in lawyering skills, will vary with the type of clinical work being done: Will students be appearing in court? Preparing written opinions for clients? Teaching lessons for high school students? Doing civil cases? Labor cases? Criminal cases?

### III. COMMENTS ON DRAFT SYLLABUS FOR A COURSE IN FUNDAMENTALS OF LEGAL CLINICAL PRACTICE

The Draft Syllabus is a good beginning for drafting a clinical course description in the form expected by at least some Ukrainian law faculties. As described above, it is not clear from the syllabus, and my September discussions did not flesh out, what kinds of activities are anticipated in time described as practical training, other class hours, and student's independent work. As above, I think the course should offer at least some experiential component, e.g., an opportunity to practice the lawyering skills introduced with some feedback on performance and encouragement for student reflection. The course also might be a pre or co-requisite for a "live" program, i.e., law clinic, externship, or street law program.

The course, as currently described though, is not a clinical course as that term is commonly used internationally. Much of the September 14, 2018 meeting discussion focused on explaining what is meant as a clinical course in which the students' experience is the focal point and makes up the bulk of the students' time spent. The graphic in Appendix C-2 was drafted as an example of that means in the context of CUA's Families and the Law Clinic. I understand that Kyiv-Mohyla's clinical courses have long been structured in this way as well, and there may be other precedents in Ukrainian practice.

I agree that a course should begin from student **learning objectives to be achieved**, and the course should be designed around them. The 20 subject competencies and 20 learning outcomes listed, though, are many too many for one course to seek to achieve. Teachers often start with a long list of desired objectives and then pare them to a much shorter list of those of highest priority. Trying to do too much can mean accomplishing nothing. The Draft Syllabus, perhaps can be seen as a menu of possible objectives among which teachers with differing kinds of programs could choose.

The long lists of objectives seem particularly over ambitious in light of this being proposed as three ECTS credit course. As described in the Appendix C-2 graphic, generally the ECTS credit measurement is 1.5 to 2X that of a US credit. Hence, in our terms this would be a 1.5 to 2 credit course. Clinical courses with a substantial experiential component are almost never credited at this low a level because of the level of student effort and practice involved to make the learning meaningful. As described above though, sometime a new course is a "starting point" from which more can be built. It is not unusual for clinical courses to be under credited at the outset and to build on the experience.

I understand that dividing course goals into educationally-oriented, professionally-oriented, and scientifically-oriented may be a Ukrainian convention. A major point though of the influential Carnegie Report in the US, now picked up in US law school accreditation standards, is **integration** of knowledge, skills, and values when one thinks about educating future legal professionals.<sup>3</sup>

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<sup>3</sup> WILLIAM M. SULLIVAN ET. AL, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007); ABA Accreditation Standard 304(a)(1) regarding integration of doctrine, theory, skills, and legal ethics in experiential courses.

## IV. RECOMMENDATIONS

**Recommendation No. 1. New Justice should support efforts to integrate clinical courses in the curriculum of Ukrainian law schools.** Clinical courses are defined as those that make student work in roles in the legal system main substance for learning. For clinical courses to be sustainable, **faculty and students must receive credit commensurate with the credit allocation in other courses in the curriculum.** Credit for students means academic credit assigned. Credit for faculty includes calculation of workload for compensation and assessment of achievement for retention, promotion, and other academic advancement.

**Recommendation No. 2.** Toward the goal of integrating quality clinical courses throughout the law school curricula in Ukraine, **New Justice should support publication and dissemination of varying clinical models currently in place in Ukraine**, e.g., the long-standing courses at Kyiv-Mohyla and Donetsk. A common template could be developed so information could be gathered on varying course models. The template might include things like the following, and Ukrainian clinical teachers should discuss what information would be most helpful to them.

- which of the three forms of clinical education are involved (including the possibility of a combination);
- how many academic credits are awarded;
- location of the students' clinical work;
- who supervises the students' work, e.g., law school professor, practicing lawyer hired by the university, staff of a cooperating NGO;
- number of hours of clinical work required from students;
- any prerequisite(s);
- description of type of preparation or accompanying support, e.g., weekly two-hour seminar; 2-day induction, content;
- primary learning objectives of the clinical course.

**Recommendation No. 3.** As described in my June 2017 report, a law school **self-study and monitoring process can gather information about current law school clinical programs, which combined with information like the template above, can lead to further development of best practices.**

**Recommendation No. 4.** Further development of the **Draft Syllabus for a Fundamentals of Legal Clinical Practice course developed at Yaroslav Mudryi National Law University should be supported.** The course could develop as a valuable prerequisite or corequisite for "live" clinical courses. The course, with a simulation component including student practice of lawyering skills with feedback could reach additional students who cannot be accommodated in the number in the spaces the live programs.

**Recommendation No. 5.** New Justice should support **exposure of promising clinical teachers (who evidence interest in staying involved in clinical teaching) to the global clinical movement.** The annual International Journal of Clinical Legal Education (IJCLE) conference will be held in conjunction with the European Network of Clinical Legal Education (ENCLE) in Bratislava, Slovakia July 3-5, 2019. A relatively modest travel cost should be involved. As discussed in my June 2017 report, it is useful to develop people who can step into clinical leadership roles in the future. In my experience, a group of clinicians attending a conference like this together can help to build connections, and the chance to discuss the experience together in their own language can be quite valuable. If there are promising people who are not adequately fluent in English, it could be useful to provide an interpreter. Interested clinicians could discuss what those supported to attend would promise to do in sharing their experience within the country after returning. New Justice could encourage attending Ukrainian clinicians to share Ukrainian experience such that a broader audience would be aware of Ukraine's long history in clinical education and some of the approaches used.

**Recommendation No. 6.** New Justice should **continue their support for concluding the publication of the CLE materials** on which a number of Ukrainian clinicians worked with OSCE over several years. Division into

materials to be assigned to students and a manual for clinic teachers on clinic organization and approaches to teaching is a good approach, which will make the resulting products more usable for both purposes. In line with point #2 above, the assessment and reward system for Ukrainian academics should be considered, and New Justice should **urge that contribution of both types of chapters, e.g., for student reading or for program and teacher use, should be valued.** Both are quite important to spread of clinical education and its continually improving quality.

# ANNEX A.

## INTERNATIONAL STANDARDS AND BEST PRACTICES ON CLINICAL LEGAL EDUCATION

### INTRODUCTION

This report, prepared in June 2018, should be read in conjunction with pages 12-17 of my 2017 Report to New Justice, *A Role for Regulations, Standards, Best Practices, and Monitoring in Building Strong Clinical Legal Education Programs*. That report address differences in the form and function of the four concepts in the report's title: regulations, standards, best practices, and monitoring instruments. My 2018 Scope of Work for New Justice included a review of draft syllabus for a clinical legal education course. That project added the term "model," a related-but-different quality-improvement mechanism. In the 2018 Scope of Work, I also commented on a model syllabus for a professional responsibility/legal ethics course developed by a group of Ukrainian professors.

The following sets out my understanding in the differences in use and function of regulations, standards, guidelines, and models and explains how I am using the terms here.

Regulations normally refer to something issued by a government agency with the force of law. My work with New Justice last year included commenting on a regulation proposed by the Ukrainian Ministry of Education.

Standards often describe requirements that "must be met," often to qualify for something or receive a benefit. For example, the American Bar Association (ABA) standards for law schools prescribe the minimum benchmarks that law schools must meet for ABA accreditation of JD programs. My 2017 New Justice report and the presentation I gave for an August 2017 Ukrainian New Justice study visit delegation outlined why the ABA Standards are more powerful and have stronger "teeth" than accreditation for some other types of professional schools. Graduation from an ABA-accredited law school satisfies the educational component needed to sit for a bar in every US jurisdiction. The ABA accreditation standards also play a role regarding eligibility for federal student education loans.

The ABA Standards are baseline, quality-assurance requirements. They are framed in "minimalist" terms—often stating objectives or an area in which something must be done while eschewing detailed prescription on how the requirement must be met. This preserves discretion among law schools in deciding how to meet a requirement and explicitly allows for variation in educational emphasis and mission among law schools. In addition, this approach encourages experimentation in differing curricular focus and ways to teach, which can build the "food" for encouraging exchange, distilling best practices, and creating models.

As described on page 10 of the 2017 report, the Polish Legal Clinic Foundation Standards were formulated when the organization expected to have substantial funds to distribute to fledgling clinics. They articulated minimum standards for eligibility for these funds. They also were drafted to build a strong foundation for maintaining professional standards and clinic creditability, e.g., safeguarding documents, maintaining client confidentiality, preventing conflicts of interest. As described, the expected funds did not materialize, but the Polish Standards became the quality baseline on clinic operation, which Polish deans are concerned their clinics meet and determine if a Polish clinical program can be part of the RZECZPOSPOLITA RANKING of the law school that sponsors the clinic.

Standards also sometimes are used to describe indicia that are more aspirational and provide guidance rather than requirements-with-consequences. In this report, I will continue to use “Standards” in the necessary-to-qualify-or-get-a-benefit sense.

Best Practices generally refer to a consensus on at least “very good” choices for how something is done. To have legitimacy, Best Practices normally should be based on an inventory of existing practices and an assessment by people with experience and expertise on what ways of doing things are “best” or at least “better” than others. While Standards and Regulations usually set minimum requirements, Best Practices more often are meant to give suggestions and guidance on how something might be done and give aspirational goals to which an entity, like a law school, might aspire over time.

A model usually refers to a “good example,” developed after research and consultation among those with expertise, to offer a starting point for entities to create their own version. Sometimes a model, like the Ukrainian model professional responsibility course, which New Justice supported, explicitly encourages variation. For example, the model PR course developing variations depending on the point in law school studies it is offered, the interests of the teacher, and so on.

The ABA Model Rules of Professional Conduct (hereafter ABAMRPC) have the “inspiration-through-offering-a-starting-point” objective like that of the New Justice model PR course. As a voluntary organization, the ABA has no regulatory authority of its own to make rules that members of the bar must follow. The ABAMRPC provide a resource to busy state supreme courts and the staff and volunteer lawyers who prepare the conduct rules recommendations for the courts.<sup>4</sup>

In this way, the ABAMRPC are similar to the New Justice-supported model Professional Responsibility syllabus. Similarly, the ABA also maintains a Committee, which issues ethics opinions interpreting the Model Rules. These opinions are a resource to the parallel state ethics committees who interpret the state rules. The ABA also houses the Center on Professional Responsibility, which provides a number of resources to the state bodies who provide the regulatory structure for US legal professions.

While the “model-as-resources” applies to the ABAMRPC, they also reflect a model-to-encourage-uniformity aspect, which is different from the objective of the New Justice model PR syllabus. As American lawyers’ work increasingly more often crosses state lines and many lawyers are admitted to multiple state bars, the importance of uniformity in state rules has increased. Today, states are encouraged to “think twice” before enacting a provision that would conflict with the ABAMRPC. Differing state rules or comments on areas where the ABAMRPC are silent are not necessarily problematic and sometimes prompt comparable ABAMRPC changes. Conflicting state ethical rules, though, present significant difficulties for lawyers (and courts and clients) so, in that sense, uniformity—in at least the narrow sense of avoiding conflicting duties—is sought.

The example of when models should encourage experimentation and variation versus encouraging uniformity segues well to the importance of keeping strongly in mind the purpose for which regulations, standards, guidelines, monitoring, or models are being developed and choosing which of the frameworks to use. Pages 11-17 of the 2017 report discuss the question of “purposes served” in the context of the US and Polish experience with standards for clinical legal education programs.

As described in Part I of the main report, generally Standards and Best Practices developed in other countries regarding “clinical courses” assume CLE to be course involving students doing “real work” in a recognized role in

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<sup>4</sup> In the US, the requirements to gain a license to practice law, which is the gateway for all legal professions including the judiciary and prosecution, and the authority to make rules that must be followed to “keep” the license rests in the highest tribunals of state court systems. Hence, it is those “high courts” who adopt the state Rules of Professional Conduct that the members of their state bars must follow (and those high courts who have decided that graduation from an ABA-accredited-JD program is a sufficient education credential to sit for their state bars).

the legal system. The clinical standards and best practices that I reviewed for this project normally include little prescription on curricular specifics for prerequisites or classroom components beyond things like requiring schools to set goals for the class, design around those goals, and provide some baselines for preparation, reflective learning, and feedback and assessment. For example, ABA Standard 304(a) specifies that for a simulation course to satisfy the requirement for each law student to have six experiential credits within the JD the course must provide “direct supervision of the student’s performance by the faculty member;” opportunities for performance, feedback from a faculty member, and self-evaluation;” and “a classroom instructional component.” The Standard, however, gives no prescriptions on how those requirements should be fulfilled.

Like the Ukrainian proposed clinical education regulation and standards, at least US Standards and Best Practices also address the status of the clinical course within the university’s structure including the teacher’s employment status and appropriate compensation.

The preliminary work on a Monitoring Instrument from a conference held in Dnipro, Ukraine in May 2017 (and discussed in my June 2017 report) established four useful categories, which might be included in a best practices document: #1 legal clinic organization and management; #2 the legal clinic’s educational process with students (including preparation, fostering enhanced learning, feedback and assessment); #3 the legal clinic’s provision of legal assistance to clients (including meeting professional ethical standards); #4 the public awareness work of the clinic.

Pages 12-17 of my 2017 report compared the US and Polish Standards to the Ukrainian ALCU Standards and the proposed Ministry of Education regulation. That report suggested that the Standards might be less detailed with monitoring or other efforts gathering information on what clinics are doing, which could lead to a Best Practices compilation.

## **ADDITIONAL RESEARCH UNDERTAKEN FOR THE 2018 SCOPE OF WORK**

The following outlines the steps I followed to gather information about Standards and Best Practices for clinical legal education courses existing beyond the US and Poland, the two countries with which I already was quite familiar.

The information below shows that where standards or rules exist, they generally developed as part of an effort to qualify for a benefit. For example, it is vital to a US law school that their JD graduates can qualify to sit for a state bar. Hence, advocates of clinical education in the US had incentives to ally with the practicing bar through the ABA accreditation standards to include curricular requirements regarding clinical education. In other countries, consideration has been given to law graduates being able to count clinical work during law school toward the required post-graduate apprenticeship (Italy), for clinics to count as places where apprenticeship can be served (South Africa), or clinics’ eligibility for legal-aid-provider funding (South Africa, Croatia). All US jurisdictions also have “student practice rules,” promulgated by relevant state or federal court systems, which provide some requirements to be met for students to represent clients in those courts.<sup>5</sup>

I have followed the ABA Standards for clinical education programs and teaching professional responsibility since I became a clinical teacher in 1981 and started teaching professional responsibility in 1983. Two thoroughly-researched articles trace the history of the American CLE standards and their link to the GUIDELINES FOR CLINICAL LEGAL EDUCATION developed in 1980 by a joint committee of the American Association of Law Schools and American Bar Association as well as other ABA committee work: Peter A. Joy & Robert R. Kuehn,

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<sup>5</sup> Wallace J. Mlyniec & Haley D. Etchison, Conceptualizing Student Practice for the 21st Century: Educational and Ethical Considerations in Modernizing the District of Columbia’s Student Practice Rules, 28 GEO. J. LEGAL ETHICS 207, 213 (2015). See also the following resource on Student Practices Rules provided by the Georgetown University Law Library: <http://guides.ll.georgetown.edu/c.php?g=271042&p=2020140>.

*The Evolution of ABA Standards for Clinical Faculty*, 75 TENN. L. REV. 183 (2008); Peter A. Joy, *Evolution of ABA Standards Relating to Externships: Steps in the Right Direction*. 10 CLINICAL L. REV. 681 (2004).

BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007) by Roy Stuckey with contributions from other clinical educators also had significant influence on the Standard.<sup>6</sup> The “Carnegie Report,” which came out the same year, was not specifically a “best practices” document, but it also discussed a number of law school teaching practices the authors considered to be innovative and good ones.<sup>7</sup> Its findings and approach stressing the integration of knowledge, skills, and values was influential on the ABA Standards as well.

I have been familiar with the Polish standards since they were first developed. In the 2017 report, I discuss why the Polish standards focus on professional practice issues regarding assisting clients, e.g., need to maintain confidentiality and avoid conflict of interest. The state bar admission of clinical supervisors and the student-practice-rule certification of clinical students bring with them the relevant legal ethics/professional practice standards of the local jurisdiction, and they do not need to be detailed in the Standards.

With the prompting of this project, I looked more carefully at the Australian Best Practices<sup>8</sup> and United Kingdom “Model Standards” project.<sup>9</sup> American clinician Peter Joy, whose work was previously cited, wrote a very useful chapter in the 2017 Australian book on designing best practices clinical programs, which compares the U.S., Australian, and United Kingdom approaches.

For this project I sought to find out what Standards or Best Practices exist beyond the US, UK, Australia, and Poland. CUA’s reference librarians did a literature search for me, and I made requests on the Global Alliance for Justice Education (GAJE) listserv and American clinical listserv. I sent individual emails to GAJE members whom I thought would be knowledgeable about the world generally or individual regions.

Generally, the US, Australia, UK, and Poland remain the only countries I found that have standards or best practices developed by the clinical community itself as opposed to standards or rules that are criteria for qualifying for something external to the law school, e.g., funding as a legal aid provider. As described below, some additional efforts in that regard are underway or being considered elsewhere.

A consortium of European Universities including the University of Luxembourg, Palacky University (Czech Republic), and University of Brescia (Italy) were awarded an Erasmus+ grant to create a cooperative network of consumer protection legal clinics. Maxim Tomoszek from Palacky (President of the European Network on Clinical Legal Education (ENCLE) and a GAJE Board Member) reported to me that one of the project’s goals is to create standards for quality assessment of European legal clinics with Palacky taking the lead on this aspect.

Ulrich Stege, who teaches at International University College of Turin and is also an ENCLE officer and GAJE Board Member, sent me some information on other European efforts as well as those South Africa where he recently lived and worked for a year. Regarding Italy, he reports that the assembly of Law Department’s Directors and the National Bar association have made an agreement that the three-to-six-month internship that has been part of legal studies for some time now can be recognized by the Bar Association to fulfil a portion of the required apprenticeship period for admission to the bar. This agreement sets rules on what is necessary for the internship to

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<sup>6</sup> [http://www.cleaweb.org/Resources/Documents/best\\_practices-full.pdf](http://www.cleaweb.org/Resources/Documents/best_practices-full.pdf).

<sup>7</sup> WILLIAM M. SULLIVAN ET. AL, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW (2007).

<sup>8</sup> ADRIAN EVANS, ANNA CODY, ANNA COPELAND, JEFF GIDDINGS, MARY ANNE NOONE, SIMON RICE, AND EBONY BOOTH, BEST PRACTICES: AUSTRALIAN CLINICAL LEGAL EDUCATION (2013), available at <https://perma.cc/AE7S-3WCN>. ADRIAN EVANS, ANNA CODY, ANNA COPELAND, JEFF GIDDINGS, PETER JOY, MARY ANNE NOONE, AND SIMON RICE, AUSTRALIAN CLINICAL LEGAL EDUCATION: DESIGNING AND OPERATING A BEST PRACTICE CLINICAL PROGRAM IN AN AUSTRALIAN LAW SCHOOL (2017), available at <http://press.anu.edu.au/publications/australian-clinical-legal-education/download>, expands on this work.

<sup>9</sup> CLINICAL LEGAL EDUCATION ORGANISATION, MODEL STANDARDS FOR LIVE-CLIENT CLINICS (2007), available at <https://perma.cc/HR7Y-HSY5>.



qualify. The Italian “in-house” legal clinic considered seeking a similar agreement that their experience also “count” toward apprenticeship. The in-house clinics were wary of rules being set by the bar when they may not yet have that much familiarity with in-house clinics. Mr. Stege reports though that the standards in the already-existing agreement are sufficiently general that a law school/local bar probably can recognize a law clinic experience for apprenticeship credit even if criteria specific to in-house clinics have not been developed yet.

Mr. Stege also reported on the rapidly developments regarding clinical education in Germany. The Refugee Law Clinics in Germany have created in 2016 a national network called “Refugee Law Clinic Deutschland,”<sup>10</sup> which now has about 30 members. He reports that, at the network’s founding, they developed a set of general, basic standards for RLCs. He also reports that, while the list has not been formally adopted, it functions as informal guidelines. The RLCs are working toward a formally-adopted set of standards. The network already provides some funding to RLCs and organizes training for students and trainers. It also collects materials, resources, and models, e.g., IT tools for case archives, a case law database, and model cases and works on political and legal activities related to refugee rights.

Mr. Stege directed me to Professor Alan Uzelac at University of Zagreb related to Croatia’s recent recognition of law clinics as possible legal aid providers in the national legal aid bill. Professor Uzelac sent me the text of their 2008 Legal Act, which has been amended through recommendations of a clinical effort. The current law has not been translated into English, but he said the law clinic part had not changed much from the 2008 version he sent me. I have not reviewed the substance of those provisions.

Mr. Stege also reported that South African law clinics have opportunities to be funded in at least three ways: university funding; as a training “station” for candidate attorneys, which is recognized by the law societies (their form of required apprenticeship);<sup>11</sup> from a fund administered by the South African University Legal Clinic Association (SAULCA) through the AULA Trust. He assumed that each of these might have associated standards to qualify, but he did not know the specifics and I have not researched that either.

Nigeria has a well-developed national association NULAI (Network of University Legal Aid Institutions). In a recent email, NULAI’s program director (and GAJE Board Member), Odi Lagi, told me that, prompted by a new mandatory requirement for clinics in Nigeria, the organization sought funding from the Open Society Justice Initiative to support development of best practices and standards. While this had appeared promising, it did not occur, and NULAI has been seeking other ways to support a Best Practice project.

Bridges across Borders Southeast Asia Clinical Legal Education (BABSEACLE) has some general criteria, which they press clinical programs they aid, to comply, e.g., working toward a program for academic credit. As to more developed Standards or Best Practices, Bruce Lasky, BABSEACLE Co-Director and GAJE Board Member, said in an email on May 16, 2018, “nothing overly formal out of this region. We have been engaged in baseline research in places like Myanmar, but the results are still too early to be used.”

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<sup>10</sup> <https://rlc-deutschland.de/en/>.

<sup>11</sup> Section 52 of <http://www.lssa.org.za/upload/RulesForTheAttorneysProfession2016.pdf>.

## ANNEX B. GLOSSARY OF TERMS

### GENERAL EDUCATIONAL TERMS

The glossary's point is not that the definitions below are generally the "right ones" if they are used differently in Ukraine. Rather it is to be sure that we are talking about the same things when we use a term rather than "comparing apples to oranges."

**Course or class:** In the US, we refer to a particular subject offered over a semester for an amount of credit as a "course," e.g., Criminal Law is a course taken by a law student. We also might refer to it as "a class," e.g., "My classes this semester are Criminal Law, Constitutional Law, Civil Procedure, and Research and Writing." We also sometimes use "class" to refer to an individual class, e.g., Tuesday's class was on *mens rea*.

**Curriculum:** The Merriam-Webster dictionary defines curriculum as a set of courses constituting an area of specialization, e.g., the engineering curriculum, or the courses offered by an educational institution. We often speak of a law school's curriculum, which may mean the total of its educational program. We also might refer to related parts of a law school's offerings meaning related courses in a particular area, e.g., the criminal law curriculum, the clinical curriculum.

**Credits:** The measurement unit for how much is credited toward the overall requirements for completing a degree. ABA Standard 301 says a law school "credit hour" should reasonably "not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks" or the "equivalent amount of work" in other academic activities including experiential education as defined below. By ECTS measurement, an ECTS credit usually is about 150 to 200% of a US credit, e.g., a four-credit US course might be six or eight ECTS credits.

**Clinical Course:** In the US and many other countries, a clinical course will have a single title with a total number of credits awarded for a combination of the students' clinical work on client matters plus whatever classroom sessions, readings, and other assignments are designed to prepare students for and support their clinical work.

**Classroom Component:** Clinical teachers sometimes refer to the classroom sessions, readings, and assignments aside from client work as the "classroom component" or perhaps the "seminar portion" of a clinical course. Often a total number of credits is assigned for the course as a whole although sometimes the amount of credit for the clinical work and the classroom component might be designated for one purpose or another.

**Clinical Program:** This term is sometimes used to refer to the overall clinical offerings of a law school, e.g., referring to a law school's clinical program is somewhat the same as referring to the law school's clinical curriculum. It also may be used to refer to clinical offerings of law school that are different in structure and content from each other, e.g., an in-house criminal defense clinic, an in-house civil practice clinic, and an externship course might be referred to by a law school as three of their clinical programs.

## TYPES OF COURSES AND CLASSES

**Experiential course:** This is the term used in American Bar Association Accreditation Standard 303 requiring 6 credits experiential education for a JD degree. It encompasses in-house clinics in which students advise or represent clients or serve as third-party neutrals in real matters, field placements outside the law school in which students work perform lawyering tasks in real matters, or students working on simulated lawyering tasks that could be encountered in real matters. Students normally must get 80-90 credits over six semesters to graduate—so a bit under 10% minimum of total credits for graduation. The student work hour to credit ratio is measured differently in ECTS versus US credits.) The report text outlines the six requirements in ABA 303(a) for an experiential course to satisfy the graduation requirement.

**In-house/live client clinical course:** Students represent (interviewing, counseling, legal research, drafting) clients and representation work is a major part of their coursework. ABA 303(a) and (c) use the term “law clinic” for this type of course.

**In-house clinic or clinic:** The entity in which students do their clinical/experiential work although the terms are sometimes also used to describe the course.

**Field placement/externship clinical course:** Students do “real” work in agencies outside the law school with supervisors who are not law school employees, e.g., with judges or prosecutors.

**Simulation course:** Students practice lawyering skills on hypothetical cases, e.g., role play interviewing and counselling.

**Classroom component of an experiential course:** Classroom sessions (with assignments) to prepare students for their experiential work. Classroom components in in-house and externship courses often use simulation exercises to train students for their “real” work.

## **PES OF WRITTEN MATERIAL DISCUSSED IN THE SCOPE OF THIS PROJECT**

**“Text” (for students):** assigned material for students, which might be a single **textbook** or a collection of readings or some video resources. US law school texts usually involve a considerable amount of primary material, e.g., appellate cases, trial transcripts, notes to a client file, which students must use to construct their own learning. Restatements or summaries of law often are used for student reference but usually are not a course’s “text,” although excerpts from them may be part of the course readings.

**“How to Manual” on establishing a clinic (for teachers):** This would be a document useful for teachers on matters like working with your university on the regulation on structural unit, people to consult with, things to have in place, need for a procedures manual.

**Background on clinical education (for teachers):** This would encompass topics beyond “establishing a clinic” to choices about case selection, to specialize or not, teaching, more depth on topics. This function may be met through a clinical law journal, e.g., the UK INTERNATIONAL JOURNAL OF CLINICAL LEGAL EDUCATION, US CLINICAL LAW REVIEW, or some other kind of web forum.

**Best Practices (for teachers & for references in dealing with others, e.g., deans, rectors):** Based on an analysis of the national and international experience; identifies considerations and items to be addressed; can be debated whether Best Practices should state minimums, be aspirational, or seen as suggestions; not exact prescriptions of “how.” The Ukrainian Standards already provide much of this information. The new monitoring process reports have also gathered such information.

**Clinic Procedures Manual (for students, teachers, & administrative personnel of the clinic):** Distributed to students but also outlines for teachers and staff the procedures that will be followed in this particular clinic. A “model” stating items to be included is useful, but each clinic must have its own specific version.

**Syllabus (for the student):** States clear expectations on things like attendance, grading criteria, hours that must be devoted, class schedule, class topics, assignments (with due dates).

**Course description (officially approved, in the law school catalogue):** Basic of what is covered, how many credits, whether there are prerequisites.

**Teaching plan (US definition):** In the US, we would use this to mean the teacher’s own individual plan for each class and overall for the class, e.g., class activities. Many US textbooks have a “Teacher’s Manual” to help with this.

**“Teaching plan” (Ukrainian):** As I understand the Ukrainian usage of this term, it equates to what in the US we would call the overall graduation requirements for a particular degree, e.g., how many credits in what subjects, plus other things the school may require about how courses are taught. The US has no overall concept like this in higher education.

**“Regulation on structural unit” (Ukrainian):** New regulation will apply to clinics. US does not have direct equivalent.

# ANNEX C.

## A SAMPLE U.S. CLINICAL COURSE: THE CATHOLIC UNIVERSITY OF AMERICAN FAMILIES & THE LAW CLINIC

### DETAILED SYLLABUS DISTRIBUTED TO STUDENTS

#### The Catholic University of America Families and the Law Clinic Detailed Syllabus: Fall 2018

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**Location:** Room 220. On occasion we will meet in other classrooms, 217, Haislip, Slowinski, the CCLS Library, or the D.C. Superior Court. Any changes will be posted in the clinic and announced via TWEN.

#### **Professor/Supervising Attorney:**

Catherine F. Klein  
(202) 319-5679 (direct)  
(202) 319-6788 (CCLS office)  
[klein@law.cua.edu](mailto:klein@law.cua.edu)

**Course Overview:** The Families and the Law Clinic (FALC) is designed to help students apply and develop their substantive legal knowledge and cultivate lawyering skills by representing individual clients primarily within a particular area of practice: domestic violence, family, and immigration law. Through our work, the Families and the Law Clinic provides individualized instruction to students, building experience and confidence with legal practice that is transferrable to any legal field. Skills developed in the clinic include: oral argument, trial advocacy, legal interviewing, witness preparation, client counseling, negotiation, professional collaboration, critical thinking, problem-solving, decision-making, case preparation, fact investigation, legal research and analysis, writing, ethics, professionalism, advocacy, and discovery practice. The Families and the Law Clinic also aims to instill in our students a commitment to public service and advancing social justice.

Students will assist victims of domestic violence in obtaining temporary and permanent restraining orders in D.C. Superior Court. Students may also represent clients in general domestic relations litigation addressing issues such as divorce, custody, visitation, property, distribution, and child support, or in immigration matters such as handling Special Immigrant Juvenile Status cases (in MD and/or DC). In addition to individual client representation, each student will work on a community project during the course of the semester. Recent projects have included volunteering at the D.C. Superior Court Family Court Self-Help Center, running a legal information clinic at a local emergency domestic violence shelter, and drafting reports for the District of Columbia's Domestic Violence Fatality Review Board. Students who are eligible will be court certified in the District of Columbia and Maryland.

Students are expected to spend a minimum of 20 hours per week working at the clinic. Three (or more depending on the week) of the hours will be spent attending a weekly seminar class that focuses on skill building, professional responsibility, and substantive domestic violence and domestic relations law. Faculty members meet with students weekly and offer ongoing feedback regarding student performance on casework and in class simulations.

### **Course Learning Objectives and Goals:**

The Families and the Law Clinic gives student attorneys the opportunity to represent clients with real legal problems. The students handle a full range of family law, immigration, and other issues as they affect clients who have been victims of domestic violence. Students are expected to take full responsibility for client representation, working under close faculty supervision.

FALC students will:

- Develop the critical skill of self-assessment -- FALC helps students learn from experience during clinic, thereby laying the foundation for doing so throughout their professional careers;
- Develop a range of lawyering skills needed to serve clients;
- Benefit from the deep learning that occurs when theory is wedded to application and reflection;
- Consider how race and ethnicity are connected to poverty, and how poverty affects the choices available to their clients;
- Consider the dynamics of domestic violence and its impact on clients, both as a way to build competence in this important area and as a model for approaching important moral, ethical and legal issues;
- Assume the role of lawyer and take full responsibility for and ownership over their cases and community projects;
- Develop and exercise sound ethical and professional judgment; and
- Connect with the legal profession's commitment to service, develop competencies and interests that guide and inspire future pro bono service to the community, and facilitate access to justice for the low-income community in the District of Columbia.

### **Supervision Meeting**

At least once a week, your supervising attorney will want to meet with each student team to discuss any cases you are handling. Attendance at these weekly meetings is required, and your preparation for and participation in these sessions will be among the factors considered in your grade. Each team will be responsible for developing the agenda for the meeting. The agenda should be placed in my student mailbox the day before the meeting. After all students have submitted their availability, we will set up a schedule for these weekly meetings.

### **Community Outreach Project**

Students will participate in a Community Outreach Project. This semester, most students will participate in assisting pro se people at the Superior Court's Self Help Center, located at 500 Indiana Ave. NW.

### **Assessment**

Please see Appendix, "Families and the Law Grading Criteria," in the *Columbus Community Legal Services Policies and Procedures Manual*.

### **Class Attendance**

Class attendance is mandatory and this includes arriving to class on time. Any student who is unable to attend or will be tardy must notify me in advance where possible or as soon as possible after the absence where advance notice is not possible. We reserve the right to lower a student's grade for absences and tardiness. If you miss class or clinic hours, your supervising attorney may ask the Dean's office to exclude you from the course.

**Timely Submission of Written Assignments:**

We expect you to submit written class assignments on time unless you obtain prior permission from your supervising attorney. While serious illness and other unavoidable circumstances may excuse late written work, computer malfunctions do not. Meeting deadlines is a big part of being a good attorney, so you should develop this habit. Late submissions will affect your grade on the assignment.

**Laptop Policy:**

Laptops, cell phones, and other electronic devices should be turned off and put away by the beginning of class. If for some reason you require the use of a laptop, please see Catherine Klein individually.

**Office Hours**

Each student will set up a schedule of regular weekly office hours. If you have to modify your hours, please let Marissa Chevalier know.

If you need to consult with me outside of our scheduled weekly meeting time, you may send me an e-mail scheduling a time. In addition, you may come to my office at any time and, if I am not busy with other matters or other students, I will meet with you.

**Policies:****District of Columbia Rules of Professional Conduct (revised effective February 1, 2007):**

As a student in the Families and the Law Clinic you will be working with clients. In this capacity you are required to comply with the District of Columbia Rules of Professional Conduct. You may consult the rules online at:

[http://www.dcbart.org/for\\_lawyers/ethics/legal\\_ethics/rules\\_of\\_professional\\_conduct/amended\\_rules/index.cfm](http://www.dcbart.org/for_lawyers/ethics/legal_ethics/rules_of_professional_conduct/amended_rules/index.cfm). These rules impose professional obligations in addition to both the University and the Law School honor codes, which you are required to uphold.

**Maryland Lawyer's Rules of Professional Conduct:**

As a student in the Families and the Law Clinic you may be working with clients with matters in the MD courts. In this capacity you are required to comply with The Maryland Lawyer's Rules of Professional Conduct. You may consult the rules online at:

<http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=>. These rules impose professional obligations in addition to both the University and the Law School honor codes, which you are required to uphold.

**Academic Honesty:**

The Rules of Professional Conduct for Law Students (the Honor Code) applies to conduct of law students from the time a law student registers in the law school until graduation. The Rules of Professional Conduct for Law Students are located in the Announcements and posted to the web at:

<http://law.cua.edu/academic/announcements/lawannouncementsbook.pdf>. Allegations of violations of these rules, including allegations of academic dishonesty, are brought before the Honor Board for investigation and possible adjudication. In addition to the Law School Honor Code, students are also bound by the University's Academic Honesty policy found at:

<http://policies.cua.edu/academicundergrad/integrityprocedures.cfm>. Academic honesty is expected of all students. Neither the Law School nor the University will tolerate violations of academic honesty.

**Disability Accommodations**

Students should inform me if they are entitled to classroom accommodations during the course of the semester.

**Columbus Community Legal Services Families and the Law Clinic Policies and Procedures Manual:**

This Manual offers guidance on the day-to-day operations of CCLS and the standards that govern your work here.

**TWEN:**

Students are required to register for the FALC TWEN site. FALC faculty will periodically post and distribute documents and information through TWEN. Students are expected to be familiar with the contents of the TWEN site and regularly check the email address registered to TWEN to ensure they receive all course-related messages.

**Writing Portfolio Option:**

Consistent with the Academic Rules regarding the law school's writing requirement, a student who is currently enrolled in one of the CCLS clinics for 5 or 6 credits may, with the approval of his or her supervisor, elect to satisfy one upper division writing requirement through a portfolio developed during the semester. The portfolio must consist of three, original, practice-oriented documents. To comply with the Academic Rules, students must submit at least one substantial draft of each document. The supervisor will provide written feedback on the draft(s) and the student must then produce a final product that incorporates the supervisor's feedback.

Any student who wishes to satisfy an upper division writing requirement through a CCLS clinic, must notify his or her clinic supervisor within three weeks of the start of the semester. The notification must be in writing using a CCLS notification form. This option must be discussed with and approved by your supervisor. Developing a portfolio after the semester is completed is not permitted.

By mid-semester, any student working on a portfolio must submit a proposal to the supervisor identifying the writing products that the student plans to include in his or her portfolio and a timeframe for completing the documents.

The student will be responsible for maintaining the drafts of each portfolio piece. Once the final version of each writing product has been approved by the supervisor, it is the student's responsibility to submit i) a file containing all drafts, comments, and final versions of each writing product and ii) a completed portfolio certification form (available in the Registrar's office) to the CCLS supervisor. Once the supervisor has signed the certification form it is the student's responsibility to submit the form to the Registrar. The writing portfolio must be completed by the end of the semester in which the student is enrolled.



**THE CATHOLIC UNIVERSITY OF AMERICA**  
**THE FAMILIES AND THE LAW CLINIC**  
**SYLLABUS: FALL 2018**

|                                    |  |  |             |
|------------------------------------|--|--|-------------|
| <b>August 21</b>                   | <b>1:00-3:45</b>                       | Columbus Community Legal Services<br>Orientation; Realities of Poverty<br>& Access to Justice<br><i>Bring laptop to class to set up CCLS<br/>email account</i> |             |
| <b>August 23<br/>(Thursday)</b>    | <b>1:00-3:45</b>                       | Domestic Violence Law/CPO Practice   |             |
| <b>August 25<br/>(Saturday)</b>    | <b>10:00-4:00</b><br><br><b>**9:30</b> | Client Interviewing<br>Filing Workshop and CLIO Training<br><i>(Breakfast available in CCLS office;<br/>Lunch will also be provided)</i>                       |             |
| <b>August 28</b>                   | <b>1:00-3:45</b>                       | Domestic Relations Law/ SIJS   |             |
| <b>August 30<br/>(Thursday)</b>    | <b>2:00-3:45</b>                       | Legal Drafting   |             |
| <b>September 4</b>                 | <b>1:00 – 3:45</b>                     | Case Theory and Fact Investigation   |             |
| <b>September 7</b>                 | <b>9:30 –10:30</b>                     | <b>Meeting at DC Superior Court</b>  | <b>DVIC</b> |
| <b>September 11</b>                | <b>1:00-3:45</b>                       | Interviewing Continued--<br>Multicultural Communication  |             |
| <b>September 13<br/>(Thursday)</b> | <b>1:00-3:45</b>                       | Limited Assistance/Rounds  |             |
| <b>September 18</b>                | <b>1:00 – 3:45</b>                     | Client Counseling &<br>Trauma-Informed Lawyering Practices   |             |
| <b>September 25</b>                | <b>1:00 – 3:45</b>                     | Negotiation  |             |
| <b>October 2</b>                   | <b>1:00-3:45</b>                       | Evidence   |             |
| <b>October 9</b>                   |  | No Class: Administrative Monday  |             |
| <b>October 16</b>                  | <b>1:00 – 3:45</b>                     | Opening Statements/Closing Arguments   |             |
| <b>October 23</b>                  | <b>1:00 – 3:45</b>                     | Trial Preparation/Advocacy Skills  |             |

|                      |                  |   |
|----------------------|------------------|---|
| <b>October 30</b>    |                  | No Class  |
| <b>November 6</b>    |                  | No Class  |
| <b>November 13</b>   | <b>1:00-3:45</b> | End of the Semester Procedures &<br>Reflections<br>Course Evaluations |
| <b>November 20</b>   |                  | No Class  |
| <b>November 27</b>   |                  | No Class  |
| <b>November 30</b>   |                  | LAST DAY OF LAW SCHOOL CLASSES  |
| <b>December 3-6</b>  |                  | READING DAYS  |
| <b>December 7-19</b> |                  | FINAL EXAMINATION PERIOD  |

## GRAPHIC ILLUSTRATING THE CREDIT COMPOSITION

### CUA FAMILIES & THE LAW CLINIC (FALC)

The course is a 6-credit “package.” The centerpiece is the students’ work on cases. Meetings with the faculty supervisor, the classroom component, readings assigned, and the manual all are designed to support the students’ casework with the dual objectives of maximizing student learning and providing quality service to the client.

To put 6 credits in context, CUA requires 84 credits over 6 semesters for graduation. The ABA accreditation standards require at least 83 credits. ABA Standard 310 provides a “credit hour” should be at least 45 hours per semester (three hours per week for fifteen weeks, which may include one week for examinations). Many law schools calculate the ratio of total student effort per credit at 50 to 60. In my understanding, 1 US credit usually equals 1.5 to 2 ECTS credits so a 6-credit course would be equal to 9-12 ECTS credits.

FALC students spend about 42 hours in class in the semester and are expected to spend at least 20 hours a week on clinic casework including meeting with their supervisor over 14 weeks so 480 hours.  $480+42=522$  hours of student effort as the minimum.

## THE CENTERPIECE

### FALC STUDENTS’ CASEWORK

20 hours a week x 14 weeks=480 hours (minimum) including at least 1 meeting with faculty supervisor per week

*supported by*

### FALC CLASSROOM MEETINGS

3 hours a week x 14 weeks=42 hours. The seminar hours are “frontloaded” to get students ready for their clinic work. Hence, there are more class meeting hours at the beginning of the semester.

**MANUAL**

**COLUMBUS COMMUNITY LEGAL SERVICES  
FAMILIES AND THE LAW CLINIC  
POLICIES AND PROCEDURES MANUAL**



**Fall 2018**

## **TABLE OF CONTENTS**

|  |          |
|--|----------|
| <b>SECTION ONE COLUMBUS COMMUNITY LEGAL SERVICES .....</b>                         | <b>1</b> |
| • Mission Statement .....  | 1        |
| • Program Description .....  | 2        |
| • Classroom Component & Rounds .....   | 3        |
| <b>SECTION TWO ROLE AND RESPONSIBILITY OF STUDENT ATTORNEYS .....</b>              | <b>3</b> |
| • Role of Student Attorneys and Time Commitment .....                              | 3        |
| • Professional Responsibility and Student Practice.....                            | 4        |
| • Confidentiality .....  | 5        |
| • Confidentiality and Electronic Communications.....                               | 5        |
| • Unauthorized Practice of Law .....   | 7        |
| • Students Certified To Practice Under Rule 48.....                                | 7        |
| <b>SECTION THREE SUPERVISION AND EVALUATION .....</b>                              | <b>7</b> |
| • Supervision .....  | 7        |
| • Evaluative Process .....   | 8        |
| • Midterm Evaluations of Student Attorneys .....                                   | 8        |
| • End-of-semester Evaluations .....  | 8        |
| • End-of-semester Evaluation of CCLS.....  | 8        |
| <b>SECTION FOUR OFFICE OPERATING PROCEDURES AND GUIDELINES .....</b>               | <b>9</b> |
| • Office Hours .....   | 9        |
| • Conflicts Check and Prior Employment History of Student Attorneys .....          | 9        |
| • Work Areas for Student Attorneys .....   | 9        |
| • Supplies, Forms and Use of Office Equipment .....                                | 10       |
| • CCLS Computers.....  | 10       |
| • Guidelines for Use of the CCLS H Drive .....                                     | 11       |
| • Mailboxes and Messages .....   | 12       |
| • Telephone Calls and Fax Transmissions.....                                       | 13       |
| • Appointments with Clients and Other Clinic-related Meetings .....                | 14       |
| • Notary Public.....   | 14       |
| • Interpreting Services .....  | 15       |
| • Tickler System.....  | 15       |
| • Approval of All Written Work and Getting Drafts in Final Form .....              | 16       |
| • Filing Papers with the Court and Payment of Filing Fees .....                    | 16       |
| • Arrangements for Payment of Court Costs and Reimbursement for Expenditures ..... | 18       |
| • Obtaining a Process Server .....   | 19       |
| • Safety Guidelines.....   | 19       |

|  |           |
|--|-----------|
| <b>SECTION FIVE CASES .....</b>  | <b>21</b> |
| • Client Eligibility .....   | 21        |
| • Transferred Cases and Initial Case Memos .....   | 21        |
| • Review of Transferred Cases and Initial Case Memo .....  | 22        |
| • Introductory Letters and/or Meetings with Transferred Clients.....   | 22        |
| • Intake Procedure for New Cases .....   | 22        |
| • Case Files .....   | 24        |
| • Guidelines Governing What Should Be Included in Every FALC Paper Case File.....  | 24        |
| • End-of-semester Obligations.....   | 28        |
| • Transfer of Cases .....  | 29        |
| • Instructions on Format for Transfer and Closing Memos.....   | 29        |
| • Procedures for Closing a Case .....  | 31        |
| <b>SECTION SIX RESOURCES: CCLS AND THE LAW SCHOOL.....</b>   | <b>33</b> |
| • CCLS Resources.....  | 33        |
| • CCLS Library .....   | 33        |
| • University and Law School Faculty.....   | 34        |
| <b>APPENDIX A FORMS .....</b>  | <b>35</b> |
| <b>APPENDIX B FAMILIES AND THE LAW CLINIC GRADING<br/>CRITERIA .....</b>   | <b>54</b> |
| <b>APPENDIX C CCLS POLICY FOR THE ADMINISTRATION OF THE WRITING<br/>PORTFOLIO OPTION .....</b>                                     | <b>58</b> |
| <b>APPENDIX D SUPERIOR COURT OF THE DISTRICT OF COLUMBIA<br/>ADMINISTRATIVE ORDER 07-14 (Exemption from Electronic Filing.....</b> | <b>60</b> |

## MISSION STATEMENT

### COLUMBUS COMMUNITY LEGAL SERVICES

Columbus Community Legal Services provides a legal clinic for students of the Columbus School of Law at The Catholic University of America. We strive to maintain high quality services to our clients and to our students as we stay current with legal education trends and connected to other law schools. Maintaining solid, healthy, creative programs is important to sustain our outstanding achievements in legal education and within the legal community. Through four program areas -- the Civil Practice Clinic, the Families and the Law Clinic, the Advocacy for the Elderly Clinic, and the Low Income Taxpayer Clinic -- we work to meet the following goals:

- contribute to the making of competent lawyers;
- provide quality legal services using a client-centered focus;
- improve the quality of life for low-income residents of the District of Columbia;
- provide opportunities for students to learn about the needs of the low-income community and how they can contribute to the remedies;
- help students explore strategies on how to build successful relationships in a law office;
- provide a multi-disciplinary model for lawyers as they address domestic violence and other social issues;
- raise the awareness of, and encourage, lawyers to demand professional satisfaction from their work and a balance of their professional and personal lives; and
- encourage students to value collaborative work with clients, the communities served, and with other lawyers.

In addition to these goals, our FALC program not only provides legal assistance to victims of domestic violence, they also provide systemic advocacy and work diligently to eradicate domestic violence. Changing attitudes and systemic responses to domestic violence and other social issues is another important component of our mission.

Within the Columbus School of Law, we recognize that CCLS fills a novel niche in the University's legal education curriculum. CCLS is:

- a **capstone course** that pulls together a student's legal education, allowing them to put into practice all they have learned in the classroom;
- a **challenging, cutting-edge learning experience**;
- a **vehicle of information** for the law school, and the University at large, providing insights on real-world social issues and their impact on the profession;
- a **structured part of the law school that fulfills the University's mandate** for community outreach;
- a **law office** focused on quality teaching and learning experiences while providing quality service to low-income clients; and
- a **model** that demonstrates the importance of *pro bono* work and how everyone benefits from it.

We strive to have an efficient, professional law office dedicated to helping the community, educating law students, and identifying and expanding on individual talents of CCLS staff. We also strive to provide an efficient orientation for new interns so that they understand our organizational policies and the different roles of staff so they can contribute their talents faster. We want to maintain a team of professionals that fulfills their individual responsibilities and supports the effective functioning of the organization as a whole.





## **I. COLUMBUS COMMUNITY LEGAL SERVICES**

### **A Description**

CCLS came into being in 1969, in response to student demand for an opportunity to use legal training in the service of the community. Initial funding was provided by a substantial grant from the Council on Legal Education for Professional Responsibility (CLEPR). In 1975, the University received a grant from the Meyer Foundation which allowed for the purchase of a building which CCLS occupied until we moved to the law school in 1994. Over the years, the strong commitment of the Law School and generous support from outside sources has nourished and enhanced CCLS as a resource to the community and a unique learning opportunity for students.

### **Families and the Law Clinic**

In 1979, CCLS created the Family Abuse Project to provide legal representation to victims of domestic violence. Over the years, partial funding for the Project has been provided through the D.C. Bar Foundation. This project continued to grow and in 1993, CCLS received a substantial grant from the U.S. Department of Education to create a new clinic within CCLS, the Families and the Law Clinic (FALC). FALC is designed to provide individual representation to victims of domestic violence, as well as community legal education and advocacy on domestic violence and related issues.

### **The Immigrant and Refugee Advocacy Clinic**

The Immigrant and Refugee Advocacy Clinic [IRAC] offers students the opportunity to represent, under the supervision of a clinic attorney, low-income immigrant and refugee clients living in D.C., Virginia, and Maryland. IRAC assists clients with immigration matters as well as related civil matters that affect or relate to the client's immigration or refugee status. Our clients include adults as well as unaccompanied minors. Students eligible for certification under court Student Practice rules may have the opportunity to present their clients' cases in court and all students are eligible to advocate on behalf of clients with local and federal administrative agencies. Students also participate in limited legal assistance projects or policy reform initiatives. The classroom component of the course includes participatory exercises in interviewing, fact investigation, counseling, negotiation, trial skills, and structured discussion of legal ethics, case law and statutory developments.

### **Low Income Taxpayer Clinic**

CCLS's LITC will provide representation to low-income taxpayers in controversies with the IRS dealing with such issues as return filing, IRS correspondence examinations and IRS face-to-face examinations, IRS collections, and appeals to the IRS. CCLS's LITC will also assist taxpayers with judicial review before the United States Tax Court as necessary. The clinic will also develop a tax payer education workshop which will cover such topics as an overview of the IRS and Federal Income Tax systems, the importance of proper completion of the W-4, different filing statuses, dependents, deductions and various tax credits, specifically, but

not limited to, Earned Income Tax Credit, home ownership credits, child credits and education credits. At each tax payer education workshop tax payers will also have an opportunity to obtain limited advice and consultation regarding their personal tax issues. The LITC will advertise and pull clients from the greater Washington DC metropolitan area including, Washington DC, Prince George's County and Montgomery County, Maryland; Fairfax County, Arlington, and Prince William County, Virginia.

### **Veterans Advocacy and Estate Planning Clinic**

Will advocate for the rights of those who have served our country in the armed forces and have been denied veterans' benefits. In addition, students will provide estate-planning services to both veterans and non-veterans alike. Student attorneys will draft wills, trusts, health care directives and powers of attorney.

### **Location**

The main office suite of CCLS is on the first floor of the law school building across from the locker area; CCLS also has an additional office annex and student work space adjacent to the law school's loading dock area on the first floor of the building. The CCLS main office entrance is located at 3602 John McCormack Road, N.E. It is accessible by the Brookland metro station which is on the red line.

### **Classroom Component & Rounds**

One three-hour seminar is conducted weekly as part of the clinical course requirement. The seminar includes classes on substantive areas of law, interviewing, counseling, negotiation, case theory, trial technique, ethical issues, and community service. Due to the importance of class participation and the small size of the clinic class, you must attend all classes unless excused by your supervising attorney.

Approximately four times during the semester we will spend the last forty-five minutes to one hour in rounds sessions. During rounds you will meet in smaller groups to discuss issues arising in your cases or community projects. Rounds can also be used as a time to discuss related policy issues of interest to the small group. While a FALC attorney will be present at all rounds sessions, they will not facilitate the discussion. Instead, students will be responsible for planning and facilitating rounds in accordance with the law firm model discussed in class.

## **II. ROLE AND RESPONSIBILITY OF STUDENT ATTORNEYS**

### **Role of Student Attorneys & Time Commitment**

Columbus Community Legal Services is a law firm. We are located within a law school but we remain a law firm with all of the ethical obligations which that entails. You are not simply

students enrolled in a course or interns working for an attorney, but you are associates in the law firm.

In references throughout this manual, we have used the title student attorney. **However, please note that only those students who are officially certified can use the title student attorney or Acertified student attorney. Students who have not been officially certified should use the title legal intern or law student intern.** When speaking with opposing counsel or other individuals regarding clinic matters, students should avoid misleading anyone into concluding that he or she is an attorney.

You have primary responsibility for meeting the needs of your clients and protecting their interests in accordance with the D.C. Rules of Professional Conduct. While you will be working under the supervision of FALC faculty/attorneys, you are responsible for communicating with your clients, meeting deadlines, developing case strategies, and generally moving your cases forward. You are responsible for juggling your responsibilities and managing your time.

If your workload is too heavy or you are having trouble meeting a deadline, you must advise your team colleague and supervisor as soon as possible. Just as an attorney in practice must plan ahead, you must be thinking ahead during the semester about how you will balance your clinic commitments with other academic obligations.

You are expected to spend approximately 20 hours per week, including the three hours you spend in the FALC seminar every week, on clinic-related activity. However, there will be weeks during the semester when you will be spending more than 20 hours per week in the clinic. The demands of the various cases we have and the deadlines imposed by court and administrative rules do not always come in seventeen hour, weekly segments. You are expected to do what your cases require of you, however, we understand that you have other obligations in addition to the clinic. If you feel overwhelmed by your workload and find yourself spending many more than 20 hours in the clinic, please discuss this with your supervisor.

Because we represent actual clients in D.C. Superior Court, our schedules can be unpredictable. To the extent possible, you can try to schedule your hearings and clinic commitments in a manner that compliments the rest of your academic schedule. However, there may be times when a hearing is scheduled during a time you have another class. Your first obligation is to your client. You must plan to attend the hearing or discuss the matter with your supervisor and try to find an alternative solution. We are available to write letters or speak with other professors to alert them of any time conflicts. Similarly, if you have a court date that falls during a holiday break, you are responsible for ensuring that the date is changed or that someone else can cover. If you are not able to find someone to cover, you are responsible for being there.

### **Professional Responsibility & Student Practice**

Although you are not yet a licensed attorney, we expect you to adhere to the ethical conduct required of attorneys. The District of Columbia Rules of Professional Conduct apply to all actions you undertake during the course of your tenure at the clinic. You should have carefully read the rules

before the semester started. Make sure you are familiar with the rules and have them accessible to you during the semester. There are many resources available to aid you in answering questions as to their application including: case law and advisory opinions; the supervising CCLS faculty/attorneys, and the District of Columbia Bar Association, Office of Bar Counsel (331-3883). We want to highlight a few important issues for you.

## **Confidentiality**

One of the responsibilities of an attorney is the obligation to insure the client's privilege of confidentiality (Rule 1.6). All meetings with clients and discussion of cases must be in private. You should meet alone with the client. If your client insists on having a friend or other third party present, make sure you explain the risks to confidentiality involved when a third party is in on a conversation between lawyer and client (unless the third party is serving as a language interpreter). Check with a FALC supervisor before proceeding with any interview in which a third party is present.

Be careful when discussing cases outside of the clinic. If you and your partner or another student attorney are discussing a case in the presence of non-CCLS individuals, do **not** refer to the client by name or provide any information which would enable another person to identify the client. Do not leave client names or identifying information when you leave messages on your partner's answering machine. Even within the clinic you should use caution. Frequently, CUA cleaning staff, public safety personnel, and computer personnel are walking through the office.

In order to ensure client confidentiality, only CCLS students are allowed beyond the reception area of the office. **If you have friends who come to see you at the clinic, you must meet with them in the reception area only.** This applies during normal work hours as well as during the evening and weekends.

Client files must be handled carefully so as not to breach confidentiality. Client files should remain in the office. If you need to remove a file in order to take it to a hearing, deposition, meeting or other case-related event, you must first get approval from a FALC supervisor. Once permission has been obtained to remove the file, you should add a note in the hanging file folder in the drawer where the file is normally kept that indicates the date you are removing the file, that you have the supervising attorney's permission, where you can be reached, and when you will return the file.

In instances where you are performing work on clinic matters outside of the clinic office, you have a professional responsibility to ensure that client matters remain confidential. Therefore, any documents you are reviewing or drafts you are writing must be stored in a secure location, inaccessible to individuals not affiliated with the clinic.

## **Confidentiality and Electronic Communications**

In recent years, access to alternative forms of communication among lawyers, clients, and other members of the public have continued to grow. In the event that you choose to communicate via

computer or other electronic means, it remains your responsibility to protect your client's confidence and to ensure that your choice of communicating electronically meets with the approval of the supervising attorney. Thus, when using unencrypted electronically transmitted messages, you must take reasonable steps to protect your client's confidence.

In the event that you communicate electronically through such outlets as the Internet, blogs, chat rooms, or other electronic forums, you should take great care not to reveal a confidence or secret of your client. Although it might be your intention to have the matter that you are communicating remain private, the very public nature of these outlets pose a substantial risk to the client's privilege of confidentiality.

E-mail messages must be approved by the supervising attorney before being sent. In such instances, simply print out a draft of the proposed e-mail message and have it initialed, put the initialed draft in the file, and index it just like any other correspondence.

In instances where you and your supervising attorney determine that it is appropriate to communicate electronically regarding case-related matters, you should use the following language at the bottom of your e-mail communication:

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments are confidential and protected by the attorney-client and/or work-product privileges. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify us immediately by returning it to the sender and deleting any copies from your system. Please also call 202-319-6788 for assistance. Thank you for your cooperation.

The text of the confidentiality notice is available in the CCLS admin folder on the H drive and appears under the heading Aconfidentiality notice. You may access the file directly from your desktop in the clinic and paste the text at the bottom of all of your clinic-related e-mail messages.

### **Unauthorized Practice of Law**

Although student attorneys have all the responsibilities and obligations of attorneys, students must not hold themselves out as an attorney to their clients or to the broader community. In other words, you should never introduce yourself as an attorney or sign a document in a way that gives the impression you are an attorney. If someone mistakenly refers to you as an attorney or indicates they think you are one, you must clarify that you are not an attorney. You may identify yourself as a student attorney.

You may give clients information, but you are not authorized to give legal advice unless you have fully consulted with and received approval from a supervising attorney. Sometimes this distinction between information and advice can be difficult to recognize. You can, for

example, give someone information about the basic requirements for getting a divorce in D.C. However, if the client gives you the facts of his/her situation and asks you, based on those facts, whether you would recommend s/he file for a divorce, the client is seeking legal advice. You must consult with your supervisor before giving the client such advice. Otherwise, you are engaging in the unauthorized practice of law under the D.C. Rules.

### **Students Certified To Practice Under Rule 48**

Students who have received certification by the D.C. Court of Appeals may practice in the D.C. Superior Court system on a limited basis, pursuant to the authority of Rule 48 of the District of Columbia Court of Appeals, and the Student Practice Rule of each branch of the Superior Court of the District of Columbia, i.e. Civil, Small Claims, etc. In the application for student practice certification to the District of Columbia Court of Appeals, the applicant is required to certify, inter alia, that they have read the D.C. Rules of Professional Conduct. Some reminders:

1. Do not hold yourself out to your clients, or any other individual, as an attorney. Always identify yourself as a certified law student or a student attorney at CCLS. To do otherwise may constitute unauthorized practice of law.
2. Do **not** appear before a judge without an attorney-supervisor present. In some limited circumstances you may appear without a supervisor if you have the supervisor's prior approval. However, never appear without a supervising attorney's knowledge.
3. All pleadings and other papers filed with the court must be signed by a supervising attorney. Certified student attorneys must also sign their work and include their law student certification number.
4. Appearance Praeceptum -- The Student Practice Rule requires that you enter your appearance in cases on a court approved form which reflects your status and contains the client's consent. You should use the forms available in the office forms drawer in the reception area of CCLS. There are forms available for the Civil Division and the Family Division of D.C. Superior Court.
5. Students practicing pursuant to this rule must give prominent notice in all business documents of the students' status and that their practice is limited to matters related to the District of Columbia or other state, federal, or foreign court or agency that permits their participation.

## **III. SUPERVISION & EVALUATION**

### **Supervision**

Each team of clinic students will be assigned a FALC attorney as the team's primary supervisor. You will receive your case assignments from your primary supervisor. Each attorney supervises a caseload which is transferred every semester to new interns. Also, during the course of the

semester, FALC will intake new cases that will be assigned to students. Students will meet with their primary supervisor at least once a week at a scheduled one-hour meeting.

Generally, students will be working in teams of two on each case. ***Your primary supervisor is the attorney who must approve all letters and written material produced by you for that case.*** FALC faculty will critique students after simulations and after live-client counseling and oral advocacy. In addition to individual case representation, students will be involved in community projects. FALC faculty and staff will supervise and evaluate your work on these projects.

While you will be working primarily with one supervisor on your cases, we will try to create opportunities for you to work with the other FALC attorney during the course of the semester on community projects. If your primary supervisor is unavailable or you would like to get a second perspective on an issue, feel free to discuss the matter with the other FALC attorney.

### **Evaluative Process**

Learning from doing and the constructive evaluation of that process is critical to a student's learning. You will be asked throughout the semester to reflect on your performance and your supervisor will provide you with feedback throughout. Regularly recording your observations and insights in a journal will assist in this process. You and your primary supervisor will also engage in mid-term and end-of-semester evaluation conferences. In addition, students are encouraged to seek ongoing evaluation from: other student attorneys; attorneys; administrative staff; and, if appropriate, from clients and others outside the clinic. (This should always be done without violating the client's privilege of confidentiality.)

CCLS also benefits from ongoing evaluation and interns are encouraged to give office personnel and faculty ongoing feedback during the course of the semester.

### **Midterm Evaluations of Student Attorneys**

Midterm evaluation will be an opportunity to discuss your progress at the clinic and to identify areas of focus for the remainder of the semester. You should consult the FALC evaluation criteria (See Appendix D) to guide you in your midterm self-evaluation.

Prior to the meeting with your supervisor, you must complete a thorough, individual self-evaluation memo and submit it to your primary supervisor. In this memo you should evaluate yourself according to each category outlined in the FALC evaluation criteria. Then, you will have an individual evaluation meeting with your primary supervisor.

### **End-of-Semester Evaluations**

Student attorneys who wish to have further evaluation conferences with supervising attorneys are invited to schedule such meetings.

### **End-of-Semester Evaluation of CCLS**

During the last week of classes, student attorneys will evaluate the clinic using the law school's form for evaluating faculty members. In addition, students are asked to complete the CCLS supplemental evaluation form. Class time is provided for the completion of these forms.

#### **IV. OFFICE OPERATING PROCEDURES AND GUIDELINES**

##### **Office Hours**

The office is staffed from 9:00-5:00, Monday through Friday. Student attorneys may come in before and stay after these hours. However, any student attorney wishing to remain the office after midnight **must** obtain prior permission from the supervising attorney or from the CCLS managing director. As noted previously, CCLS is a law firm and you should consistently seek to conduct yourself in a professional manner while in the clinic. Although attire in the office is generally casual, you are expected to dress appropriately for all court appearances, client interviews, and other in-house proceedings and meetings such as depositions. If you have questions regarding what constitutes appropriate dress, please check with your supervising attorney.

Based on confidentiality issues and guidelines, access to CCLS is controlled and non-clinic students are not permitted beyond the front office area. Entrance to CCLS is gained via the student's university-issued identification card once the card has been activated by security for those students who are officially enrolled in the clinic.

You are expected to be at the Clinic during your scheduled office hours. There are several reasons for this requirement. Clients will need to know when they can reach you by phone at the office. The attorneys and staff need to know when you will be available if they need to speak with you. At times when you cannot be here during your scheduled hours, you **must** inform a member of the administrative staff of your whereabouts. Please give complete information as to your whereabouts (e.g., Family Court on the Doe case, the computer room in the law library, or at client's home, telephone # 555-5555). There is no time clock to punch; however, you should use the sign-in board located in the front office area so that our administrative assistants will know how to direct your callers or visitors.

##### **Conflicts Check and Prior Employment History of Student Attorneys**

At the beginning of the semester, each student attorney will be responsible for listing any current employment, externship placements, past employment (e.g., previous work with a local law firm), and, if you know, your employment after graduation so we can check for potential conflicts with CCLS cases. If any of this information changes during the semester, or if a conflict arises based on a prior affiliation that you had not anticipated at the start of the semester, you must inform your supervising attorney immediately.

##### **Work Areas for Student Attorneys**



At the beginning of each semester, students will have the opportunity to select their work area. Once you have chosen your work area location, please give the extension number of the telephone that is closest to your chosen work area to Marissa Chevalier, the clinic office manager. The student work areas are utilized by student attorneys from each of the CCLS clinics. Thus, there are frequently instances when students have to share work areas. If it becomes necessary, you should try to arrange to share your area with a student attorney whose scheduled clinic hours differ from your scheduled hours. Although student attorneys from the Advocacy for the Elderly Clinic (our evening clinical program) are generally around only during the evening and weekend hours, you should keep your work area neat in the event that the need arises for another student attorney to use your work area when you are not in the office.

Please remember to notify a member of the administrative staff if you are working in a location other than your usual work area. Although you may on occasion choose to work in the CCLS library or conference room, please note that client interviews and previously scheduled meetings have priority and you may be asked to move to a different location.

### **Supplies, Forms, and Use of Office Equipment**

Several commonly used supplies can be found in the supply cabinet in the corridor near the conference room and in the closet located at the front of the office. These supplies are designed for your use on clinic-related matters only. If you are in need of supplies that are not located in the student supply cabinet, please ask a member of the administrative staff for assistance.

Office forms and court forms are located in the file cabinets in the administrative assistants work area. **When you notice that a supply of forms is running low, please inform Marissa. This also applies to general office supplies.**

In the event that any office equipment (e.g., CCLS student computers, the copier, fax machine, etc.) is not working properly, you should report the matter to any member of the clinic's administrative staff. If staff is unavailable at the time, please leave a note or send an e-mail message to Marissa or the managing director that specifies the nature of the problem.

### **CCLS Computers**

There are a limited number of computers available for use in each of the student work areas within CCLS. **In utilizing CCLS computers, please keep in mind that the needs of clinic clients and the needs of clinic students who are doing clinic work must come first.** Thus, students who need to use a computer to conduct research or perform computer work on a non- CCLS matter should use the computers that are available for student use in the Law School's computer lab. Also, because Westlaw and Lexis research can be voluminous and overwhelm the clinic student printer, please exercise care in using any clinic printer for Westlaw or Lexis print jobs, whether those jobs are CCLS-related or not. Except in exceptional circumstances and with prior approval, students may not use computers that are assigned to CCLS faculty or administrative personnel.

Students should not under any circumstances, without prior permission, seek to install software on any of the CCLS computers or reconfigure the computers in any way. In the event of computer malfunctioning, students should report the specific problem to a member of the CCLS front office staff for submission of a help ticket to the CUA Technology Services Department; depending on the problem, you may also be able to get assistance by calling the Tech Services Help Desk at extension 4357.

In instances where the student has made a direct call to the Tech Services Department regarding the issue, students should also be sure and notify a member of the front office staff of the problem and the specific computer affected in the event that follow up is needed and the student is unavailable when someone from the Tech Services Department contacts the clinic to check on the issue.

### **Mailboxes and Messages**

Every student enrolled in the clinic is assigned a mailbox space. The mailboxes are located directly across from the office manager's office. You should check your mailbox every time you come into the Clinic and periodically during the day. Also check it when you are leaving at the end of the day for completed typing, memos distributed during the day, phone messages, and incoming mail or fax communications.

Mailboxes for the CCLS faculty and administrative staff are located in the same area. Each CCLS attorney has a student in-box. Any drafts or other correspondence you have to give to an attorney should go in that attorney's student in-box.

All incoming mail and fax transmissions will be logged in and distributed to the appropriate supervising attorney. The attorney will in turn distribute it to the student attorney assigned to the matter. There may be times when a student attorney will need to review a particular mail item before the attorney has seen it. When this happens, the student attorney must: (1) put a note in the attorney's mailbox with the relevant date, time, client and a brief description of the mail; and (2) return the mail to the attorney's mailbox the same day or a photocopy of the item along with the original note.

All mail **must** be placed in the client's file, tabbed and indexed in the file. If for some reason you need to work with the particular correspondence separate from the file, you should make a copy and label it as such. A copy of the letter actually sent (**i.e., on letterhead and signed**) must be placed in the document section of the file. Do not put the draft or an unsigned copy of the original in the file.

A notebook log is kept of all incoming and outgoing mail. Envelopes imprinted with the CUA logo and the CCLS address are located in the administrative assistant's work area. To ensure that mail is logged out properly, please type your name on each envelope or label above the clinic return address when preparing an envelope for outgoing correspondence.

All outgoing mail is to be sent out through the office and should be put in the office outgoing mail

basket which is located on the cabinet that also holds the fax machine in the front office work area. All mail that is placed in the outgoing mail basket by **11:30 a.m., Monday through Friday**, will be delivered to the post office on the same business day. Otherwise, the mail will **not** go out until the next business day unless you or your partner delivers the outgoing mail directly to the post office or you make appropriate alternative arrangements.

If timing of the mailing is an issue (e.g., in a case where you have filed a document with the court that includes a certificate of service indicating that you have mailed a copy of the document on that same day to opposing counsel) and you have missed the clinic's last mail pick-up for that day, then you are responsible for delivering the item to the post office or otherwise ensuring that it will be delivered as necessary. You may obtain stamps from Marissa. In the event that you have to pay additional mailing fees, please be sure and obtain a receipt for reimbursement purposes.

In situations where a document needs to be delivered immediately (e.g., via same-day courier or next-day express delivery), you should obtain the approval of a supervisor or the managing director prior to finalizing arrangements. Also, keep in mind that all outgoing communications (including fax and e-mail communications) must be approved by your supervising attorney.

### **Telephone Calls and Fax Transmissions**

The telephone number for CCLS is **(202) 319-6788**. You should always use this number when leaving messages or providing a number to clients or other individuals regarding clinic-related matters. The telephones located in the student work areas do not have voice mail available and thus, in the event that you are unavailable to answer the call, you cannot be assured that you will get the message. Also, please inform your clients that, when calling the office to speak with you or someone regarding his or her case, the client should use the main office number of 319- 6788, rather than the number that might appear on the client's caller ID when you have made calls to the client's number.

Case-related long distance calls may be made on an as-needed basis. You should provide the appropriate number to Marissa who will in turn make the call for you and transfer it back to your extension. Personal long distance calls are not permitted.

In certain circumstances, you might need to or wish to use your cell phone or home phone to make client calls. It is permissible for you to do so, however, you should keep in mind that many individuals now have caller ID and by using your phone, you may be disclosing your personal number. There is no expectation that you would ever be required to give a client your personal number. One other factor to keep in mind is that if you have an out-of-state cell phone number, the client may incur additional costs in calling you when using that number. You should discuss this issue more thoroughly with your supervisor before you give a client your personal number.

The CCLS **fax** number is **(202) 319-6780**. The fax machine is located in the front office work area. Fax cover sheets are adjacent to the machine and should accompany all clinic-related facsimile transmissions. All incoming faxes must be logged in and put in the supervisor's box. If the student becomes aware that a case-related fax has arrived and the student wishes to review the fax, then the student must make a copy of the fax and place the original fax in the supervisor's box. All outgoing faxes must be logged and a copy placed in the case file.

### **Appointments with Clients and Other Clinic-related Meetings**

In order to ensure privacy and to minimize interruptions, the CCLS conference room is the preferred meeting area for all of your meetings with clients. CCLS also has a small interview room adjacent to the clinic waiting area. All scheduled appointments with clients or meetings with other parties on clinic-related matters should be noted on the calendar that is located on the message/announcement board on the wall adjacent to the conference room; or, in the case, of reservations for the small interview room, you should speak with Marissa. If possible, you should check the calendar **before** scheduling an appointment to ensure space availability.

In instances of scheduling conflict, CCLS does share access to the interview rooms that are directly adjacent to CCLS. In the event that neither of the CCLS meeting rooms are available, you should speak with Marissa regarding alternative arrangements.

### **Notary Public**

Marissa Chevalier is a Notary Public. If you require the services of a notary, please make arrangements with Marissa ahead of time to ensure that she is available at the time of your proposed meeting. In the event that Marissa is not available, you should take steps to inquire regarding the availability of other notaries within the law school.

### **Interpreting Services**

CCLS has a partnership arrangement with a local nonprofit organization that facilitates our office's participation in the Community Interpreter Bank Program. The program is free to CCLS, however, there are strict guidelines governing its use and it is only available for use on

cases in which the client is a resident of the District of Columbia. For non-English speaking clients who reside outside of the District of Columbia, you must discuss with your supervisor or the managing director the options that are available for translation and interpretation needs.

## **Tickler System**

The CCLS tickler system is used to keep track of all important dates. The system provides for automatic reminders once information has been set-up by the student. Most, if not all, insurance carriers require that a system similar to the one we use be in place.

When incoming mail is opened and sorted by Marissa, the student is responsible for creating a tickler for all court dates, administrative hearing dates, and any other dates that appear to be time sensitive. Specifically, the student, when putting a date in the tickler system, fills out three small blue and white slips of paper which are already carbonized. The tickler forms should have the date, case name and the upcoming event. The student then places the tickler slip in a file box with slots for all dates in the upcoming year. The tickler form should be placed in a time slot that is, at a minimum, two weeks prior to the event. Marissa checks the slots daily. Students can also place the slip in any number of slots prior to the scheduled event (e.g., one month before the actual date of the event, two weeks before the event, two days before the event, etc.). When the Atickled@ date arrives, the attorney and the affected students will receive a blue and white slip in their mailbox reminding them that the event is approaching. Some examples of time-sensitive mail include motions requiring a response, interrogatories, due dates for appellate briefs, etc. Three copies of all those dates are made -- one for the student, his/her partner and one for the attorney. A single copy will be attached to the document.

If you receive a document that does not have a tickler slip but is time sensitive it is your responsibility to ensure that a tickler slip has been prepared. In most cases you will want to consult with your supervising attorney. Second, do not rely on the accuracy of the due date. Although it is likely to be correct, it is important for you to build in some checks and balances (e.g., making appropriate entries in your personal calendar).

In cases where a Civil Protection Order (CPO) has been obtained, the student must tickler the expiration date of the CPO with a reminder date of **TWO** months prior.

You may also wish to use the tickler system as a means to assist you in the smooth handling of all of your case and clinic-related matters. It can be used to remind you to check on any number of things (e.g., the due date for a response to a letter written by you to opposing counsel, a reminder to check for answers to interrogatories, reminder to check on documents filed in court that required action, etc.).

## **Approval of All Written Work and Getting Drafts in Final Form**

All written work (letters, e-mails, pleadings, etc.) must be approved by your primary supervisor before being prepared on letterhead or typed in final form. No written correspondence, including e-mails, faxes, or any other written material, may be sent without prior review and approval of the

supervising attorney. **This rule applies regardless of whether something you send is the same as something that has previously been approved in another context. Failure to seek prior approval will result in a reduction in your final grade.** Be sure to allow plenty of time for this process turn-around. Corrections and rewriting may be requested. If there is some urgency **you** must see to it that the supervising attorney is aware of this. Once approved by your supervisor, you should also let Marissa know if preparation of the letter in final form on letterhead is urgent or otherwise time-sensitive.

Any case-related document to be prepared in final form must first be initialed by the supervising attorney. Anything that goes outside the office (e.g., correspondence to clients and opposing parties, pleadings to be filed with the court, requests for documents, etc.) must be finalized and logged by Marissa or the applicable student attorney. Be sure to make a copy of the finalized correspondence after you sign it, and make the necessary number of copies of all other documents finalized. It is the copy of this signed, finalized correspondence that you should then place in the hard copy paper file.

**Getting something put in final form requires the following steps:**

1. You should draft your document on one of the computers.
2. Put the draft in the supervising attorney's box for final approval. If not approved, it will be returned to you for rewrite. You should resubmit it for approval. Always include all previous drafts when resubmitting. If approved, the supervisor will initial and return the document to you for submission to an administrative assistant for preparation in final form.
3. Once you have obtained your supervisor's approval to submit the document for preparation in final form, you should give the draft to Marissa, date it and note the date by which it must be completed in final form. You should then share the document with Marissa through the Clio folder on your Google Drive.
4. When you receive the document back in final form, carefully proofread it. If a correction needs to be made, you should return it to Marissa right away.
5. Sign your final letter or make alternative arrangements for someone to sign for you. You should have the supervising attorney sign final pleadings. If you are certified, you must also sign the pleadings.
6. After the letters or pleadings are ready for distribution in final form, it is your responsibility to make the number of copies that are needed for distribution to the applicable parties and/or the court and for the case file.
7. **Ultimately, you are responsible for the quality of the work you sign.** Thus, you should proofread carefully to avoid the professional embarrassment that comes with sending out documents that contain typographical or grammatical errors.

## **Filing Papers with the Court and Payment of Filing Fees**

Each student attorney is responsible for all aspects of their cases, including the filing of pleadings with the court and ensuring that the opposing party and/or counsel are also served properly. If you cannot file your papers or pleadings, you are responsible for finding another student attorney to file the papers for you. In the event that another student attorney will be filing the papers for you, you must provide the student with clear and complete instructions for filing.

Whether you are filing the papers or getting another student to do the filing for you, it is critical that you attach a copy of the pleadings to the original pleading. The person filing the pleadings should get this copy stamped with a date by the court clerk at the time of filing. The file-stamped copy should be returned to the clinic and placed in the client's file.

If there is a fee involved, the student attorney assigned to the case should consult the supervising attorney regarding how the fee will be paid. If an office check is required, you should give the managing director a minimum of 48 hours advance notice that the check will be needed, including the amount that will be due and the party to whom the check should be made payable. The Court will **not** accept personal checks unless they are issued by a member of the D.C. Bar.

When filing documents with the court that require payment of a fee, you should always obtain a receipt reflecting the payment. If you were provided with a clinic check for payment of the fee, please return the receipt to the managing director. In the event that *you* paid a fee for the filing, please submit the receipt and a completed clinic reimbursement form to Marissa.

Administrative Order 06-17 of the D. C. Superior Court requires parties in certain civil cases to file documents with the court electronically. However, there is a separate process for law school clinics and legal services providers. Administrative Order 07-14 (a copy of which is included in the Appendix) exempts our office and other noted legal services organizations and law school clinics from having to file electronically. Specifically, Attachment A of the Order lists Catholic University of America Columbus School of Law. In order to avoid potential confusion when filing documents at the clerk's office, you should include, in the address portion of your document, the name of the university and law school directly under the office name. For example, on your filing document, you should note the office address as:

Columbus Community Legal Services  
Catholic University of America, Columbus School of Law 3602 John  
McCormack Road, NE  
Washington, DC 20064  
(202) 319-6788.

Additionally, in the event that someone at the clerk's office mistakenly informs you that you must file electronically, you should carry a copy of Administrative Order 07-14 with you to the court as proof that we are exempt from the e-filing requirement. ***For additional guidance on filing papers with the court, please review the Filing Memorandum that is located in the appendix section.***

## **Arrangements for Payment of Court Costs and Reimbursement for Case-related Expenditures**

Most of the office's clients are eligible to proceed *in forma pauperis* (IFP), that is, without having to pay court costs. If a motion to proceed *in forma pauperis* has not already been granted in your case, it is your responsibility to discuss with your supervisor whether such a filing is appropriate. As noted in the office's retainer agreement (a copy of which is located in Appendix A), CCLS will not incur any costs for which the client will be liable or expected to pay without first obtaining the client's consent.

In general, clients who meet the clinic's eligibility guidelines will qualify to proceed IFP. You will need to collect detailed information from the client to determine whether a court would be likely to grant a fee waiver, but this is frequently well worth doing. The cost savings can be considerable B not just initial filing fees, but costs for filing motions, appointing attorneys, subpoenaing witnesses, and for transcripts if the case is appealed.

If the client does not qualify to proceed *in forma pauperis*, then that client must pay all court costs and filing fees. You must arrange for the client's payment of these fees and costs before the clinic can file or take actions in the client's case that require payment. CCLS faculty, staff and student attorneys are not permitted to accept cash from clients. In instances where certain fees must be paid by the client, the payment to the clinic should be in the form of a check or money order. Because the court does not accept checks from individuals other than members of the D.C. Bar, you must have the client issue a money order or check payable to CCLS for the particular cost or fee in question. You should submit the check or money order to the managing director who will then arrange to issue you an office check for the relevant fee or cost.

If an office check will be needed for payment of a fee, then you must submit your request in writing to the managing director or by leaving a written message in the managing director's clinic mailbox. At the time of the request, students should include the amount needed, the basis or reason for the check, and to whom the check should be made payable.

Clinic office checks require two signatures and only four clinic personnel are on the signature card with the bank. Thus, in order to ensure the timely processing of check requests, students should provide the managing director with a minimum of 48 hours notice.

Students may seek reimbursement for certain clinic-related expenses such as Metro travel to and from court, visits to meet with a client, and/or other case-related travel. Due to limited funds available for travel reimbursement, students should use Metro for travel to and from court since the clinic is not able to guarantee reimbursement for any parking lot fees that a student might incur, except in exceptional circumstances.



**Before** you spend any money or agree to a matter that will incur a potential financial obligation for the clinic, you should discuss the nature of the expense and the anticipated amount of the expense with your supervising attorney. Subject to approval by your supervising attorney, you **must** then discuss with the managing director the available methods for reimbursement. Once you receive an invoice or bill for services rendered or products received for which approval from your supervisor or the managing director has been previously obtained, you should forward the original immediately to Marissa for processing.

CCLS reimbursement forms for case-related travel expenses are available in the office forms drawer located in the front office work area. **All students seeking reimbursement for clinic-related expenses must submit their reimbursement requests to Marissa within 10 days of when the expense was incurred.** Unless prior arrangements have been made with the managing director, all student reimbursement requests must go through the university accounting office and thus, you should generally expect such requests, once approved, to take approximately two to three weeks for processing. With few exceptions (e.g., the purchase of a Metro fare card), the University requires that original receipts accompany all reimbursement requests.

### **Obtaining a Process Server**

*Before* engaging the services of a paid process server, members of the student team must complete the following steps when seeking to engage the services of a process server.

1. Discuss the needs for a process server and the nature of the service needed with the team's supervising attorney.
2. Once the need for a paid process server and the nature of the services needed are identified, a member of the student team assigned to the case must contact Capitol Process Service at (202) 667-0050 to discuss the nature of the service needed and the total price for the service(s) being sought. Occasionally, based on the special needs of the case, the student team might also need to obtain cost comparison quotes from one or two other process services before finalizing the service arrangements. The student should take steps to clarify what the price includes (i.e., the number of delivery attempts, filing of the affidavit of service with the court clerk's office, etc.).
3. After obtaining a quote for the services needed, the student should then fill out the CCLS Process Servicer form (a copy of which appears in the appendix and which can also be found in the forms folder on the H drive) and provide it to the supervising attorney for approval. Once the student has obtained the approval of the supervising attorney, the student should then provide this form to the managing director prior to the student's contacting Capitol Process to finalize the service of process work request.

### **Safety Guidelines**

Your work in the clinic will necessarily involve you in the problems and conflicts of other individuals. Thus, you should be conscious of safety issues and take precautions in what may be

unfamiliar situations. Whether working late at the clinic, serving a subpoena, or conducting a fact investigation in any part of the D.C. metropolitan area, your safety is one of the many considerations in planning your case. If you plan ahead and consult with your primary supervisor, you should be able to conduct your case effectively without compromising your safety, your obligations to your client, and the interests of your client.

The following list, although not exhaustive, includes suggested ideas for addressing various safety concerns:

- Discuss the issue of safety with your supervisor and team partner.
- Interview witnesses or do other case investigation during the day and do not go out in the evenings without first consulting a supervisor.
- Perform case investigation in pairs.
- Discuss the parking situation ahead of time or determine how far you have to walk from public transportation.
- If traveling by car, keep a map book in the car in case you get lost. If lost, pull over in a well-populated commercial area to view the map.
- When traveling by car, keep the floors and seats clear of valuables and store all possessions in a safe non-visible location **prior** to arriving at your destination.
- Have the client or person you are meeting look out for you at your expected time of arrival.
- Get clear directions regarding where you need to go (including apartment number).
- Always have a copy of the pertinent directions with you.
- If going to an unfamiliar area, take a cell phone with you and make sure that your supervisor has your cell phone number.
- Inform a member of the clinic where you will be going and the expected length of your stay. If you are late, call and provide an expected return time.
- If feasible, arrange to have meetings at the clinic.
- Use the services of a private process server (check with administrative staff regarding available process servers).
- Use common sense, good judgment and stay tuned to your instincts.
- Be alert and aware of what is going on around you.
- Avoid meeting in isolated areas.
- Dress appropriately and avoid wearing expensive jewelry.
- Walk confidently and purposefully.
- Remove yourself immediately from any situation that, in any sense, feels dangerous.

## V. CASES

### Client Eligibility

FALC Income Eligibility Guidelines, which represent 200% of the Federal Poverty Income Guidelines.

A client's assets and liabilities are taken into account on a case-by-case basis. These guidelines are not rigid. If a client is slightly over the limit but there are good reasons why we should take the case, we have the flexibility to do so. Please discuss these issues as they arise with your primary supervisor.

CCLS generally represents clients in civil matters. We do not handle criminal cases. We represent clients in D.C. Superior Court and before administrative agencies. We also can do transactional work and community legal education projects.

### Transferred Cases and Initial Case Memos

New student attorneys will be assigned a number of cases which have been in the clinic for varying lengths of time. The following sections provide detailed information concerning your initial handling of transferred cases.

#### **Review of Transferred Cases & Initial Case Memo**

All transferred cases should contain a transfer memo prepared by the previous intern. You should review the transfer memo in all of your newly assigned cases immediately. This is necessary to insure that anything that requires immediate attention will not be overlooked.

You should then read through the **entire** case file. If the file is unusually large, speak with your supervisor for guidance on where to focus.

Prior to your first or second weekly meeting with your primary supervisor, you should **submit an initial case memo for each case** and plan to discuss the cases with your supervisor.

**Each team should submit one joint memo.** The memo should summarize the current posture of the case, identify what actions need to be taken, and describe your initial strategy for the case.

### Introductory Letters and/or Meetings with Transferred Clients

With the transfer of a case to you, the client, in effect, has a new lawyer. You should begin to develop a relationship with your client as early as is practical. After careful review of the file you may have many questions you want to ask the client. You may want to find out first-hand how your client sees things and what your client wants to have happen, or you may simply want to start the process of getting to know your client and having them get to know you.

**In all cases you should immediately send an introductory letter to your client which includes**

**your schedule at the clinic.** Some of our clients do not have telephones. In those cases, you should ask them, in your introductory letter, to call you so you can arrange how to reach them if something comes up that requires you to speak with them right away. It will be somewhat of an effort for them to call you so be sure that your clinic hours are correctly listed in your letter.

In most of your cases it is likely that you will decide to meet with your client right away. However, a word of caution in deciding whether to meet with your client – please make sure that the case is in a posture where it is reasonable to ask your client to come to the office to meet with you. From your client's vantage point you may be one more in a series of "student lawyers," and having the client come to the office just so you can meet with him or her or having the client come to a meeting for which you are ill-prepared is not likely to be a positive factor in the development of your attorney-client relationship. In fact, your client may just end up feeling like s/he is being jerked around.

If you have any questions you should check with the supervising attorney on the case.

### **Intake Procedure for New Cases**

There are generally five separate phases to the intake process:

- identification of potential new cases;
- conflict of interest check;
- the initial client interview;
- the decision by the student attorney and the supervising attorney to take the case; and
- the establishment of a case file for the new client.

New cases come to the clinic from a variety of sources. Some are referred from the court or community agencies while others come from individuals calling the clinic seeking assistance. The primary responsibility for intaking a new case lies with the student. You and your primary supervisor will determine when it is appropriate to intake a new case. Your supervisor will provide you with names and numbers of places to call to find a new case. In addition, you should let the administrative staff know what kind of case you are looking for and they will contact you when they receive a call about that type of matter.

With limited exceptions your primary supervisor will be available in the office during your intake interview. If your primary supervisor will not be available, you must make sure that another attorney is available during the time you plan to do the interview. You and your primary supervisor should work out the mechanics of the interview beforehand, i.e. will the attorney be present in the interview, will the supervisor participate or observe, etc.

**Before you begin the interview, obtain a new case file from Marissa. The new file will be presented to you in the form of a manila folder and should contain the following office forms:**

- a. Intake sheet
- b. Client Authorization Form

- c. Fee memo: to be signed by client after supervisor decides whether the case should be accepted.
- d. Document record form: log all documents received at intake and thereafter. Be sure and indicate if original is returned to client.
- e. Envelope for documents: such as rent receipts, marriage certificates.
- f. Log sheet: for notes log entries.
- g. Client Case Conflict Information: to be completed by intern and given to Marissa.
- h. Retainer agreement: to be reviewed and signed by the client after decision with the primary supervisor regarding whether to accept the case.

Copies of each of these forms are in the Forms section.

You should arrange to meet with the potential client in person or speak with the person over the phone. You and your partner are responsible for: making sure the person is income- eligible, **ensuring that no conflicts exist** (give names of all parties to the administrative assistant to check data base for conflicts), explaining how the office operates and what the client's responsibilities will be with regard to costs (see fees memo in forms section of this manual), interviewing the potential client, identifying the relevant issues and concerns and communicating with a FALC supervisor to discuss whether the case should be accepted or not.

**REMEMBER: Interview your client, but do not evaluate the case for the client, do not give out legal advice, and never agree to represent someone or accept a new case without the prior approval of a FALC supervisor.**

Once you and the supervising attorney have determined that the case should be accepted and the client indicates s/he wants CCLS to represent her or him, then you must fill out the retainer form (see forms section of this manual), **make sure supervisor has approved the retainer before the client signs it**, and have the client sign it. You must also read over the fee agreement with the client and have the client sign it.

**WITHIN 24 HOURS AFTER THE INITIAL INTERVIEW, THE MANILA FOLDER CONTAINING THE INTAKE INFORMATION MUST BE GIVEN TO MARISSA SO THAT THE CLIENT AND OPPOSING PARTY'S NAMES ARE ENTERED IN THE CCLS DATABASE. YOU SHOULD INFORM MARISSA WHETHER THE CASE WILL BE OR ALREADY HAS BEEN ACCEPTED BY CCLS. THIS PROCEDURE MUST BE FOLLOWED EVEN IF THERE HAS BEEN A DETERMINATION THAT CCLS WILL NOT BE ACCEPTING THE CASE.**

In instances where there has been a decision to accept the case, Marissa will conduct a conflicts check and enter the relevant data into the CCLS database. An official CCLS case file bearing the client's name will then be prepared by the administrative assistant and will include the information that was previously gathered in the manila folder. The new case file will be placed in the appropriate open file drawer in the copier area. If it has been decided that the clinic will not accept the case after the client has been in the office for an initial interview, the case will be opened and

then closed immediately. You should prepare a letter, for approval by your supervisor, that confirms the clinic's decision not to accept the case.

You **should not assume** that because a person is already a CCLS client that the clinic will be able to handle a new matter for the client. You should first discuss this with the supervising attorney. Once a determination has been made to represent the client on the new matter, you should follow the procedure noted above for the intake of new cases. Each distinct case matter must be housed separately in its own file.

## **Case Files**

Open case files are located in the file cabinets that are situated directly across from the copier. Inactive and closed cases are kept in a separate storage room. At the end of each day, all case files **must** be returned to the appropriate file cabinet location. **No file may be taken from the office without first receiving the permission of the supervising attorney.**

## **Guidelines Governing What Should Be Included in Every FALC Paper Case File**

Every FALC student is expected to adhere to the following guidelines for organizing and maintaining FALC paper case files.

### External Labels

- Each file should be labeled with the client's name, the file number, and the total number of client files (e.g. Inez Smith, File 1 of 1).
- Whenever a new file is started in a case, new labels should be created updating the file numbers on all files (e.g. Inez Smith, File 1 of 2; File 2 of 2).
- Please start a new green file whenever your current files become too heavy or otherwise difficult to manage.

### Notes Logs

- An updated notes log, filed in reverse page order, with the latest entries on top and the oldest entries on the bottom.
- Notes logs should include entries describing all work done on a given case, including (but not limited to):
  - A detailed, near-verbatim description of all phone calls made and received regarding the case (except phone calls between team members and supervisors)
  - A verbatim transcription of any text messages exchanged with clients or witnesses
  - The topic of any research conducted
  - A description of any correspondence sent or received; including emails, faxes, letters, and service packets
  - A description of all events occurring in the case, including meetings, hearings,

mediations, etc.

- Notes entries necessitating more than a paragraph or two of writing to convey a full description of an event (such as a phone call) also should be memorialized in a memorandum to the file.
- Whenever possible, notes entries should be completed in live time, especially as relating to phone calls, as notes logs provide our only record of what occurred.

#### Client Information Sheets

- We have pre-printed templates included in the files for you to complete during initial intake interviews.
- After your initial intake interview, please create an electronic version of the client information sheet for the H drive and paper files, so it can be easily and cleanly updated.
- An updated copy of the client information sheet should be filed on top of the notes log in the paper file.

#### Indices

- All file indices should include at the top of the page the case name and case number (if any, e.g. Jill Smith v. Jack Brown, 2012 CPO 873), or the client's name and a description of the case type (e.g. Jill Smith, U Visa).
- Indices should be formatted as tables consist of three columns: (1) Tab number, (2) Document Description, and (3) Date
- When a panel on a particular file is filled, students should open a new file for the case.

If panels are not filling at similar rates, there is no need to stick to the same filing order in latter files as is required for the first file opened for each case.

For example, the second

file in a case may consist of 5 panels of work product.

- When a file contains more than one panel of a document type, such as work product, all documents of that type should be recorded within one index, which is subdivided by panel location.
- For cases with more than one file, students should create a master index listing the types of documents found within each file.

#### Court Documents (for litigation matters, including CPOs, Domestic Relations, and Child Support)

- The Court Documents index should exactly duplicate the contents of the file on the case at the courthouse. Thus, it should include all documents included in the case jacket at the court and none not included in the case jacket at the court.
- One exception: students periodically should obtain print outs of the courtview docket

entries for their cases and include those printouts on the Court Documents panel.

- Court Documents should be filed in chronological order, and thereby enable the index to read like a timeline of the case.
- If a client has more than one case pending, consult with your supervisor as to how to segregate the documents from each case. You might open a second file and start a new Court Documents panel within it, or you might create a second table within the index on the original panel and separate the documents with a sheet of cardstock.

#### USCIS Correspondence (in lieu of the Court Documents panel for immigration matters)

- The USCIS Correspondence index should contain all correspondence that we send to or receive from USCIS, including AR-11s, FOIA requests and responses, Notices of Action, Requests for Evidence, and responses to RFEs.
- The USCIS Correspondence index also should include entries noting the submission of detailed applications such as U visas, VAWA Self-Petitions, and Battered Spouse Waivers, although the applications themselves should be filed in separate file folders, exactly as they are submitted to USCIS (with a cover letter on the first inside left panel, a table of contents of the first inside right panel, and all supporting exhibits underneath the table of contents, tabbed at the bottom of the page).

#### Internal Memoranda

- The Internal Memoranda index should read like a timeline of significant events and legal issues arising in a case.
- Memos should be written to summarize your notes of all significant events occurring in a case, including (but not limited to): client meetings, meetings with opposing counsel, guardians ad litem, home study officers, or other important parties and decision makers, court appearances, and mediation sessions. It may also be appropriate to write memos commemorating particularly lengthy or significant phone calls to draw the attention of future student attorneys to the event.
- Research memos and transfer memoranda should also be included on this panel.

#### Client Correspondence

- For ALL letters sent, photocopies of the FINAL letters, after they are printed on letterhead and signed, along with photocopies of any enclosures included with the letter.
- ALL emails initiated by our clinic regarding a clinic case should include the following language beneath the writer's signature:



**CONFIDENTIALITY NOTICE:** This e-mail and any attachments are confidential and protected by the attorney-client and/or work-product privileges. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify Columbus Community Legal Services immediately by returning it to the sender, and delete any copies from your system. Please also call 202-319-6788 for assistance. Thank you for your cooperation.

- Emails should be printed out and preserved in hard copy as follows:
  - Please print each individual email sent to or received from parties outside of the clinic regarding a given case. Include copies of any attachments sent.
  - Emails exchanged with your teammate or supervisor do not need to be included in the paper file.
  - Where multiple emails are exchanged in a continuous string or on the same topic within a short period of time, they may be filed together under one tab. Please file all emails within a particular tab in chronological order. The index entry for such tabs should include the names of the participants in the email exchange, the topic of the email exchange, and the date or date range of the email exchange.

#### Other Correspondence

- For ALL letters sent, photocopies of the FINAL letters, after they are printed on letterhead and signed, along with photocopies of any enclosures included with the letter.
- ALL emails initiated by our clinic regarding a clinic case should include the following language beneath the writer's signature:

**CONFIDENTIALITY NOTICE:** This e-mail and any attachments are confidential and protected by the attorney-client and/or work-product privileges. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of this e-mail or any attachment is prohibited. If you have received this e-mail in error, please notify Columbus Community Legal Services immediately by returning it to the sender, and delete any copies from your system. Please also call 202-319-6788 for assistance. Thank you for your cooperation.

- Emails should be printed out and preserved in hard copy as follows:
  - Please print each individual email sent to or received from parties outside of the clinic regarding a given case. Include copies of any attachments sent.
  - Emails exchanged with your teammate or supervisor do not need to be included in the paper file.
  - Where multiple emails are exchanged in a continuous string or on the same topic within a short period of time, they may be filed together under one tab. Please

file all emails within a particular tab in chronological order. The index entry for such tabs should include the names of the participants in the email exchange, the topic of the email exchange, and the date or date range of the email exchange.

### Work Product

- All evidence, notes, research, and other documents that don't have a home on other panels should be filed in work product.
- Non-final drafts should not be filed in work product (or anywhere else in the client file).

### Hanging Files

- Please store each green file folder in a separate hanging file.

### **End-of-Semester Obligations: Transfer/Closing of Cases**

At the end of each semester student attorneys are responsible for the transfer or closing of all their cases. Students who will be **continuing** at the clinic must write transfer or closing memos and do a final organization of the case file as well, unless specific arrangements have been agreed upon by the student attorney and the supervising attorney.

The FALC attorneys will inform you toward the end of the semester of the date by which (i) your transfer memos are due; and ii) the file folder must be organized for transfer. You must submit a memo and an organized case file to your primary supervisor prior to your final evaluation meeting. If this becomes impossible due to case demands or your exam schedule, you must work out an alternative arrangement with your supervisor. **TRANSFER MEMOS GENERALLY GO THROUGH SEVERAL DRAFTS. THEREFORE, DO NOT ASSUME THAT BECAUSE YOU HAVE TURNED IN THE MEMO, YOUR ASSIGNMENT IS COMPLETED. IN ORDER TO RECEIVE A FINAL GRADE FOR THE CLINIC, TRANSFER MEMOS AND CASE FILES MUST BE IN FINAL FORM.**

The procedures we have developed for transferring cases are designed to provide for as smooth and complete a transfer of each case as possible from the now experienced intern to the inexperienced intern. It is essential that you follow these instructions carefully so that we can ensure that when new students take over the case, the client's interests will continue to be protected.

### **Transfer of Cases**

#### **Organizing Case Files**

- a. Notes logs -- Review the notes log entries that you have made throughout the semester. **Supplement** them with additional information, if they will not be understandable to the next intern.

Make sure they provide all pertinent information, such as the person's telephone number and date of entry. Provide additional details where needed. Reference to **dates should include year in every instance** (the case may go on for years after you leave).

Make **additional** notes log entries that should have been made, but were not. For instance, the notes log should contain a note of all filing dates, dates that letters were mailed, all contacts with client, court dates including judge, courtroom, brief description of results of appearance. If you have made separate notes rather than notes log entries concerning certain meetings or conversations, or related case activities, be sure that these separate memos are referenced in the notes log.

b. **Organization of File Folder(s)** - Review the entire file. Organize the file folder as discussed earlier in this manual in the case file organization section. Each section should have an index clearly indicating the contents of the section. Each section should be organized in reverse chronological order. Make sure that all previous transfer memos are organized in one place with the most recent memo (yours) on top. You may have to divide up the case into more than one file. If this is necessary, please use an accordion pleated file folder to keep the separate files together. Be sure that each accordion file is clearly labeled with the client's name. Label and number the individual file folders and place a list of them on the outside of the accordion file.

c. **Removal of Unnecessary Materials** - Weed out all unnecessary materials, such as duplicate pleadings or unnecessary drafts. **Before** throwing out any material first please check with your supervisor.

### **Instructions on Format for Transfer and Closing Memos**

In preparing each transfer or closing memo, you should number each section so that it corresponds with the points below. Once you have completed the draft of your memo, it is important that you check with the supervising attorney to see if redrafting the memo including additional information or reorganizing the file is necessary. The case file must be submitted with the memo.

#### **Client**

1. At the top of the memo give the client's name, current address, telephone number (day and evening), the date and nature of your last contact with the client.

#### **Student Attorney/Legal Intern**

2. State your name, and give the address and telephone number where you can be reached during the next several months.

#### **Summary of case developments, including factual and legal issues**

3. Give a brief summary of case developments during the semester. This should include an identification and review of all relevant factual and legal issues, any important actions undertaken

by you and a summary of the current status of the case.

### **Statutes and regulations**

4. List all statutes and regulations that are (or could be) a factor in the case. Give specific citations and a brief explanation of how it does (or may) apply.

### **Case law**

5. Summarize the case law that is applicable. List the most significant cases and give citations.

### **Treatises, manuals, or other inanimate resources used**

6. List all the inanimate resources you have used. Tell where they are located and briefly discuss their usefulness or application to the client's case.

### **Important names and numbers**

7. Prepare a list of all persons directly related to the case who have been or should be contacted (e.g., potential witnesses, opposing counsel or the unrepresented opposing party, governmental workers or social workers, etc.). Also, list the names, addresses and phone numbers of all persons who could be used as a resource for this case. If you have had contact with the person, give a brief summary of how they were useful.

### **To Do**

8. Prepare a detailed list of things that remain to be done on the case by the next student attorney, if any. Include your suggestions regarding how these tasks can best be accomplished and point out any problems or obstacles that you anticipate could exist.

### **Significant Dates**

9. List separately all significant future dates if applicable (e.g., statute of limitations, discovery deadlines, trial dates, etc.).

### **Impression of the case**

10. Give your impression of the case. Evaluate the strengths and weaknesses of the following: your client; the theory of the case; the opposition's theory of the case; potential witnesses; the law; or other evidence. Keep in mind, however, that the client has the right to see their case file so comments must be constructive and professional.

### **Problems or unanswered questions**

11. List any special problems or unanswered questions that you have about the case.

### **Previous transfer memo**

12. Incorporate by reference any previous transfer memos that may be particularly helpful to the next student attorney. If they are useful, you should photocopy them and attach them to the copy of your memo.

**Your course requirements are not completed, and no credit will be given until each and every transfer or closing memo and case file is approved by your supervising attorney.** Recall that this process is designed to capture the work you've done on the case and the decisions that you have made. The memo should give the new intern an accurate and complete assessment of the status of the case. This applies to cases that you are closing as well, since these cases may reopen or the client may return seeking help on a related matter.

### **Procedures for Closing Case**

The following guidelines should be used once, after consult with the supervising attorney, you determine that it is appropriate to close a case:

1. Prepare the closing memo as outlined in the procedures above.
2. Review all of the case file contents and take out any originals or other documents that should be sent to the client or other applicable person.
3. Draft a closing letter for the supervising attorney's approval. Although the case is officially closed, you should inform the client in the closing letter that we will continue to store the case records and copies for five years as required by the D. C. Rules of Professional Conduct. If the need should arise during the five year time period, the client may contact us to obtain copies of any necessary documents from the file. Once the closing letter has been approved, have Marissa prepare the final approved letter for mailing along with an attachment of the relevant documents that you have designated for return to the client. You should also give to Marissa the actual physical case file(s) to be closed, along with a completed Case Closing Sheet, a copy of which is in the file cabinet located in the front office work area (a sample of the Case Closing Sheet also appears in the Forms section of this manual).
4. Marissa will enter the relevant closing data in the client case database and take the closed files to storage. Closed clinic case files are stored in a secure storage area on site here at the law school and are retained here for at least five years in accordance with our professional responsibility obligations.

## **VI. RESOURCES - CCLS AND LAW SCHOOL**

### **At CCLS**

The following resources are located at the Clinic and are available for use.

**Photocopier** - **The copier should be used for copying client and clinic-related materials only.**

The copier also can operate as a scanner. If you are not sure how to use it, or have problems while operating it, please ask for assistance.

**Typewriters** - A typewriter is located in the student work area that is at the end of the hallway. There is also a typewriter available near the administrative assistants' work area.

**Digital Camera** - The clinic has a digital camera that is available to be used for case- related photographs.

**Tape Recorders** - Recorders are available for check out for clinic-related matters from the Law School library and are useful for depositions and trial preparation.

**Video Equipment** - The conference room is equipped with video equipment which can be used for the taping of in-office interviews and depositions.

**Calculators/Adding Machine** - There are several small desk calculators throughout the office, as well as an adding machine in the office manager's office. They should not be taken out of the office without prior permission.

**IPAD** – There are several IPADS available for use while working a CCLS case.

### **CCLS Library**

The Clinic maintains a small, but useful library which focuses on District of Columbia law and those areas in which we primarily practice. In addition to the copies of the D.C. Court Rules and the D.C. Code, our library has specially selected materials pertaining to the following areas: Domestic Violence, Domestic Relations, Benefits, Trial Advocacy and Practice, Social Security, Consumer, Wills/Probate, and Professional Responsibility. Included in the clinic's library collection are a number of program manuals, training manuals, and other publications that have been prepared by members of the D.C. Bar and local legal services. Also available are materials on lawyering skills.

All of the publications within the CCLS library have been catalogued by librarians from the law library and are entered in Columbo. New resources are catalogued and added on a regular basis.

**You should never share clinic materials or resources of any type with non-CCLS students without first clearing it with your supervising attorney or the managing**

**director.** In the event that anyone ever makes such a request of you, please make sure and speak with your supervising attorney or the managing director regarding the request. Making such material available to people outside of the clinic can potentially compromise our advocacy efforts and ethical obligations to our clients.

The law school's library can also be an extremely valuable resource. There are a number of publications designed with the practitioner in mind. As the semester begins, you should take time to acquaint yourselves with the resources in the clinic library and in the law school's main library.

### **University and Law School Faculty**

Being part of a University presents the potential for many resources to assist in the handling of cases. Faculty have been a continuing source of assistance to the Clinic. Students are urged to consult with faculty members outside of the clinic on issues within their areas of expertise. Be mindful, however, of the requirements of confidentiality and make sure that no case action is taken without the approval of a supervisor.

## APPENDIX A FORMS

### Client Information

Client's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Alternative Contact Number: \_\_\_\_\_

Email: \_\_\_\_\_

Supervising Attorney: \_\_\_\_\_

Student Attorney: \_\_\_\_\_ Cell: \_\_\_\_\_

Student Attorney: \_\_\_\_\_ Cell: \_\_\_\_\_

Opposing Party's Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Opposing Counsel: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

### Important Information

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Client Case Conflict Information

Client's Name: \_\_\_\_\_

Other Names Used (Maiden Name, etc.): \_\_\_\_\_

Address: \_\_\_\_\_

Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Alternative Contact Number: \_\_\_\_\_

Email: \_\_\_\_\_

Supervising Attorney: \_\_\_\_\_

Case Type: \_\_\_\_\_  
(Domestic? Consumer? Landlord/Tenant? Benefits? If Other, Please Specify)

Plaintiff or Defendant? \_\_\_\_\_

Date Opened: \_\_\_\_\_ Date Closed: \_\_\_\_\_

Opposing Party's Name: \_\_\_\_\_

Opposing Counsel: \_\_\_\_\_

Work: \_\_\_\_\_ Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Client's Family Members and Key Witnesses: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Conflict Check: Date \_\_\_\_\_ Performed By \_\_\_\_\_

Entered Into Time Matters? Date \_\_\_\_\_ Performed By \_\_\_\_\_

Intake Sheet

Date of Intake: \_\_\_\_\_ Performed By: \_\_\_\_\_

Client's Name: \_\_\_\_\_

Other Names Used (Maiden Name, etc.): \_\_\_\_\_

\_\_\_\_\_ Date of Birth: \_\_\_\_\_

Address: \_\_\_\_\_

House, Apartment, Room, or Other? \_\_\_\_\_ Own? \_\_\_\_\_ Rent? \_\_\_\_\_

How long have you lived at this address? \_\_\_\_\_

Monthly Housing Payment: \_\_\_\_\_

Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Emergency Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

Home: \_\_\_\_\_ Work: \_\_\_\_\_ Cell: \_\_\_\_\_

Marital Status: Single \_\_\_\_\_ Married \_\_\_\_\_ Divorced \_\_\_\_\_

Separated \_\_\_\_\_ Widowed \_\_\_\_\_ Other \_\_\_\_\_

Other Household Members (This includes people who you share meals with, who you support financially, who support you financially, and others who you live with):

| <u>Full Name</u> | <u>Relation</u> | <u>DOB</u> | <u>Income</u> | <u>Source of Income</u> |
|------------------|-----------------|------------|---------------|-------------------------|
|------------------|-----------------|------------|---------------|-------------------------|

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## File Index: Correspondence

**Client's Name:**  
**Address:**

Home:  
Cell:

Supervising Attorney:  
Student Attorney:  
Cell:  
Student Attorney:  
Cell:

[illegible]

<sup>1</sup> To view corresponding document, right-Click "Tab Number" & select "Open Hyperlink" from the drop-down menu.

## File Index: Memoranda

**Client's Name:**  
**Address:**

Home:  
Cell:

Supervising Attorney:  
Student Attorney:  
Cell:  
Student Attorney:  
Cell:

[illegible]

<sup>1</sup> To view corresponding document, right-Click "Tab Number" & select "Open Hyperlink" from the drop-down menu.

## File Index: Other Documents

**Client's Name:**  
**Address:**

Home:  
Cell:

Supervising Attorney:  
Student Attorney:  
Cell:  
Student Attorney:  
Cell:

[illegible]

<sup>1</sup> To view corresponding document, right-Click "Tab Number" & select "Open Hyperlink" from the drop-down menu.

## File Index: Pleadings

**Client's Name:**  
**Address:**

Home:  
Cell:

Supervising Attorney:  
Student Attorney:  
Cell:  
Student Attorney:  
Cell:

[illegible]

<sup>1</sup> To view corresponding document, right-Click "Tab Number" & select "Open Hyperlink" from the drop-down menu.

## File Index: Intake, Retainer, and Chron Log

**Client's Name:**  
**Address:**

Home:  
Cell:

Supervising Attorney:  
Student Attorney:  
Cell:  
Student Attorney:  
Cell:

[illegible]

<sup>1</sup> To view corresponding document, right-Click "Tab Number" & select "Open Hyperlink" from the drop-down menu.



**THE CATHOLIC UNIVERSITY OF AMERICA**

*Columbus School of Law  
Columbus Community Legal Services  
Washington, DC 20064  
202-319-6788  
Fax 202-319-6780*

**RETAINER AGREEMENT**

**Authority to Represent**

1. I, \_\_\_\_\_, request and authorize representation by the Columbus Community Legal Services ("CCLS") of the Catholic University of America, Columbus School of Law in connection with \_\_\_\_\_

\_\_\_\_\_

I know that the CCLS does not agree to represent me in any other matter, and that if CCLS agrees to represent me in another matter, a separate retainer agreement will be signed.

2. I specifically authorize \_\_\_\_\_ and \_\_\_\_\_, the law students working on my case, as well as any other student or supervising attorney of CCLS, to take any action necessary to provide that representation. They may appear on my behalf before any court or other tribunal as appropriate and authorized in connection with the matter identified above. I understand that the students will have primary responsibility for my case, working under the supervision of a supervising attorney.
3. I consent to the release of all information about my legal problem or problems to all law students enrolled in the CCLS and to all attorney supervisors in the program.
4. I understand that this retainer agreement does not commit CCLS to represent me in an appeal from an appealable decision in my case.

**Fees, Costs, and Expenses**

5. I understand that CCLS will not charge me a fee for legal services.
6. I understand that some statutes and rules permit the CCLS to collect attorney's fees from opposing parties. I know that if CCLS receives such fees, those fees will belong to CCLS and I will have no claim thereto.
7. I understand that there may be certain costs and expenses associated with my case. Such costs may include, but are not limited to: filing fees, fees for expert witnesses, fees for copies of necessary records, expenses for transcripts, and other litigation expenses. I





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*Columbus School of Law  
Columbus Community Legal Services  
Washington, D.C. 20064  
202-319-6788  
Fax 202-319-6780*

**TO:** Clients of Columbus Community Legal Services  
**FROM:** Catherine F. Klein, Director  
Columbus Community Legal Services

\*\*\*\*\*

***FEES***

There is **no** fee for our services.

***COSTS***

There may be court costs and related expenses. Such costs may include, but are not limited to: filing fees, fees for expert witnesses, fees for copies of necessary records, expenses for transcripts, publication costs, long distance telephone calls, service of process costs, certified mail costs and other litigation expenses. **We will not incur any costs for which you will be liable or expected to pay without first obtaining your consent.**

If at anytime you must bring money to our office, it must be in the form of a check or money order. We will **not** under any circumstances accept cash. You must always be given a receipt from our office. We will make a copy of your check or money order and put it in your file.

If you have any questions, please ask. Please sign this memorandum so we can put a copy in your file. This way, we will be sure this policy was explained to you.

\_\_\_\_\_  
Client Name

\_\_\_\_\_  
Date

*General Practice Clinic • Families and the Law • Advocacy for the Elderly*  
CCLS is located at the Brookland Metro stop at 3602 John McCormack Rd., N.E.



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*Columbus School of Law  
Columbus Community Legal Services  
Washington, D.C. 20064  
202-319-6788  
Fax 202-319-6780*

**AUTHORIZATION FORM**  
(For Use or Disclosure of Protected Health Information)

**PURPOSE OF THIS FORM**

In order for \_\_\_\_\_ (your health-care provider) to use or disclose your Protected Health Information to someone other than you, you must authorize release of that information.

Protected Health Information is information that is created, received, transmitted or stored by your health-care provider that relates to your past, present, or future physical or mental health, health care, or payment for health care, and either identifies you or provides a reasonable basis for identifying you. Except as permitted by law, your health-care provider may not use or disclose Protected Health Information to persons other than those you authorize.

\_\_\_\_\_  
Your name (please print)

\_\_\_\_\_  
Your Social Security number

**PART I: Authorized Person(s)**

I authorize \_\_\_\_\_ (your health-care provider) to disclose my Protected Health Information identified in Part II of this form to the following representatives of Columbus Community Legal Services:

- ☐ Attorney \_\_\_\_\_  
Columbus Community Legal Services  
3602 John McCormack Road, N.E.  
Washington, D.C. 20064
- ☐ Student Attorney \_\_\_\_\_  
☐ Student Attorney \_\_\_\_\_

**PART II: Description of the information to be used or disclosed**

I authorize \_\_\_\_\_ (your health-care provider) to disclose my Protected Health Information (including written, electronic, or oral information) to the person(s) identified in PART I of this form in connection with (mark all that apply):

- ☐ Specific medical, dental, vision, or other health care

Date(s) of Service: \_\_\_\_\_

*General Practice Clinic • Families and the Law • Advocacy for the Elderly*  
CCLS is located at the Brookland Metro stop at 3602 John McCormack Rd., N.E.



THE CATHOLIC UNIVERSITY OF AMERICA

*Columbus School of Law  
Columbus Community Legal Services  
Washington, D.C. 20064  
202-319-6788  
Fax 202-319-6780*

**AUTHORIZATION FOR RELEASE OF RECORDS**

I, \_\_\_\_\_, hereby authorize  
\_\_\_\_\_ to release all records  
pertaining to \_\_\_\_\_ to Ellen M. Scully,  
Catherine F. Klein, Margaret Martin Barry, Lisa Martin, Michael McGonnigal, Faith  
Mullen, or Stacy Brustin, Attorneys-at-Law, and/or any student or representative of  
Columbus Community Legal Services, The Catholic University of America,  
Washington, D.C. 20064.

\_\_\_\_\_  
Client's Signature

\_\_\_\_\_  
Date

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION

\_\_\_\_\_  
Plaintiff  
vs. \_\_\_\_\_  
\_\_\_\_\_  
Defendant

\*  
\*  
\*  
\*  
\*  
\*

CONSENT, APPROVAL, AND APPEARANCE PRAECIPE  
Consent to Appearance by Law Student

I understand that I have a right to be represented by a lawyer at all stages of these proceedings.

I understand that if I do not have lawyer or cannot afford to retain one, the Court may appoint a law student to represent me, if I desire and if I consent by signing below.

I understand that \_\_\_\_\_ is a law student permitted to practice before this Court.

I consent to her (his) entering her (his) appearance as my lawyer and representing me at all stages of these proceedings.

\_\_\_\_\_  
Date Defendant (Plaintiff)

\*\*\*\*\*  
Approval of Entry of Appearance by Law Student

As supervising lawyer as defined by Superior Court Civil Rule 101(e)(3), I hereby approve of \_\_\_\_\_, a law student meeting the requirements of Superior Court Civil Rule 101(e), entering her (his) appearance as counsel for Defendant (Plaintiff).

\_\_\_\_\_  
Supervising Attorney  
\*\*\*\*\*

Entry of Appearance

The Clerk will please enter the appearances of \_\_\_\_\_ (I.S. # \_\_\_\_\_)  
and \_\_\_\_\_ (Reg. # \_\_\_\_\_)  
on behalf of the \_\_\_\_\_.

\_\_\_\_\_  
Supervising Attorney

\_\_\_\_\_  
Date

STUDENT ATTORNEY  
Columbus Community Legal Services  
The Catholic University of America  
Columbus School of Law  
3602 John McCormack Road, N.E.  
Washington, D.C. 20064  
(202) 319-6788



**THE CATHOLIC UNIVERSITY OF AMERICA**

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Columbus Community Legal Services  
Washington, D.C. 20064  
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Fax 202-319-6780*

**TRANSLATOR CONFIDENTIALITY AGREEMENT**

As attorneys and student attorneys working for Columbus Community Legal Services (CCLS), we are bound by the Rules of Professional Conduct adopted by the District of Columbia. Rule 1.6 of the Rules of Professional Conduct requires lawyers to protect the confidences and secrets of their clients. Failure to observe this rule can injure clients and erode confidence in the legal profession.

As a translator assisting this office, you must understand that every piece of information concerning our clients – whether written or unwritten – that comes to your attention must be held in confidence; if this confidentiality is not observed strictly, the result could be harmful to the client and subject us as lawyers to disciplinary action for breach of the Rules of Professional Conduct.

In order to carry out this duty of confidentiality, you must take steps to protect this confidential attorney-client relationship. Two examples include: (1) refraining from disclosing to another person some confidential client information in the course of a lunch or other social occasion (the other person might work for a firm that represents a party adverse to our client); and (2) maintaining notes or documents in such a way that an unauthorized person cannot obtain confidential client information simply glancing at material entrusted to your care.

In order to underscore the sensitive nature of your position, we ask that you read carefully and sign the following statement acknowledging that you understand your obligation to protect client confidences:

I, \_\_\_\_\_, acknowledge that I am fully aware of the confidential nature of my translation services on behalf of Columbus Community Legal Services and my obligation to safeguard information with which I am entrusted. I realize that any breach of this responsibility could be harmful to a client. Accordingly, I pledge that I will strictly maintain in confidence all information that comes to my attention as a result of these translation services rendered to CCLS and that I will never reveal any of such confidential information unless specifically authorized and directed to do so by an attorney of CCLS.

\_\_\_\_\_  
Translator

\_\_\_\_\_  
Date

### CASE CLOSING SHEET

Client Name: \_\_\_\_\_ Date: \_\_\_\_\_

Type of Case: \_\_\_\_\_

**Reason for Closure (please check one):**

- |   |  |
|---|--|
| <input type="checkbox"/> 01 Limited advice or referral only       | <input type="checkbox"/> 02 Insufficient merit to proceed            |
| <input type="checkbox"/> 03 Client withdrew or did not appear     | <input type="checkbox"/> 04 Negotiated settlement without litigation |
| <input type="checkbox"/> 05 Negotiated settlement with litigation | <input type="checkbox"/> 06 Mediated agreement                       |
| <input type="checkbox"/> 07 Arbitration decision                  | <input type="checkbox"/> 08 Administration agency decision           |
| <input type="checkbox"/> 09 Court decision after merits hearing   | <input type="checkbox"/> 10 Court decision without merits hearing    |
| <input type="checkbox"/> 11 Change in eligibility status          | <input type="checkbox"/> 12 Conflict of interest                     |
| <input type="checkbox"/> 13 Non-cooperative client                | <input type="checkbox"/> 14 Other, please specify:                   |

\_\_\_\_\_  
\_\_\_\_\_

**Case Closing Checklist (please check all that apply):**

- ☐ Closing letter prepared and sent
- ☐ File contents reviewed and original and other applicable documents returned to client
- ☐ Case closing data entered into database
- ☐ File boxed and sent to storage
- File box or storage number (to be noted by the administrative assistant): \_\_\_\_\_

\_\_\_\_\_  
Student Signature Date

\_\_\_\_\_  
Supervising Attorney Signature Date



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*Columbus School of Law  
Columbus Community Legal Services  
Washington, D.C. 20064  
202-319-6788  
Fax 202-319-6780*

**FAX COVER SHEET**

The information contained in this facsimile message is legally privileged and confidential. It is only intended for the addressee(s) as noted below. Dissemination, distribution or copy of this transmission by other than the noted addressee(s) is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. We will reimburse any cost you incur in notifying us and returning the message to us. Thank you.

To:

Fax #:

Phone #:

From:

Phone #:

Date:

Re:

Number of pages (including cover sheet):

Message:

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Time Sent: \_\_\_\_\_ Initials: \_\_\_\_\_

\*\*\*\* For Office Use Only:

### CCLS EXPENSE REIMBURSEMENT FORM

Page: \_\_\_\_ of: \_\_\_\_

Name: \_\_\_\_\_ CUA Id # \_\_\_\_\_

Mailing

Address: \_\_\_\_\_

| <u>Date</u><br>(when expense<br>was incurred) | <u>Nature of Expense</u><br>(e.g. metro, parking, mileage*, filing fee,<br>copying cost, etc.) | <u>Cost</u><br>(must attach <i>original</i> receipts) |
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Total: \_\_\_\_\_

\*The University reimburses mileage at the rate of .585 per mile.



# CCLS Process Server Request Form

Before engaging the services of a paid process server, each student team must use this form and complete the following steps:

1. Discuss the needs for a process server and the nature of the service needed with the team's supervising attorney.
2. Once the need for a paid process server and the nature of the services needed are identified, a member of the student team assigned to the case must contact Capitol Process Service at (202) 667-0050 to discuss the nature of the service needed and the total price for the service(s) being sought. Occasionally, based on the special needs of the case, the student team might also need to obtain a quote from one or two other process services before finalizing the service arrangements. The student should take steps to clarify what the price includes (i.e., the number of delivery attempts, filing of the affidavit of service with the court clerk's office, etc.).
3. After obtaining a quote for the services needed, the student should then fill out this form with the requested information and provide it to the supervising attorney for approval. Once the student has obtained the approval of the supervising attorney, the student should then provide this form to Paul Kurth, Managing Director **PRIOR** to a member of the student team contacting the relevant process service company to finalize the service of process work request.

Names of CCLS Students Requesting Service: \_\_\_\_\_

Reason for service (i.e., service of subpoena): \_\_\_\_\_

Nature of service (i.e., standard service, rush, etc.): \_\_\_\_\_

Price quoted for service by Capital Process and name of person providing the quote:  
\_\_\_\_\_

Approved by supervising attorney:

\_\_\_\_\_  
Supervising Attorney Signature

Approved by Managing Director:

\_\_\_\_\_  
Signature

**APPENDIX B**  
**FAMILIES AND THE LAW CLINIC GRADING CRITERIA**

**FAMILIES AND THE LAW CLINIC CATHOLIC UNIVERSITY  
OF AMERICA COLUMBUS SCHOOL OF LAW GRADING  
CRITERIA**

Below we have outlined the criteria upon which you will be graded for the semester. At the end of the semester we will ask you to evaluate your performance in relation to each category. Each student will be graded on a 100 point scale.

Assessment of each of these categories will take into consideration the quality of work, the initiative and creativity in approaching the work, the productivity of the student, and whether the student had the opportunity to demonstrate skills in a specific category given the developments in cases and other work assigned. Evaluation of each category will be balanced according to the nature of each student's workload.

**I. Attorney - Client Relationship - 10 points**

- develops and maintains contact with clients
  - builds rapport with client
  - ability to interview and gather relevant information from client
  - advises client of developments in case
  - develops priorities with clients, identifies and explains alternative legal and non-legal courses of action
  - counsels clients, assists them in making decisions
  - listening skills (including empathy, reflective listening)

**II. Development of Theory of Case, Investigation, Discovery & Planning - 10 Points**

- identifies and develops factual issues of case including comprehensive investigation and fact gathering
- identifies, researches and develops legal issues in case including interpreting and applying statutes, regulations, case law
- demonstrates creativity, flexibility, innovation in developing case strategy, including non-legal solutions
- recognizes weaknesses in case theory and anticipates adversary's position

**III. Oral & Written Advocacy - 10 points**

- expresses ideas in clear, persuasive fashion
- advocacy reflects thorough, relevant research
- organization of and thoroughness of correspondence, case file memos, written pleadings, etc.
- quality of written presentation of facts and legal arguments

- understands and applies rules of procedure and evidence preparation of negotiation strategy; anticipates opposing party's position and formulates responses and positions
- preparation for motions hearings, evidentiary hearings
- oral communication skills evidenced in case meetings, telephone calls, other meetings and strategy sessions involving cases
- oral presentation during motions arguments, evidentiary hearings, and other presentations; including style, understanding of substantive issues, incorporation of theory of case

#### **IV. Community Project Advocacy - 10 points**

- planning and preparation for presentations, meetings
- thoroughness, clarity, persuasiveness
- skills development
- communication and interaction with individuals outside of CCLS
- creativity, resourcefulness
- initiative taken in furthering goals of project

#### **V. Professional Responsibility/Ethical Conduct - 10 Points**

- zealously represents client
- identifies potential ethical issues in cases & community projects
- understanding of and familiarity with Rules of Professional Conduct
- develops strategies for addressing ethical issues
- adequate consultation with supervisor (including reviewing written drafts, discussing case strategy and counseling issues, advising supervisor of delays or potential problems)
- identifies personal views which could conflict with the client's views or goals and develops strategies to ensure that such personal views do not compromise the client's objectives

#### **VI. Reflective/Self Evaluation Skills - 10 Points**

- ability to critique self, accept constructive suggestions and feedback and then apply appropriately
- ability to reflect on own strengths and weaknesses
- takes responsibility for own learning
- seeks to understand the social, economic and political context of the particular legal problems clients present in order to analyze fully and address the problems

**VII. Law Practice Management - 10 Points**

- ability to manage time, meets requirements regarding time to be spent on FALC work
- chronology entries (including documentation of time spent) thorough, completed on a timely basis
- consistently follows office procedures as outlined in office manual
- prepares for supervision meetings, takes initiative in setting agenda
- meets deadlines
  - thorough, clear midterm memos and transfer memos
  - case file organized

**VIII. Professional Relationships - 10 Points**

- ability to collaborate in a team on cases and community projects, interacts effectively with partner(s)
- develops positive working relationships with supervisor, administrative staff and colleagues
- notifies administrative staff of whereabouts during assigned hours
- ability to work with opposing counsel, court and agency personnel

**IX. Class/Rounds Preparation & Participation - 20 Points**

- familiar with assigned materials
- participates in class discussion and rounds discussion
- prepares for in-class simulations and exercises
- performance during in-class simulations and exercises, including style and substantive knowledge, presentation of case theory
- analyzes the role of lawyer and justice system in society
- completes class assignments; thoroughness and analysis demonstrated in class assignments

**APPENDIX C**  
**CCLS POLICY FOR THE ADMINISTRATION OF THE WRITING**  
**PORTFOLIO OPTION**

**Writing Portfolio Option**

Consistent with the Academic Rules regarding the law school's writing requirement, a student who is currently enrolled in one of the CCLS clinics may, with the approval of his or her supervisor, elect to satisfy one upper division writing requirement through a portfolio developed during the semester. The portfolio must consist of three, original, practice-oriented documents. To comply with the Academic Rules, students must submit at least one substantial draft of each document. The supervisor will provide written feedback on the draft(s) and the student must then produce a final product that incorporates the supervisor's feedback.

Any student who wishes to satisfy an upper division writing requirement through a CCLS clinic, must notify his or her clinic supervisor within three weeks of the start of the semester. The notification must be in writing using a CCLS notification form.

By mid-semester, any student working on a portfolio must submit a proposal to the supervisor identifying the writing products that the student plans to include in his or her portfolio and a timeframe for completing the documents.

The student will be responsible for maintaining the drafts of each portfolio piece. Once the final version of each writing product has been approved by the supervisor, it is the student's responsibility to submit i) a file containing all drafts, comments, and final versions of each writing product and ii) a completed portfolio certification form (available in the Registrar's office) to the CCLS supervisor. Once the supervisor has signed the certification form it is the student's responsibility to submit the form to the Registrar. The writing portfolio must be completed by the end of the semester in which the student is enrolled.

**APPENDIX D**  
**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA ADMINISTRATIVE**  
**ORDER 07-14**  
**(Exemption from Electronic Filing)**

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ORDER 07-14**

**(Exemption from Electronic Filing)**

(Modifies Admin. Order 06-17)

**WHEREAS**, on October 23, 2006, the Superior Court promulgated Administrative Order 06-17 that extended mandatory electronic filing (eFiling) to certain Civil II case types within the Civil Division beginning February 5, 2007; and

**WHEREAS**, all parties represented by counsel are required by Administrative Order 06-17 to eFile pursuant to the terms of that Order; and

**WHEREAS**, eFiling was designed to provide the public and legal community with, among other things, easy and inexpensive access to the Court; and

**WHEREAS**, parties must eFile through the Superior Court's third-party vendor, which charges a fee for each filing; and

**WHEREAS**, the legal services organizations listed in Attachment A to this Administrative Order provide direct civil legal services to low-income and underserved litigants, not all of whom qualify to proceed *in forma pauperis*, who would otherwise be forced to proceed without counsel and have been so certified by the Attorney General pursuant to 1 DCMR Sec. 2405; and

**WHEREAS**, the law schools listed in Attachment A to this Administrative Order operate clinics that provide direct civil legal services to low-income and underserved litigants, not all of whom qualify to proceed *in forma pauperis*, who would otherwise be forced to proceed without counsel; and

**WHEREAS**, these organizations and clinics and their clients may face unwarranted financial hardship if required to pay eFiling fees;

**NOW, THEREFORE**, it is hereby,

**ORDERED**, that organizations and law schools listed in Attachment A to this Administrative Order may, but are not required to, eFile when providing direct civil legal services; and it is further

**ORDERED** that notwithstanding the exemption above, attorneys with legal services organizations and law school clinics shall still register with the Court's eFiling vendor, so that they may be eServed by opposing counsel and the court, and shall still email proposed orders to the judge's eservice mailbox; and it is further

**ORDERED**, that any organization or law school clinical program listed in Attachment A that no longer provides direct civil legal services to low-income or underserved residents of the District of Columbia must:

1. Immediately upon ceasing to provide direct civil legal services to low-income or underserved litigants, eFile all further filings as required by the rules and Administrative Orders; and
2. Notify the Clerk of the Court in writing within 30 days of ending its provision of civil legal services.

And it is further,

**ORDERED**, that non-profit organizations or law schools not listed in Attachment A that want to be considered for an exemption from the eFiling requirements must:

1. Submit to the Chief Judge of the Superior Court a written request for exemption setting forth reasons why the organization should be eligible for exemption from the eFiling requirement.
2. Include with the application a certification that the organization or clinic provides direct civil legal services to low-income or underserved litigants and a certification of the total number of appearances made by the organization in Superior Court in the last calendar year and the number of appearances that the organization made on behalf of low-income or underserved litigants, and

And it is further,

**ORDERED**, that this Administrative Order shall become effective immediately.

**SO ORDERED.**

**BY THE COURT**

May 23, 2007

\_\_\_\_\_  
/s/  
Rufus G. King, III  
Chief Judge



Copies to:

**Judges**

**Magistrate Judges**

**Executive Officer of the Court**

**Clerk of the Court**

**Division Directors**

**District of Columbia Bar**

**Daily Washington Law Reporter**

**Library**

## **ATTACHMENT A**

### **Legal Services Organizations**

Advocates for Justice and Education  
Archdiocesan Legal Network  
Asian Pacific American Legal Resource Center  
Ayuda  
Bread for the City Legal Clinic  
Break the Cycle – Washington, DC Office  
Capital Area Immigrants' Rights Coalition  
Central American Resource Center  
Children's Law Center  
D.C. Bar Pro Bono Program  
D.C. Coalition Against Domestic Violence – SAFE Project  
D.C. Employment Justice Center  
D.C. Law Students in Court Program  
DV LEAP  
Human Rights First  
Lawyers for Children America – Washington, D.C. Program  
Legal Aid Society of D.C.  
Legal Counsel for the Elderly  
Mid-Atlantic Innocence Project  
Neighborhood Legal Services Program  
Our Place, D.C.  
US Committee for Refugee & Immigrant Children - DC  
University Legal Services  
Washington Lawyers' Committee for Civil Rights & Urban Affairs  
Washington Legal Clinic for the Homeless  
Whitman-Walker Clinic Legal Services Program  
Women Empowered Against Violence

### **Law Schools**

American University Washington College of Law  
Catholic University of America Columbus School of Law  
George Washington University Law School  
Georgetown University Law Center  
Howard University School of Law  
University of the District of Columbia David A. Clarke School of Law