

## CIVIL PRACTICE LEGAL CLINIC SPRING 2019 SYLLABUS

### Faculty:

**Professor Rebecca O’Neill**  
**Legal Clinic**  
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**Professor John Erbes**  
**Legal Clinic**  
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**Office Hours:** Fluctuate each week and will be announced during the mandatory class/staff meeting

**Course Objectives:** See Clinic Missions and Goals for Students, Mission Statement, and Program Goals and Objectives located in Civil Practice Clinic Handbook.

**Clinic Student Assessment and Evaluation:** See documents contained in the Civil Practice Clinic Handbook.

**LEGAL CLINIC STUDENTS REQUIRED TO ATTEND ALL CLASSES.**  
Should you need to miss class, please discuss this with Professor O’Neill or Professor Erbes before missing the class.

**CLASS MEETING TIME AND LOCATION: 3-4:15 p.m., on Tuesdays in Room 103**

**SUGGESTION ON READING ASSIGNMENTS:** Please consider doing the reading assignments at the beginning of the semester rather than waiting until the weeks they are assigned. Review the reading materials as assigned throughout the syllabus before we have the class discussion on that topic. You are likely to have clients with legal needs that are covered by these assignments prior to the class discussion on these topics. This is also a good way for you to get your clinic hours during the first two weeks of the semester as you are attempting to schedule your clients for appointments.

**STAFF MEETINGS:** Each class will begin with a staff meeting. During staff meetings, we will discuss case assignments, legal issues, scheduling, and we will devote time to law office practice topics and special projects.

## WEEK 1- Erbes and O'Neill

**Tuesday, January 15, Meet in Room 103 at 3 p.m. for introductions and orientation.** We will then have a tour of the clinic office, introduce staff, discuss forms, procedures and client confidentiality.

We will also go over the SIUC Field Trip Policy. Part of your time will be spent obtaining clinical hours for academic activities outside of the Law School. These off-campus activities are classified by the University as "field trips". Each student will be required to sign SIUC/Legal Clinic forms for Field Trip Participation and Assumption of Risk at the beginning of the semester prior to engaging in any off-campus activities.

### Assignments:

- [ ] Read the Legal Clinic Student Handbook. Review the ABACUS handbook. Please spend at least four hours reading and studying the handbooks.
- [ ] Sign up for an appointment with your supervising attorney and an ABACUS training during the first week of school. Contact Brandon Straub to schedule the ABACUS training. He can be reached by email at [brandon.straub@siu.edu](mailto:brandon.straub@siu.edu).
- [ ] Turn in the following documents to Linda Clendenin: SIUC Participant Agreement, Assumption of Risk, Agreement to Serve as Legal Clinic Driver, Application for 711 (if eligible), and ethics letter.
- [ ] Turn in your class/work schedule to Linda Clendenin, your supervising attorney and the receptionist.
- [ ] Turn in time sheets for this week by **Friday, January 18, 4 p.m.** Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.

## WEEK 2-Erbes

### Tuesday, January 22. Client Interviewing, Overcoming Communication Barriers

- [ ] **Reading Assignment:** Read sections I. & II. of the article by Linda F. Smith from the *Journal of Contemporary Law, Representing the Elderly Client and Addressing the Question of Competence*. **(Article found at the back of the handbook.)** Also, review the Legal Clinic Client Retainer Agreement found in Section 8 of your handbook, and the various Clinic Typing Request forms found in Section 5 your handbook.
- [ ] Review the example of the client interviewing assessment form that is in Section 3 of the clinic handbook. Consider these as guidelines when preparing for your client interviews.

- [ ] Be prepared to discuss interviewing skills, and how to prepare for an interview. Prepare a folder to take to client interviews. Include typing requests for dpoas and wills, will interview forms, client retainer agreements, and any other documents you might need for client interviews.
- [ ] Turn in time sheets for this week by 4 p.m. on Friday. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.
- [ ] **Simulated ABACUS office exercise due by Wednesday, January 23, at 4:00 p.m.**

### **WEEK 3**

#### **Tuesday, January 29          Estate Planning-O'Neill**

- [ ] **Reading Assignment:** 755 ILCS 5/1-1 through 5/5-3; and 5/15-1 through 5/15-4; 5/18-1; 5/18-1.1; 5/18-10; 5/18-12; 755 ILCS 30/1; 765 ILCS 1005/1-2. Review the will typing request form and the will interview form. Bring copies of both documents to class.
- [ ] Turn in time sheets for this week by 4 p.m. on Friday. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.

### **WEEK 4**

#### **Tuesday, February 5          Surrogate Decisions-O'Neill**

- [ ] **Reading Assignment:** Surrogate Health Care Decisions for Adults in Illinois-Answers to the Legal Questions that Health Care Providers Face on a Daily Basis, Loyola University, Chicago Law Journal, Vol. 29, No. 2 411-464, Rebecca J. O'Neill
- [ ] Turn in time sheets for this week. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.

### **WEEK 5**

**Tuesday, February 12      Durable Powers of Attorney-QUIZ and examples of Client Interviews for DPOAS-Erbes**

[ ] **Reading Assignment:** Review Durable Power of Attorney statutes 45/1-45/4-12. Pay close attention to: 45/2-3, 45/4-4, 45/3-4. Turn in an outline of questions that you would ask in an interview for durable powers of attorney. Be prepared to explain the DPOAs during class.

[ ] Turn in time sheets for this week. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin by 4 p.m. Friday. Save these documents in your student folder on the Q Drive.

**WEEK 6**

**Tuesday, February 19      Guardianships-O'Neill**

[ ] **Reading Assignment:** and be familiar with the Illinois Probate Act sections on Guardianship, 755 ILCS 11a-1 thru 11a-23. Please pull the guardianship information forms and typing requests and bring them and copies of the applicable statute to class.

**Quiz followed by lesson on Guardianship**

**Other Assignments:**

[ ] Turn in time sheets for this week by Friday. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.

**WEEK 7-Erbes**

**Tuesday, February 26 Civil Judgments and Collections Procedures-Erbes**

[ ] **Reading Assignment:** Be generally familiar with Supreme Court Rules 281-288 and Article XII of the Code of Civil Procedure, Parts 1, 7, 8, 9 & 10, 735 ILCS 5/12-101 et seq. Review the Federal Fair Debt Collection Practices Act, 15 U.S.C. 1692.

[ ] Turn in time sheets for this week. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive

[ ] Set up an appointment to meet with your supervising attorney for a mid term evaluation.

**WEEK 8**

**Tuesday, March 5 Grandparents Raising Grandchildren-O'Neill**

[ ] **Reading Assignment:** Read and be familiar with Rebecca O'Neill's article "Grandparents

Raising Grandchildren in Illinois—Establishing the Right to a Continuing Relationship Through Visitation, Custody, and Guardianship in 2007: Where We've Been, Where We are, and Where We Need To Go, 38 Loy. U. Chi. L.J. 733-63

[ ] Turn in time sheets for this week by Friday at 4 p.m.. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.

## **WEEK 9 Spring Break**

## **WEEK 10**

### **Tuesday, March 19 Elder Abuse**

[ ] **Reading Assignment:** In Fear of Suits: The Attorney's Role in Financial Exploitation, Roberta K. Flowers, NAELA Journal, National Academy of Elder Law Attorneys, Volume 10, Number 2, Fall 2014, 175. (A copy of this article will be provided to you.)

## **WEEK 11**

### **Tuesday, March 26 Professionalism and Ethics-Erbes**

As we go through semester, students will be asked to make a log of any ethical or professional issues that they encounter. We will have a class discussion about the Rules of Professional Responsibility and how issues were addressed. More information about this class will be provided on a date closer to the class.

## **WEEK 12**

### **Tuesday, April 2 Self Assessment, Fundamental Lawyering Skills and Values; Tips on Preparing for your Student Presentation-Erbes**

#### **Assignment:**

[ ] Complete the Requirements for Clinic Credit assessment form and bring it to class to turn in.

[ ] Meet with your Supervising Attorney to discuss your presentation topic. Prepare for presentation.

[ ] Turn in time sheets for this week. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.

[ ] Begin preparing your cases for closure or transfer.

## WEEK 13

Tuesday, April 9

**ALL STUDENTS MUST ATTEND ENTIRE CLASS**

**Staff Meeting and Student Presentations**

**Turn in time sheets and case lists by 4 p.m. Friday.**

## WEEK 14

April 16

**ALL STUDENTS MUST ATTEND ENTIRE CLASS**

**Staff Meeting and Student Presentations**

**Assignments:**

[ ] Turn in time sheets for this week. Turn in a hard copy of your case list and time sheet to your supervising attorney(s) and Linda Clendenin. Save these documents in your student folder on the Q Drive.

## WEEK 15

April 23 (Last Class)

**ALL STUDENTS MUST ATTEND ENTIRE CLASS**

**Staff Meeting and Student Presentations**

[ ] **Schedule an exit interview with your supervising attorney, and follow the end of semester procedure found in your Handbook.**

Students need to have as many files as possible closed by the end of the semester. For open cases, a Case Status Memo must be prepared for each file that will be transferred to new students. The Case Status information should be saved in Abacus in addition to being printed and placed in the client file. Additional closing procedure information will be provided prior to the end of the semester.

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Class Preparation:

The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), “a “credit hour” is an amount of work that reasonably approximates: (1) 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 over a different amount of time.” If you are enrolled in the Legal Clinic for 3 credit hours, you are required to complete 10 hours of clinic work each week. The amount of assigned reading and out of class preparation varies each week depending on the assignment. More specifics on reading assignment times are specified within the assignments for the classes

*Emergency Procedures.* Southern Illinois University Carbondale is committed to providing a safe and healthy environment for study and work. because some health and safety circumstances are beyond our control, we ask that you become familiar with the SIUC emergency Response Plan and Building Emergency Response Team (BERT) program. Emergency response information is available on posters in buildings on campus, available on BERT's website at [www.bert.siu.edu](http://www.bert.siu.edu), Department of Safety's website [www.dps.siu.edu](http://www.dps.siu.edu) (disaster drop down) and in Emergency Response Guideline pamphlet. Know how to respond to each type of emergency.

Instructors will provide guidance and direction to students in the classroom in the event of an emergency affecting your location. **It is important that you follow these instructions and stay with your instructor during an evacuation or sheltering emergency.** The Building Emergency Response Team will provide assistance to your instructor in evacuating the building or sheltering within the facility.

**Disability Policy:** Disability Support Services provides the required academic and programmatic support services to students with permanent and temporary disabilities. DSS provides centralized coordination and referral services. To utilize DSS services, student must go to the DSS to open cases. The process involves interviews, reviews of student-supplied documentation, and completion of Disability Accommodation Agreements. <http://disabilityservices.siu.edu/>. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreement to the School of Law Registrar's Office to ensure the School of Law provides the proper classroom and examination accommodations.

**Saluki Cares.** The purpose of Saluki Cares is to develop, facilitate and coordinate a university-wide program of care and support for students in any type of distress-physical, emotional, financial, or personal. By working closely with faculty, staff, students and their families, SIU will continue to display a culture of care and demonstrate to our students and their families that they are an important part of the community. For information on Saluki Cares: (618) 453-5714, or [siucares@siu.edu](mailto:siucares@siu.edu), <http://salukicare.siu.edu/index.html>. At the School of Law, Assistant Dean Judi Ray is also available to help students access university resources. Her email is [judiray@siu.edu](mailto:judiray@siu.edu) and her phone number is 618-453-3135.

**NOTICE OF RECORDING POLICIES:** *This class is not recorded. We discuss many confidential matters during class.*

**GRADING POLICIES** *The grading policies of this class are outlined in the Clinic Student Handbook in Section 3, Civil Practice Clinic Grading Scale.*