DUKE LEGAL ASSISTANCE PROJECT

COURSE REQUIREMENTS
SPRING 2012

- Carolyn McAllaster
- Allison Rice
- Hannah Demeritt
A. Class Schedule and Assignments

Class will meet each Monday from 3:30 p.m. to 5:21 p.m. in Room 3171. If you are thinking about dropping the class, you must do so by the first class, preferably sooner, and let us know. (mcallaster@law.duke.edu, rice@law.duke.edu or demeritt@law.duke.edu)

The first class is Monday, January 9, 2012. You are also required to attend an intensive training on Friday, January 20th from 8:30 - noon and 12:30 - 4:30 p.m. Finally, we will be scheduling sessions to train you on the case management computer program (Time Matters) that you will be using in the clinic.

During the class sessions, we will focus on developing, through simulation, lecture and discussion, the substantive law knowledge and the clinical skills necessary to represent our clients. We will often use clinic cases as a basis for the classroom work. Readings will be assigned for class.

B. Client Representation Component

Each student will have an individual case load. Students will be required to spend a minimum of 150 hours over the course of the semester on the representation of clients and on work on the class project. This will include six office hours each week, and a half-hour joint meeting with Carolyn McAllaster, Allison Rice and Hannah Demeritt each week and work on assigned cases. This does not include the time you spend in or preparing for class. Please see the attached Statement on Clinical Hours Requirement for more details on the hours requirement.

You have completed the client representation component when:

- You have completed agreed projects on each case, and
- You have completed a minimum of 150 hours, and
- Classes have ended.

Except in extenuating circumstances and with permission of clinic faculty, you may not finish your clinic semester early, that is, prior to the end of classes.

You are required to keep track of your time in Time Matters. See the Clinic Office Manual and Time Matters Manual for detailed instructions.
C. North Carolina Rules Governing Practical Training of Law Students

Students participating in the Duke Legal Assistance Project will be certified to practice before the North Carolina State Courts. To be certified, you must have completed the equivalent of three semesters towards your J.D. (See 27 NCAC 01C.0101 et. seq.) You must fill out the Certification Regarding Reading Canons of Professional Ethics (attached), after reading the Rules Governing Practical Training of Law Students and becoming familiar with the Revised Rules of Professional Conduct of the North Carolina State Bar and the opinions interpreting them. The Rules can be found on-line at http://www.ncbar.com/rules/rpcsearch.asp.

Before appearing in court on behalf of a client, a certified student must obtain the written consent of the client and the supervising attorney. The client must be given a clear explanation, prior to giving consent, that the student is not an attorney.

A certified student's name may be typed on court documents with a clear identification that s/he is a student certified under the rules, i.e. "____________, Certified Law Student under the supervision of Supervising Lawyer. A student may not sign his or her name to a court document. Court documents must be signed by a supervising attorney. Students may, however, sign their names to letters so long as there is a clear identification that s/he is certified under these rules, i.e. "____________, Certified Law Student under the supervision of Supervising Lawyer.

D. Office Hours

You will be required to commit to a minimum of six hours per week in the Project office. Your office hours must be held in either a 4-hour block and a 2-hour block, or in three 2-hour blocks. Office hours will be assigned at the beginning of the semester. Please see the Office Manual for the duties associated with office hours. Note that the six scheduled office hours are a minimum. Above all, each week you must put in the time needed to serve your clients and move their cases along. You can expect this to average about 12 hours per week. The amount of time each week will depend on what is going on in your cases. We pay close attention to your clinic case work load and do our best to keep you busy, but not overloaded.

E. Attendance Policy

Due to the small size of the clinic class and the importance of class participation, students must attend all classes unless specifically excused by a supervising attorney.

F. Weekly meetings with Supervising Attorneys

Students will have a half hour joint supervision meeting with Allison Rice, Carolyn McAllaster, and Hannah Demeritt each week. At the beginning of the semester, we will set up
regular meeting times with each student. Any absences must be cleared with the supervising attorneys before the scheduled meeting. At the meeting, all cases will be discussed. Please see the Supervision Memo for specific requirements related to the weekly supervision meetings.

G. Journal Requirement

As a participant in the Legal Assistance Project, you are required to keep a written journal. The purpose of the journal is to provide you with an opportunity to reflect on your experience as a new lawyer and to express the ideas and feelings that are generated by your participation in the clinic and representation of real clients. It is a good place for you to work through issues that arise in your cases or make some observations about what a particular experience meant in the larger scheme of things. It is also another tool that allows the clinic faculty to stay connected with each one of you and respond as needed to any concerns that you share.

Journals are due every other Monday throughout the semester (except the Monday of and after Spring Break). This comes to a total of 7 journal entries.

**Journal due dates (all Mondays) are:**

- January 16
- January 30
- February 13
- February 27
- March 19
- April 2
- Final Journal entry due before semester ends

You may certainly submit more than 7 entries. Each journal entry must be the equivalent of at least one double-spaced, type-written page in length. Please submit your journal entries by e-mailing them to each of the supervising attorneys (mcallaster@law.duke.edu, rice@law.duke.edu, demeritt@law.duke.edu). Please be sure to put your NAME and the DATE on your journal.

See the attached journal memo for more information about the journal requirement.

H. E-mail Communication

We will rely heavily on e-mail to communicate with you. When clients call, you will be e-mailed. The supervisors will also communicate regularly with you through e-mail. Please check your e-mail at least daily. You should already be subscribed to the discussion group set up for this class. If not, please subscribe as soon as possible.
I. Grading Criteria

The Clinic is graded on the Duke Law School curve. *We are required to curve at 3.5.*

Each student will receive one grade for participation in the clinic. Students will not be given separate grades for each case handled. The grade will reflect a student's performance in direct representation of individual clients and in class. The grade will be based on both classroom participation and client representation.

The classroom performance portion of the grade will be based on class attendance, quizzes, and participation in classroom discussions and exercises.

The client representation portion of the grade will be based upon several measures: An *absolute* measure, a *relative* measure, and an *individualized* measure. The absolute measure compares your performance to the performance expected of a second or third year law student. The relative measure compares your performance to that of the rest of the students in the clinic this semester. The final measure is an individualized one. Using this measure, we will evaluate your work based on the progress you made during the semester, taking into account the strengths and weaknesses you brought to the clinic. Based on the individualized measure, a student who grows significantly during the course of the clinic may be more highly evaluated than a student who starts out strong and ends strong, but makes little progress in developing skills over the course of the semester.

With each measure, we will assess your performance in the areas relevant to the cases you have handled and the work you have completed on the class project. Note that the skills and activities you perform will depend on the particular cases you are working on. We strive to assign each student a variety of cases, so that students are exposed to different types of clients, areas of law, and legal tasks. Bear in mind that in one semester it is impossible to expose any one student to every type of legal task, and some cases/clients will simply fizzle out.

Because we are required to stick to a curve, we unfortunately cannot determine your grade solely on these measures.
Depending on the tasks assigned, we will evaluate you in the following areas:

a. **Client Contact**
   i. Responsiveness to client concerns; respect for client
   ii. Interviewing and counseling
   iii. Attention to the clients' legal matters; attentiveness to client goals
   iv. Professionalism

b. **Lawyering**
   i. Diagnosis of client's problem
   ii. Factual investigation
   iii. Factual & Legal analysis (e.g. charting & analysis of medical records)
   iv. Development of case strategy
   v. Negotiation
   vi. Written and Oral Communication (clarity, accuracy, persuasiveness)
   vii. Preparing and presenting administrative/trial matters

c. **Research and Writing**
   i. Legal research and writing skills (thoroughness, independence, documentation & recording of research & analysis)
   ii. Drafting skills (Attention to client’s needs, wishes; attention to detail)

d. **Case Management**
   i. Management of case load (appropriate follow-up, timeliness, balance of demands)
   ii. Efficiency & productivity in handling cases (hours vs product)
   iii. Communication with supervising attorneys
   iv. Response to supervision
   v. Documentation of work: (case notes detailed, thorough, contemporaneous; timekeeping complete, contemporaneous; intake forms completed, thorough; opening memos completed & detailed)
   vi. Client file-keeping skills (paper file complete, organized; electronic file complete; proof of HIV status in file)

We will also evaluate you based on some general characteristics which are important for all lawyers.

i. Big picture understanding
ii. Persistence
iii. Thoroughness
iv. Attention to Detail
v. Independence
Statement on Clinical Hours Requirement

All of Duke Law School’s real client clinics require that enrolled students perform a minimum number of hours of client service in a semester. The minimum number of client service hours varies by clinical course, but in all cases the total number of required hours is clearly disclosed to students in advance. Further, the Clinical Faculty makes every effort to make transparent their expectations related to this requirement, including, how this requirement relates to grading. Nonetheless, questions do arise about the clinical hours requirement and its relation to the obligations owed to each client. This statement is intended to address the most common of these questions and to help guide your understanding of this requirement.

Clinical courses are distinguished from other upper-level courses at the Law School in many ways, but the emphasis on providing legal services to real clients is the most significant difference. The clinical hours requirement is intended to give you a clear understanding of the minimum number of hours that must be provided in order to get credit for the course, but remember it is just that—a minimum threshold. Thus, while we recognize that you will need to keep track of your hours to minimize the risk that you won’t receive course credit, it is important to keep this requirement in perspective.

Simply satisfying the clinical hours requirement is not the primary objective of your clinical experience. The goal is to meet the needs of your clients in order to fulfill your professional obligations to those clients. In many cases, fulfilling these obligations means that you will exceed the minimum hours requirement. Consequently, it may help to think of this requirement as similar to a minimum billable hours target in a law firm context—meeting the minimum is necessary, but not always sufficient, to be successful.

At the same time, the Clinical Faculty recognizes that your clinical experience is not the same as working in a law firm. Among other things, we know that you have other academic obligations. We also know that you need to have time for your personal life. Learning how to efficiently use time and how to balance professional obligations with other priorities is an important aspect of clinical education.

As a result, we will assign you an appropriate workload. In general, this means that you will get a mix of cases that we know will be challenging, but that we are confident you can handle. Because these are real cases, however, we can’t predict how they will evolve over the course of your representation. Some may be concluded more quickly than expected, while others may turn out to be far more complex and time consuming than predicted. Thus, it will be critical for you to actively manage your caseload to ensure that you can successfully meet your obligations to your clients, while still having time for your other priorities.

Please use the opportunities provided during supervision meetings and through journals to address this issue. If you have any concerns about your workload or your ability to balance competing priorities, please do not hesitate to talk with your Supervising Attorney or any of the other Clinical Faculty about your concerns. Balancing the priorities of professional obligations with other obligations and interests is a key to professional success. We aspire to help you improve your ability to achieve that balance.