

CIVIL PRACTICE LEGAL CLINIC

FALL 2020 SYLLABUS

Faculty:

Professor Rebecca O'Neill
Legal Clinic
Room 178
1150 Douglas Drive
Phone: 618-536-4423
email: rjoneill@siu.edu

Professor John Erbes
Legal Clinic
Room 179
1150 Douglas Drive
Phone: 618-536-4423
email: erbes@siu.edu

Office Hours: Fluctuate each week and will be announced during the weekly mandatory class/staff meetings.

Course Objectives: See Clinic Missions and Goals for Students, Mission Statement, and Program Goals and Objectives located in Civil Practice Clinic Materials which have been emailed to you.

Please note: The pandemic places many hurdles in our path to providing high quality legal representation to our clients. This semester will challenge all of us in many ways, but these are challenges we can meet and learn from. Whether you are on campus or working remotely, you will need to put forth your very best effort to provide high quality legal services to our clients and to regularly communicate with your clients, supervising professor, and Linda Clendenin.

Clinic Student Assessment and Evaluation: See documents contained in the Civil Practice Clinic Materials which have been emailed to you.

LEGAL CLINIC STUDENTS REQUIRED TO ATTEND ALL CLASSES either in person or remotely. 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: Mondays 2:45-4:00 p.m. in Room 164

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 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.

PLEASE NOTE: *There may be changes to this syllabus depending on our access to resources during the first week of school. The university is setting up a larger room for work space for students and that has not been completed. We were also expecting more laptops that we have not yet received. We hope that these matters will be accomplished before school starts.*

WEEK 1- Erbes and O'Neill

Monday, August 17. Meet in Room 164 at 2:45 p.m. for instructions and orientation. We will 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. Many of your client appointments will also be held in Zoom.

Assignments:

- [] Read the Legal Clinic Student Materials which have been emailed to you.
Review the Abacus handbook. Please spend at least four hours reading and studying this information.
- [] Sign for an appointment with your supervising attorney and for an ABACUS training. The extra ABACUS training will count as the 14th Class for clinic. Please read the ABACUS handbook prior to the training.
- [] 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, August 21, 4:00 p.m.** Email a 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

Monday, August 24. - Class - Client Interviewing, Overcoming Communication Barriers, Phone Etiquette- Erbes

Abacus Training to be completed this week

- [] **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. Email a 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 **Monday August 31 at 4:00 p.m.**

WEEK 3 Monday, August 31

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. Email a 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

NO CLASS ON MONDAY, September 7, Labor Day

- [] Turn in time sheets for this week by 4 p.m. on Friday. Email a 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 Monday, September 14

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. Email a 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 6 Monday, September 21

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. Email a 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 7 Monday, September 28

Guardianships-O'Neill

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

Quiz followed by lesson on Guardianship

Other Assignments:

- [] Turn in time sheets for this week. Email a 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 Intern Drive.

WEEK 8 Monday, October 5

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. Email a 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 9 Monday, October 12 Grandparents and Others 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.. Email a 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 10 Monday, October 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).

[] Turn in time sheets for this week by Friday at 4 p.m.. Email a 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 11 Monday, October 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.

[] Turn in time sheets for this week by Friday at 4 p.m.. Email a 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 12 Monday, November 2 Self Assessment, Fundamental Lawyering Skills and Values; Tips on Preparing for your Student Presentations-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. Email a 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 Monday, November 9 _____ Staff Meeting and Student Presentations

- [] Turn in time sheets for this week. Email a 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 14 Monday, November 16. Staff meeting and Student Presentations.

Assignments:

- [] Turn in time sheets for this week. Email a 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.
- [] 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.

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, Department of Safety’s website 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, <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 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.*