

CIVIL PRACTICE LEGAL CLINIC
LAW 673- SPRING 2021 SYLLABUS

Faculty:

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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.

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. 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 3:00-4:15 p.m. in Room 164, however, other than the first class meeting, it is out intent, at least at the beginning of the semester, to conduct classes via Zoom.

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.

WEEK 1-- Week of January 19 – No class, but please be in communication with your supervising attorney (to be assigned) to discuss your work schedule for the semester.

WEEK 2 -- Erbes and O'Neill

Monday, January 25 - Meet in Room 164 at 3:00 p.m. for instructions and orientation. We will then have a tour of the clinic office, introduce staff, discuss forms, procedures and client confidentiality. Zoom will be set up for this class for students who are not on campus.

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 Afield trips. @ Each student who will be on campus or going to site visits 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.
- [] Turn in the following documents to Linda Clendenin: SIUC Participant Agreement, Assumption of Risk (if on campus), Agreement to Serve as Legal Clinic Driver (if on campus), Application for 711 (if eligible), and ethics letter.
- [] Turn in your class/work schedule to Linda Clendenin, your supervising attorney and the receptionist.
- [] Participate in ABACUS Training conducted by Professor O'Neill via Zoom
- [] Turn in time sheets for the first two weeks by **Friday, January 29, 4:00 p.m.** 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.
- [] ***Note - You must email your time sheets to your supervising attorney and Linda 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.**

WEEK 3 -- Monday, February 1 - Class on 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 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.
- [] Simulated ABACUS office exercise due by **Wednesday, February 3, at 4:00 p.m.**

WEEK 4 --Monday, February 8 – Class on 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 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.

WEEK 5 --Monday, February 15 – Class on 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 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.

WEEK 6 --Monday, February 22 –Class on 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 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.

WEEK 7-- Monday, March 1 – Class on 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 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.

WEEK 8 --Monday, March 8 – Class on Civil Judgments and Collection 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 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 -- Monday, March 15 – Class on Grandparents and Others Raising Grandchildren- O'Neill

- [] **Reading Assignment:** Read and be familiar with Rebecca O'Neill's article A 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 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.

WEEK 10 -- Monday, March 22 – Class on Elder Abuse - 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).
- [] Turn in time sheets for this week by Friday at 4 p.m. 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.

WEEK 11 -- Monday, March 29 – Class on 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 -- Monday, April 5 – Class on Self-Assessment, Fundamental Lawyering Skills and Values – O’Neill & 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 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.
- [] Begin preparing your cases for closure or transfer.

WEEK 13 -- Monday, April 12 – Class discussion on Tips for Preparing your Student Presentations-Erbes

ALL STUDENTS MUST ATTEND ENTIRE CLASS

Staff Meeting and Student Presentations

Turn in time sheets and case lists by 4:00 p.m. Friday.

WEEK 14-- Monday, April 19

ALL STUDENTS MUST ATTEND ENTIRE CLASS

Staff meeting and Student Presentations.

Assignments:

- [] 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.

WEEK 15 -- Monday April 26 (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.

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.*

SIU SCHOOL OF LAW – SPRING 2021

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 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. 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. Accommodation [request](#) and [renewal](#) forms can be found here: <https://law.siu.edu/academics/>.*

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, <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.*

COVID-19. As a condition of on-campus enrollment, all SIUC students are required to engage in safe behaviors to avoid the spread of COVID-19, including the requirement that all students wear a mask in campus buildings, including classrooms, laboratories, and studios when others are present, regardless of social distancing. Students are expected to follow physical or social distancing guidelines by keeping at least 6 feet from others, and practicing good hand hygiene. Failure to comply with this policy may result in dismissal from the current class session. If the student refuses to leave the classroom after being dismissed, the student may be referred to the Office of Student Rights and Responsibilities. SIUC will follow federal, state and county public health recommendations and mandates in all decisions relating to university operation. Students should regularly review the link for the [SIUC COVID-19 response](#)