

PREREQUITES AND WHAT YOU CAN EXPECT

Prerequisites:

Law students must have completed three semesters of law school, Civil Procedure, Criminal Law or Criminal Procedure, Evidence, and a course in Professional Responsibility [Legal Profession]. Legal Profession may be taken concurrently with the Clinic. While there are no other course requirements, Family Law, Juvenile Law, and Trial Advocacy are recommended.

What You Can Expect In the Clinic:

1. We expect students to work hard, test themselves, and grow as lawyers and as people. Our clients are children and adults who are victims of family violence, substance abuse and neglect. The clients may be referred to the Clinic by court appointment through the Juvenile Court Model Court program, by a social service agency referral, or by calling the Clinic directly. The child clients are typically involved in child protection (dependency) cases in the Pima County Juvenile Court. The adult clients are typically involved in domestic violence or domestic relations cases in the Pima County Superior Court, Tucson City Court or the Pima County Justice Court.

2. The Child & Family Law Clinic is a live-client experience. By that, we mean that you will be working with real people who have real legal problems. You will be part of a legal team that is made up of student attorneys, social work interns, supervising attorneys, and other support staff. The clients will be your clients and the cases will be your responsibility. We want student attorneys to make the key legal decisions, choices, strategies and implementations in the cases in consultation with team members.

Representing clients for the first time can be heady stuff. For some, it may be exhilarating. For others, it may be frightening or unsettling. For some, it may be both at the same time. We offer no predictions for you. We do, however, know that one of the best ways to learn professionalism and good judgment is to practice them in a setting that is designed for and focused on learning.

The Clinic faculty and staff will be there with you to help prepare you, guide you, and offer you constructive feedback. We are a collaborative law office where all of us work together for the benefit of our clients and for the professional development of our

students and ourselves. The bottom line, however, is that the final lawyer decision rests with the law student attorney.

The social work interns will be supervised by both the Clinic Directors and a licensed clinical social worker assigned through the Arizona State University School of Social Work. During the first week of class law students will be paired in litigation teams of two. Social work interns will rotate throughout all of the teams.

3. Responsibilities: You will have the opportunity to shape the agenda for your learning. A clinic is a more individualized learning experience than most other courses. As with most things, you will get out of this experience what you put into it. You play the primary role in establishing your working relationships in the Clinic. You have significant control over the content of the learning, within the context of the issues and tasks presented by your cases. If you take the initiative, you can make this a great experience.

You have heard that law school is mostly about teaching you to think like a lawyer. In the Clinic, you will discover that there are aspects to thinking like a lawyer that are not easily taught in other courses or contexts. And we want you to learn to act like a lawyer as well as think like one.

Accomplishing that will require you do tasks that you may never have done before, or, at least, require you to do them in a new context. We want you to stretch yourself, to take on new experiences, to take a few risks. We want you to test yourself. But we also want you to recognize that it is just as important that you learn to put individual experiences in a broad context that will make them useful and interesting over a long career. This will help you better appreciate the lessons of your other law school courses.

4. Client-centered lawyering: Client-centered lawyering views representation, and the client, holistically, recognizing that clients are more than the sum of their legal issues and that legal results are only successful when they can actually be implemented in the client's daily life. Both legal and non-legal issues are assessed, and clients are encouraged to weigh all possible consequences before making decisions about those issues. Client-centered lawyering recognizes that every case is different, and promotes empowering victims to take charge of their decisions.

The guiding principle of client-centered lawyering in family law is that clients

understand their factual issues better than anyone and that they must ultimately live with their life-determining decisions. Attorneys representing victims of [family] violence are challenged with walking a fine line between giving victims information and legal advice that will explain and increase their options, and leading victims to do what the attorneys believe is best.

5. Confidentiality: All of your work in the clinic must be performed with due regard for client confidentiality. You must not discuss your work in the Clinic with family or friends or other students who are not members of the CFLC. You must maintain the confidence of client files under all circumstances.

6. The role of the social work intern: The social work interns are enrolled in the Masters of Social Work degree program at the Arizona State University School of Social Work, Tucson Component. The interns are working in the Clinic as part of their field placement requirement. The social work interns are part of the CFLC legal team. They play a critical role in the Clinic's ability to provide comprehensive and holistic services to the clients. As part of the legal team, the interns assist law students with client focused litigation strategy by providing input and insight on the client's ability to understand the purpose of the legal proceeding, the client's ability to communicate effectively, the client's willingness and ability to proceed with contested litigation, helping the law students to understand possible mental health, psychological, social, or cultural theories/rationale for behavior exhibited by the clients.

The social work interns work together with the law student attorneys and keep their confidential records as part of the entire confidential legal file. The interns do not keep separate client files and do not meet with clients independent of the law student attorney. Clients are asked to provide voluntary and informed consent to the involvement of social work interns in their case. Clients are free to decline social work assistance and they do not need to agree to social work involvement in their case to receive legal assistance from the Clinic.

The social work interns participate fully in the Clinic classroom component, client interviews, case staffing, and follow up work including assessments and referrals. The involvement of social workers in the Clinic provides a unique opportunity for interdisciplinary learning by experience.

7. Work hours: You are expected to establish clinic office hours indicating when you will be in the clinic each week. Generally, you can expect to spend 10 to 15

hours per week working on clinic matters. A typical week may include:

- Office hours during regular business hours (includes meeting for supervision with a Clinic Director for 30 minutes each week) – approximately 2 hours;
- Class time and preparing class assignments– (these hours are not included in your time sheets);
- Conducting initial client intake and interviews;
- Conducting home visits to child clients;
- Following up after interviews;
- Conducting pre-trial fact investigation;
- Preparing for court motions, hearings, and trials;
- Drafting and filing legal documents.

You can expect to work more time in the office if the client you are assigned is accepted for legal representation or you are assigned a child protection case and you must prepare for court and attend court to represent the client. In the beginning of the semester, you will work fewer hours than toward the middle and end of the semester. At the beginning of the semester it takes time to build up the client base and determine who is in need of representation.

8. Client intake and interviews: As a CFLC law student attorney or social work intern you will be responsible for completing intake questionnaires with potential new clients during your office hours. In addition, you must be available to interview one client every other week starting about a month into the semester. Scheduling interviews is flexible with consideration given to the client’s schedule, your schedule, the social work intern’s schedule, and any need for an interpreter. In addition, you will need flexibility to travel to the home or school of clients that are minors in order to conduct interviews.

9. Case rounds: “Case Rounds” is the process by which the merits of a case are discussed in detail in order to decide a particular course of action or whether the case can be accepted by the clinic for legal representation. You will be required to recommend a particular course of action given the CFLC resources and your current workload.

10. Time sheets: You are required to keep a journal to document the hours you work in the CFLC and to detail the projects you have completed. The journal is to document time spent on each task per each individual client. The time journal of action

is part of the case file and you are required to hand in your journals at the end of the semester.

11. Clinical supervision: The Clinic is not a theoretical or doctrinal course. The Clinic is primarily practical and experiential. That does not mean that doctrine and theory are unimportant. In fact, the opposite is true. We expect you to draw on your previous work in school and apply it in action on behalf of your clients.

One of the more exciting aspects of the Clinic is that it introduces you to the lawyer/client relationship and an interdisciplinary relationship between social workers and lawyers directly. You will represent clients and they will rely on you to represent them well. Experiencing this reliance is the best way to appreciate the implications of the role of the lawyer and the foundations of professional responsibility. You will need to draw on your previous law school and social work school experience, your life experience, and your common sense to perform your tasks well.

When someone is relying on you, you may face difficult strategic choices. Sometimes you may face ethical or moral dilemmas. Your faculty supervisor and your other clinical colleagues will help you make those choices for yourself.

A difference between the Clinic and most other course is the relationship you will have with the faculty member who supervises you. Even if you have worked closely with an attorney in an outside job, you will find that there is a difference when the attorney with whom you are working makes what and how you learn a high priority. A Clinic course puts you in regular, sometimes daily, contact with a faculty member. Much of the contact is spontaneous and informal. You may feel some awkwardness about this relationship. That is to be expected. Nevertheless, be assertive and take advantage of the Clinic faculty's presence. Clinic faculty is expected to be accessible to you, but it is up to you to initiate the informal contact.

We work collaboratively in the Clinic. Because we represent real people, we have to put their needs ahead of our egos. What that means is that there is no embarrassment. There are no dumb questions, only the questions we did not ask. There is a need for a frank and honest exchange of views. Only then can our clients be guaranteed the best legal services that we can offer.

12. Classroom requirements: We will meet as a group at 3:00 p.m. in our classroom located in room 114 in Rountree Hall. Please contact Prof. Bennett at

bennett@law.arizona.edu if you anticipate any difficulty in attending this first class session. The CFLC will meet every week as a group on Thursdays from **5:00 p.m. to 7:00 p.m.** The first half of class is typically devoted to a discussion of the substantive law while the second half involves discussion of Clinic cases.

The Child and Family Law Clinic Student Office Manual and syllabus will be made available electronically and in hard copy. We will collect Rule 38(d) forms and other administrative forms during the first class.

13. Clinic workspace and computers: The clinic has student workspace located within the clinic building. The main workspace is located in room 103 of the clinic building. Room 103 has seven work carrels, three desk top computers, two printers, a copy machine, two telephones and the clinic mailboxes. The workspace is utilized on a first-come-first-served basis and shared among three clinics: CFLC, the Immigration Law Clinic and the Veteran's Advocacy Clinic. **You are strongly encouraged to bring your own laptop when working in the clinic.** The clinic computers are quite dated and slow. We are in the process of updating the technology. Overflow student workspace is located in room 123 and 117 of the clinic building.

14. Administrative forms: All eligible law students must complete an Arizona Rule 38(d) Certification form. All law and social work students must complete a Schedule and Confidentiality Agreement. The forms will be available for you to complete and turn in during our first class session.

15. Credit Hours and grading: The Child and Family Law Clinic (CFLC) is offered for four graded units per semester. Classroom attendance and participation is mandatory. You are expected to establish clinic office hours indicating when you will be in the clinic each week. You must keep track of the time you spend on Clinic activities and document your time. A time journal for each case must be turned in at the end of the semester. Social work students have a weekly hourly requirement that is determined by the ASU School of Social Work.

16. Course and self-evaluation: All students are required to complete a detailed course and self-evaluation for the CFLC both mid-semester and at the end of the semester. The evaluation asks you to think critically about your work over the semester and to critique the supervision provided. Below are the criteria for the self-evaluation:

Part III -- Self Evaluation ---Your Performance as a Student-Lawyer

1. Evaluate your performance in the program to date according to the following criteria^a:

	Excellent	Good	Satisfactory	Needs improvement	N / A
Problem solving					
Legal analysis and reasoning					
Legal interviewing					
Drafting/ writing technique					
Fact investigation					
Communication with clients, co-workers and others					
Knowledge of court procedures					
Litigation skills					
Organization and time management					
Accepting Responsibility					
Maximizing Supervision					
Learning from your recent experience					

Problem solving: Your ability to identify or anticipate a problem. How well do you thoroughly and creatively propose a solution to a problem with awareness of ethical constraints?

Legal analysis and reasoning: Your ability to locate relevant authority and apply it correctly and persuasively to the facts. How well do you analyze the legal aspects of a case?

Legal interviewing: Your ability to obtain relevant information by asking clear questions with sensitivity and understanding of the client’s developmental, cultural, social and psychological needs. How well do you ask necessary follow up questions and pursue areas of difficulty? How well do you foster trust and create a sound lawyer-client relationship.

Drafting/writing technique: Your ability to draft documents that are well-organized, purposeful, clear, comprehensive and free from excessive errors in a timely manner.

Fact investigation: Your ability to discover additional information and facts beyond information provided by client. How well do you initiate informal discovery through investigation, talking with case managers, foster parents, other lawyers, and utilizing community and social resources in addition to other non-traditional sources?

Communication with clients, co-workers, and others: Your ability to listen well and respond appropriately. How well do you clearly and effectively articulate needs and concerns to your supervisor, colleagues and support staff? How well have you counseled and advised your

clients by providing legal information in a manner that allows the client to participate fully and make informed decisions? How well have you maintained contact with clients and developed a trust relationship? Have you provide clients with timely case information and maintained regular and consistent contact with clients, including in-person visits at home when appropriate?

Knowledge of court procedures: Your ability to seek out information on local court procedure, practice and custom before appearing in court or filing documents with the clerk of court.

Litigation skills: Your ability to dedicate sufficient time to pre-trial preparation, development of trial strategy, preparation of witnesses and exhibits, argue pre-trial motions, and anticipate evidentiary challenges and preserve matters for appeal. In trial and hearings, how do you assess your ability to present the case in a clear, organized, persuasive manner under the stress of the courtroom?

Organization and time management: How well do you complete assignments efficiently by the deadline? Do you return phone calls promptly and respond to requests on a timely basis? Are you able to effectively resolve conflicts in schedule and project deadlines? Do you respond effectively to emergencies or uncertainties? How well do you keep accurate track of time spent on task and maintain client files in an organized fashion with sufficient documentation in file detailing work completed?

Accepting Responsibility: How much responsibility do you take for performing the tasks and making the decisions that lawyers need to make? Are you accountable for what you do? Do you do what you'll say you are going to do? Do you take on too much so that you cannot perform well? Do you take on too little?

Maximizing Supervision: How well you utilize supervision? Do you seek it out or shy away? Do you ask for help too little, too often, or just right? How well do you respond to critique and how do you use that critique to become a better lawyer.

Learning from recent experience: Your ability to reflect upon and learn from each experience. How well do you take lessons from what you just did and use those lessons to become a better lawyer?

Excellent: performs significantly beyond basic skill requirements in all aspects. Demonstrates exceptional achievement in key areas of responsibility. Quality of work is outstanding.

Good: performs beyond basic skill requirements in many aspects. Demonstrates sound achievement in key areas of responsibility. Quality of work exceeds expectations in most areas.

Satisfactory: performs basic skill requirements. Demonstrates basic achievement in key areas of responsibility. Quality of work meets basic minimum standards.

Needs improvement: does not meet minimum requirements and expectations in some areas. Quality or quantity of work needs improvement in some key areas.

N/A: the skill is not applicable because the person has not been provided the opportunity to perform in this area.