

CIVIL PRACTICE LEGAL CLINIC

LAW 673 - FALL 2023 SYLLABUS

Faculty:

Assistant Professor Dale Aschemann

Legal Clinic - Room 177

Class – Room 164

1150 Douglas Drive

Phone: 618-534-1764 (cell)

Office phone: 618-536-4423; 618-453-8797

email: dale.aschemann@siu.edu

OFFICE HOURS: Monday thru Friday, 8:00-11:00 am and 1:00-4:00 pm when not in court or attending site visits. If you attend office hours for any reason (or if seeing Linda for any reason), please be equipped with a notebook and pen for notetaking purposes. We are here to assist you in every way we can and expect you will have questions. Like a new attorney in a firm asking questions of an experienced lawyer in the firm, though, you should first make a reasonable effort to determine the answer on your own. This is not to discourage you from asking questions – again we welcome that – but trying to find the answer on your own is a practice skill you can begin working on here.

CLINIC STUDENT ASSESSMENT AND EVALUATION: See documents contained in the Civil Practice Clinic Handbook.

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

CLASS MEETING TIME AND LOCATION: Monday 1:30-2:45 in Room 164.

SUGGESTION ON READING ASSIGNMENTS: Please consider reading the first two weeks of assignments at the beginning of the semester rather than waiting until they are assigned. Then, prior to each class review the reading materials before we have the class discussion on that topic. Those reading assignments cover the most basic legal issues you're likely to address in the clinic and you are likely to have clients with legal needs that are covered by these assignments.

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. If you encounter any issues or problems (scheduling, difficult client, etc.), please share that during the staff meeting. This presents a good opportunity to share experiences with your classmates and discuss options to address the issue.

CLASS EXPECTATIONS:

Students are expected to take notes during class. You may do this with a computer. If computers are present in the classroom, they are **authorized exclusively for taking notes** during the current class. Emailing, internet searches, doing other classwork, etc. is prohibited.

This class involves interaction with clients. Please dress appropriately when in their presence.

When you attend a site visit, you are required to take interview notes regardless of whether you are conducting the interview. Sharing your notes with the interviewer can be a great assistance.

In advance of client meetings, it is a **best practice** to print and closely proof documents **the day before the meeting**. Time management and attention to detail are key skills in this clinic.

You must email your time sheets to Dale Aschemann and Linda Clendenin by 4:00 p.m. on Friday each week. When you have a site visit on Friday afternoon, you may email your time sheet on the following Monday by 4:00 p.m. If you have not emailed your time sheets by the appropriate time, you are not entitled to credit for the time contained in the tardy timesheet. **THERE WILL BE NO EXCEPTIONS TO THIS RULE.**

HOURS REQUIRED:

The Clinic is graded on a modified Satisfactory/Unsatisfactory scale (S+, S, U). To complete the course for 3 academic credits according to ABA Rule 310, students must complete **127.5** class/clinic hours. We will spend one 75-minute block of time together each week. The classroom portion, in concert with the time spent on assigned reading for class, accounts for one credit hour (42.5 hours). You do not need to record the time related to the doctrinal class or reading assignments. **You do, however, need to maintain a time sheet for the remaining 85 hours (2 credit hours) of clinic work. Excluding finals week, we will meet over the course of 14 weeks. With that in mind, students should expect to turn in a timesheet reflecting slightly more than 6 hours per week (85 divided by 14 equals 6.07 hours per week).** The time recorded should be any time spent on clinic matters unrelated to the doctrinal class and reading. This would include, **but is not limited to**, client interviews of any kind, drafting, travel to and from site visits, the site visits themselves, discussion of client matters with clinic staff, and any preparation time including proofing documents and making copies.

COURSE LEARNING OBJECTIVES: [Please also see Clinic Missions and Goals for Students and Mission Statement located in Civil Practice Clinic Handbook (tab 2).

1. To provide basic skills training and professionalism training to law students who are engaged in the supervised practice of law serving persons 60 years of age and older in a 13-county area of Southern Illinois.
2. To provide instruction in substantive areas of the law which are commonly encountered in serving older clients in rural communities.

3. To expose law students to the practice and the concept of service to the indigent elderly so that they develop an appreciation for the need for pro bono legal activities after they are out of school and in practice.
4. To provide basic legal services with special attention to the legal needs of the most frail and needy elderly and elderly minorities who are traditionally deprived of the services of an attorney due to socioeconomic factors, including poverty and isolation.
5. Professional identify, bias, cross-cultural competency, and anti-racism:
From: DEI Learning Objectives - Diversity Equity Inclusion - Library Guides at Manhattanville College (libguides.com)

Students will be able to:

- “critique structures of power and institutions from the standpoint of embedded privilege and social norms.
- interpret how external factors influence identity, and the intersection of one’s multiple identities.
- identify and critically reflect upon the various aspects of one’s identity.
- apply one’s self-awareness of their biases to enact strategies to respond to unconscious and conscious biases. Paula/Rich
- practice skills including self-care strategies for experiences of bias, active listening, empathy and effective allyship. Anthony/Erik
- engage non-dominant perspectives with respect and empathy (Nayma, Carleigh, Mary)
- implement strategies to achieve equity”

Additional examples:

- Students will be able to identify how the Federal Rules of Civil Procedure and the implementation of these rules impact access to justice.
- Students will be able to critique the adversarial system for its ability to provide equitable access to justice.
- Using a relevant fact pattern, students will identify possible instances of implicit and explicit biases by the actors in the fact pattern and present effective strategies to respond to or avoid these biases.
- Students will be able to critique tort law as a system for providing equitable redress for personal injuries and for promoting social justice.
- Students will be able to identify instances of inequity in the valuation of damages and make persuasive arguments that promote equity.

- Students will be able to effectively employ strategies of active listening, empathy and effective allyship during classroom discussions and group work.

WEEK 1 – August 21 – Orientation; Introduction to office procedures and forms

Assignments:

- [] Read the Legal Clinic Student Handbook. Review the Abacus handbook.
- [] Turn in the documents for working in Clinic, in file folder, to Linda Clendenin.
- [] Turn in your class/work schedule to Linda Clendenin if you have not yet done so.
- [] Introduction to ABACUS and SharePoint.
- [] Schedule ABACUS/merge training with Linda Clendenin.
- [] Introduction to Wills and Durable Powers of Attorney (in class); drafting Will.

WEEK 2 – August 28 - 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.
- [] Discuss (and, if desired, execute) Will.

WEEK 3 – September 4 (Labor Day. There will be no class, but please complete reading assignment) – Advance Directives/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 the September 11 class.
- [] Create your own Durable Powers of Attorney for Health Care and Property.

WEEK 4 – September 11 – Transfer on Death Instruments

- [] **Reading Assignment:** 755 ILCS 27/1 Real Property Transfer on Death Instrument statute
- [] Bring your outline of questions that you would ask in interview for durable powers of attorney and be prepared to share and discuss your line of questioning during class.

WEEK 5 – September 18 – Guardianships

- [] **Reading Assignment:** Be familiar with the Illinois Probate Act section on Guardianship, 755 ILCS 11a-1 thru 11a-12. Please pull the guardianship information forms and please bring the applicable statute sections to class.

WEEK 6 – September 25 – Guardianships

- [] **Reading Assignment:** Be familiar with the Illinois Probate Act section on Guardianship, 755 ILCS 11a-13 thru 11a-23. Please return with the guardianship information forms and please bring the applicable statute sections to class.

WEEK 7 – October 2 - 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.

WEEK 8 – October 9 – Health Care Surrogate Act

- [] **Reading Assignment:** 755 ILCS 40

WEEK 9 – October 16 – Review of Estate Planning/Claims on the estate and classification of claims

- [] **Reading Assignment:** TBA

WEEK 10 – October 23 – Public Guardian and Administrator/Office of State Guardian

- [] **Reading Assignment:** Handout to be provided.

WEEK 11 – October 30 – Professional Identity and Cross-Cultural Competency

- [] **Reading Assignment:** TBA

WEEK 12 – November 6 – Clients with Diminished Capacity/neurodiversity

- [] **Reading Assignment:** Rule of Professional Conduct 1.14 and handout

WEEK 13 – November 13 – Class Presentation

WEEK 14 – November 20 – No Class – Thanksgiving break

WEEK 15 – November 27 – Class Presentation

SYLLABUS ATTACHMENT
SIU SCHOOL OF LAW – Fall 2023

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. Please send approved accommodations to your faculty through the DSS online portal.

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/>. Associate Dean Doug Lind (dlind@siu.edu, 618-453-8713) and Assistant Dean Judi Ray (judiray@siu.edu, 618-453-8135) are available at the School of Law to help students access university resources.

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>

Syllabus Attachment

Fall 2023

MISSION STATEMENT FOR SOUTHERN ILLINOIS UNIVERSITY CARBONDALE

SIU 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:08/21/2023
Last day to add full-term course (without Dean's signature):08/27/2023
Last day to withdraw from the University with a full refund:09/01/2023
Last day to drop a full-term course for a credit/refund:09/03/2023
Last day to drop a full-term course (W grade, no refund):10/29/2023
Final examinations:12/11–12/15/2023

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 09/04/2023
Thanksgiving Break 11/18-11/26/2023

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: 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 <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/>.

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SIU COUNSELING AND PSYCHOLOGICAL SERVICES (CAPS): Mental health counseling services are available by calling CAPS at (618) 453-5371. CAPS offers confidential same-day services and ongoing counseling. For after hours crisis care, students are encouraged to call 988, 911, or present to their nearest emergency room.

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 University Core Curriculum's Overview webpage: <https://corecurriculum.siu.edu/for-faculty/>.

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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: <https://clss.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: <https://libcal.lib.siu.edu/hours/>

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

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

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