

CIVIL PRACTICE LEGAL CLINIC
LAW 673 - FALL 2022 SYLLABUS

Faculty:

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

Guest Faculty:

John Erbes
Phone: 618-536-4423
email: erbes@siu.edu

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 Materials which have been emailed to you.

LEGAL CLINIC STUDENTS REQUIRED TO ATTEND ALL CLASSES. Should you have a compelling reason and need to miss class, please discuss this with Professor O'Neill before missing the class.

CLASS MEETING TIME AND LOCATION: Mondays 1:30-2:45 p.m. in Room 164.

SUGGESTION ON READING ASSIGNMENTS: Please consider reading all of assignments at the beginning of the semester rather than waiting until the weeks they are assigned. Then, prior to each class review the reading materials 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.

WEEK 1 - Class-August 22 - Orientation

Assignments:

- [] Read the Legal Clinic Student Handbook. Review the Abacus handbook. Please spend at least four hours reading and studying the handbooks.
- [] Turn in the following documents to Linda Clendenin: SIUC Participant Agreement, Assumption of Risk, Application for 711 (if eligible), and ethics letter.
- [] Turn in your class/work schedule to Linda Clendenin, your supervising attorney and the receptionist.
- [] Schedule an individual meeting with Professor O'Neill.
- [] Sign up for your ABACUS Training with Professor O'Neill.
- [] Read the treatise materials about Elder Law, Ethics, Capacity, etc. that Professor O'Neill posts in TEAMS and also sends you via email.
- [] Email your time sheets and case to list **Linda Clendenin and Professor O'Neill** by **Friday, August 26, 4:00 p.m.** Save these documents in your student folder on the Q Drive.
- [] ***Note** - You must email your time sheets to Rebecca O'Neill and Linda Clendenin by 4 p.m. on Friday each week. Since many of you will be at site visits on Friday afternoons, we grant an extension to emailing this to the following Monday at 4:30 p.m. If you have not emailed your time sheets by then, you lose credit for any time you accumulated the prior week. **THERE WILL BE NO EXCEPTIONS TO THIS RULE-DON'T ASK.**
- [] Watch any videos that Professor O'Neill posts on TEAMS this week.

WEEK 2 – August 29 - Durable Powers of Attorney

- [] **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. Bring an outline of questions that you would ask in an interview for durable powers of attorney and be prepared to share and discuss your line of questioning during class.
- [] Simulated ABACUS exercise due by Thursday, September 1, by 4:30 p.m. Do not duplicate other students' work on this. It will be obvious that you copied. Create your own cover letter using the letter format suggested in the Student Handbook. Be certain to spell check and grammar check the letter before submitting it to Professor O'Neill to be reviewed.

- [] Email your time sheets and case list to Rebecca O'Neill and Linda Clendenin. Save these documents in your student folder on the Q Drive.

**WEEK 3 – NO CLASS on September 5, 2022 (Labor Day) - CAMPUS & OFFICE
CLOSED. (Your ABACUS training the first week substitutes for this class.)**

WEEK 4 - Class on September 12 - Estate Planning

- [] **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.
- [] Email your time sheet and a copy of your case list to Rebecca O'Neill and Linda Clendenin by 4 p.m. on Friday. Save these documents in your student folder on the Q Drive.

WEEK 5 – Class September 19 – Interviewing & Client Assessment

- [] **Reading Assignment:** Treatise reading materials posted in TEAMs.
- [] 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.
- [] Email your time sheet and a copy of your case list to Rebecca O'Neill and Linda Clendenin by 4 p.m. on Friday. Save these documents in your student folder on the Q drive.

WEEK 6 – Class September 26

Intersection of the Mental Health and Developmental Disabilities Code and the Probate Act

- [] Reading Assignment: Rebecca O'Neill's Amicus Brief in *Craig H.*
- [] Email your time sheet and a copy of your case list to your Rebecca O'Neill and Linda Clendenin. Save these documents in your student folder on the Q Drive.

WEEK 7 - Class October 3 - Guardianships

- [] **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.

- [] Email your time sheet and a copy of your case list to Rebecca O'Neill and Linda Clendenin. Save these documents in your student folder on the Q Drive.

WEEK 8 - Class October 10 - Civil Judgments and Collection Procedures - John 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 your time sheet and a copy of your case list 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 - Class October 17 - Limited Scope Representation

- [] **Reading Assignment:** Review the website at chicagobardoundation.org/pdf/resources/limited-scope-representation/toolkit.pdf
Read Illinois Supreme Court Rules on Limited Scope Representation.

WEEK 10 – October 24 – A Look at Poverty, Health Care, Resources and Challenges

- [] **Reading Assignment:** To be announced
- [] Email your time sheets and case lists to Rebecca O'Neill and Linda Clendenin week by Friday at 4 p.m. Save these documents in your student folder on the Q Drive.

WEEK 11 - Class October 31 - Professionalism and Ethics and Self-Assessment Fundamental Lawyering Skills and Values and Tips to Prepare for your Class Presentation

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.

- [] Email your time sheet and a copy of your case list to Rebecca O'Neill and Linda Clendenin. Save these documents in your student folder on the Q Drive.
- [] Discuss your presentation topic with Rebecca O'Neill. Prepare for presentation.

WEEK 12 - Class November 7 - Elder Abuse – John Erbes

- [] **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).
- [] Email your time sheet and a copy of your case list to Rebecca O'Neill and Linda Clendenin. Save these documents in your student folder on the Q Drive.

WEEK 13 – Class November 14 - Student Presentations

ALL STUDENTS MUST ATTEND ENTIRE CLASS

- [] Email your time sheet and a copy of your case list to Rebecca O'Neill and Linda Clendenin. Save these documents in your student folder on the Q Drive.
- [] Begin preparing your cases for closure or transfer.

WEEK 14 – NO CLASS THANKSGIVING VACATION (November 20-27, 2022)

WEEK 15 – Class November 28 - Student Presentations (LAST CLASS)

ALL STUDENTS MUST ATTEND ENTIRE CLASS

Email your case list and time sheets to Rebecca O'Neill and Linda Clendenin by 4 p.m. Friday.

WEEK 16 – NO CLASS – READING DAY

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

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.*

SYLLABUS ATTACHMENT

SIU SCHOOL OF LAW – FALL 2022

EMERGENCY PROCEDURES: *We ask that you become familiar with **Emergency Preparedness @ SIU**. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness @ SIU website, and through text and email alerts. To register for alerts, visit <http://emergency.siu.edu/>.*

DISABILITY POLICY. *SIU Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval, please contact DSS immediately at 618-453-5738 or disabilityservices.siu.edu. You may request accommodations at any time, but timely requests help to ensure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty. Upon completion of a Disability Accommodation Agreement with DSS, students should bring the agreements for each course 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) 453-2461, or siucares@siu.edu, <https://salukicare.siu.edu/>. Assistant Dean Judi Ray is available at the School of Law to help students access university resources. Please email her at judiray@siu.edu, or call 618-453-3135.*

COVID-19. *SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (<https://siu.edu/coronavirus>), which includes the Saluki Safety Plan. People can also send email to pandemicinfor@siu.edu.*

Please be prepared to wear a mask when we enter health care facilities to meet with clients. Please also be prepared to have a mask available to wear at site visits and client home visits whenever we are seeing clients who prefer that we mask. We serve a vulnerable population. Many of our clients have major health care issues.

Syllabus Attachment

Fall 2022

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIUC embraces a unique tradition of access and opportunity, inclusive excellence, innovation in research and creativity, and outstanding teaching focused on nurturing student success. As a nationally ranked public research university and regional economic catalyst, we create and exchange knowledge to shape future leaders, improve our communities, and transform lives.

IMPORTANT DATES

Semester Classes Begin:.....08/22/2022
Last day to add full-term course (without Dean's signature):.....08/28/2022
Last day to withdraw from the University with a full refund:.....09/02/2022
Last day to drop a full-term course for a credit/refund:.....09/04/2022
Last day to drop a full-term course (W grade, no refund):.....10/30/2022
Final examinations:.....12/12-16/2022

Note: Please verify the above dates with the Registrar calendar and find more detailed information on deadlines at <http://registrar.siu.edu/calendars>. For add/drop dates that apply to shorter-than-full-term courses, please look at the Schedule of Classes search results at <http://registrar.siu.edu/schedclass/index.php>.

FALL SEMESTER HOLIDAYS

Labor Day 09/05/2022
Election Day 11/08/2022
Veterans Day 11/11/2022
Thanksgiving Break 11/19-11/27/2022

DIVERSITY

Southern Illinois University Carbondale's goal is to provide a welcoming campus where all of our students, faculty and staff can study and work in a respectful, positive environment free from racism and intimidation. For more information visit: <http://diversity.siu.edu>. Additional [informational flyer](#).

DISABILITY SUPPORT SERVICES

SIUC Carbondale is committed to providing an inclusive and accessible experience for all students with disabilities. Disability Support Services coordinates the implementation of accommodations. If you think you may be eligible for accommodations but have not yet obtained approval please contact DSS immediately at (618) 453-5738 or <https://disabilityservices.siu.edu>. You may request accommodations at any time, but timely requests help to insure accommodations are in place when needed. Accommodations and services are determined through an interactive process with students and may involve consideration of specific course design and learning objectives in consultation with faculty.

MILITARY COMMUNITY

There are complexities of being a member of the military community and also a student, and military and veteran related developments can complicate academic life. If you are a member of the military community and in need of accommodations please visit Veterans Services at <http://veterans.siu.edu/>.

STUDENT MULTICULTURAL RESOURCE CENTER

The Student Multicultural Resource Center serves as a catalyst for inclusion, diversity and innovation. As the Center continues its work, we are here to ensure that you think, grow and succeed. We encourage you to stop by the Center, located in the Student Services Building Room 140, to see the resources available and discover ways you can get involved on the campus. Visit us at: <https://smrc.siu.edu/>.

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, SIUC 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: Call (618) 453-2461, email siucares@siu.edu, or <http://salukicare.siu.edu/>.

SAFETY AWARENESS FACTS AND EDUCATION

Title IX makes it clear that violence and harassment based on sex and gender is a Civil Rights offense subject to the same kinds of accountability and the same kinds of support applied to offenses against other protected categories such as race, national origin, etc. If you or someone you know has been harassed or assaulted, you can find the appropriate resources here: <http://safe.siu.edu>

COVID-19

SIUC's policy on face masks and social distancing is consistent with the guidance from the Centers for Disease Control and Prevention and the Illinois Department of Public Health. For up-to-date information, students, faculty, and staff should visit SIUC's COVID website (siu.edu/coronavirus), which includes the Saluki Safety Plan. People can also send an email to pandemicinfo@siu.edu.

WITHDRAWAL POLICY ~ Undergraduate only

Students who officially register for a session must officially withdraw from that registration in a timely manner to avoid being charged as well as receiving a failing grade for those classes. An official withdrawal must be initiated by the student, or on behalf of the student through the academic unit, and be processed by the Registrar's office. For the proper procedures to follow when dropping courses and when withdrawing from SIUC visit: <http://registrar.siu.edu/students/withdrawal.php>.

SIUC's EARLY WARNING INTERVENTION PROGRAM (EWIP)

Students enrolled in courses participating in SIUC's Early Warning Intervention Program might be contacted by University staff during a semester. More information can be found at the Core Curriculum's webpage: <https://corecurriculum.siu.edu/for-faculty/>.

EMERGENCY PROCEDURES

We ask that you become familiar with Emergency Preparedness at SIUC. Emergency response information is available on posters in buildings on campus, on the Emergency Preparedness at SIUC website, and through text and email alerts. To register for alerts visit: <http://emergency.siu.edu/>.

CATALOGS

catalog.siu.edu
gradcatalog.siu.edu

Graduate policies often vary from Undergraduate policies. To view the applicable policies for graduate students, please refer to the graduate catalog.

CENTER FOR LEARNING AND SUPPORT SERVICES

Tutoring: <http://tutoring.siu.edu/>
Math Labs: <http://math.siu.edu/courses/course-help.php>

WRITING CENTER: <http://write.siu.edu/>

PLAGIARISM

See the Student Conduct Code: <http://srr.siu.edu/student-conduct-code/>

INCOMPLETE POLICY~ Undergraduate only

<http://registrar.siu.edu/grades/incomplete.php>

REPEAT POLICY

<http://registrar.siu.edu/students/repeatclasses.php>

MORRIS LIBRARY HOURS: <http://libguides.lib.siu.edu/hours>

ADVISEMENT: <https://advisement.siu.edu/>

SIUC ONLINE: <https://online.siu.edu/>

Need help with an issue? Visit SALUKI SOLUTION FINDER at <http://solutionfinder.siu.edu/>

