

**CIVIL PRACTICE LEGAL CLINIC**  
**LAW 673 - SUMMER 2024 SYLLABUS**

**Faculty:**

**Assistant Professor Dale Aschemann**  
**Legal Clinic - Room 177**  
**Class – Clinic Conference Room**  
**1150 Douglas Drive**  
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**ATTACHMENTS:** Please note that attachments to this syllabus are available on D2L.

**OFFICE HOURS:** Monday thru Friday, 8:00-11:00 am with afternoon availability when not in court or attending site visits. If you visit during office hours, please be equipped with a notebook and pen for notetaking purposes.

**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: Tuesday/Thursday 11:15-12:30 in the clinic conference room.**

**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.

Two things must be accomplished by 4:00 p.m. on Friday each week: 1) You must update the master spreadsheet with respect to your caseload and 2) email your time sheets to Professor Aschemann and Office Manager Linda Clendenin. When you have a site visit on Friday afternoon, you may update the spreadsheet and 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 2 academic credits according to ABA Rule 310, students must complete **85** class/clinic hours. We will spend two 75-minute blocks 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 42.5 hours (1 credit hour) of clinic work. We will meet over the course of 7 weeks. With that in mind, students should expect to turn in a timesheet reflecting slightly more than 6 hours per week (42.5 divided by 7 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:

- 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.
- practice skills including self-care strategies for experiences of bias, active listening, empathy and effective allyship.
- engage non-dominant perspectives with respect and empathy
- implement strategies to achieve equity

## WEEK 1

**Class 1 – June 11 - Orientation; Introduction to office procedures, forms (intake, retainer agreement, etc.), practice management software, and common legal instruments.**

Orientation and Introduction entails the following:

- [ ] 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.

### **Class 2 – June 13 - Estate Planning; Introduction to Wills and Probate**

- [ ] **Reading Assignment:** 755 ILCS 5/1-2 through 755 ILCS 5/2-1 (Definitions and Rules of descent and distribution); 755 ILCS 5/4-1 through 5/4-15 (Wills); 5/5-1 through 5/5-3 (Place of Probate); 5/6-1 through 5/6-21 (Probate of Will); 755 ILCS 30/1 (Designation of beneficiary); 765 ILCS 1005 (Joint Tenancy Act).
- [ ] Introduction to Wills (in class)

### **WEEK 2**

### **Class 3 – June 18 – 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.
- [ ] Discussion of Durable Powers of Attorney (in class).

### **Class 4 – June 20 – Transfer on Death Instruments**

- [ ] **Reading Assignment:** 755 ILCS 27/1 Real Property Transfer on Death Instrument statute

### **WEEK 3**

### **Class 5 – June 25 – Guardianships (adult)**

- [ ] **Reading Assignment:** Illinois Probate Act section on Guardianship, 755 ILCS 11a-1 thru 11a-12 (Adult Guardianships); 755 ILCS 5/11a-14.1 (Residential Placement) through 755 ILCS 5/11a-18 (Duties of the estate guardian). 755 ILCS 5/12-1 through 5/12-8 (Bonds). Please bring a copy of the guardianship information forms used for intake.
- [ ] In class we'll discuss adult guardianships generally. Discussion will entail types of guardianships and their scope. Discussion of Office of State Guardian and undertake OSG training.

### **Class 6 – June 27 – Guardianships (minor)**

- [ ] **Reading Assignment:** Illinois Probate Act section on Guardianship of Minors, 755 ILCS 5/11-1 thru 755 ILCS 5/11-18. Please return with the guardianship information forms and please bring the applicable statute sections to class.
- [ ] In class we'll discuss minor guardianships generally. Discussion of procedure and pleadings related to guardianships.

#### **WEEK 4**

##### **Class 7 – July 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.

##### **Class 8 – July 4 – (No Class this day; will require a make-up) Health Care Surrogate Act**

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

#### **WEEK 5**

##### **Class 9 – July 9 – Handling difficult clients and considerations of Implicit Bias**

- [ ] **Reading Assignment:** Handout to be provide

##### **Class 10 – July 11 – Public Guardian and Administrator/Office of State Guardian**

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

#### **WEEK 6**

##### **Class 11 – July 16 – Professional Identity and Cross-Cultural Competency**

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

##### **Class 12 – July 18 – Clients with Diminished Capacity/neurodiversity**

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

## **WEEK 7**

**Class 13 – July 23 –Review of Estate Planning/Claims on the estate and classification of claims**

[ ] **Reading assignment:** review notes for Estate Planning/Claims on the estate and classification of claims. 755 ILCS 5/18-1 and 18-2 (Spouse's award and Child's award) and 755 ILCS 18-1 through 5/18-15 (Claims generally)

**Class 14 – July 25 – Class Presentation**