ALABAMALAW | Civil Law Clinic
THE UNIVERSITY OF ALABAMA®

SYLLABUS
FALL 2021

Welcome to the Civil Law Clinic! Below is a summary of the information you will need for this semester regarding classes, assignments, and general clinic information.

Director: **Prof. Yuri R. Linetsky**
(205) 348-1736 (office direct dial)
(216) 410-4399 (cell)
ylinetsky@law.ua.edu

Supervising Atty: **Caryn Roseman**
(205) 348-1738 (office direct dial)
(847) 436-9565 (cell)
croseman@law.ua.edu

Admin. Assistant: **Kim Stewart**
kstewart@law.ua.edu
(205) 348-4960 (public clinic number)
(205) 348-6851 (clinic fax)

Regular Class Schedule

Tuesday & Thursday – 2:00pm-3:25pm (Clinic Large Conference Room)

Other class times may be scheduled on an as-needed basis, especially early in the semester, and the location may change for certain classes. Tuesday classes will be the seminar portion of the course. These classes will usually focus on lawyering skills and will often include classroom exercises and simulations. Thursday class meetings will generally be case staffing and case rounds sessions at which cases received at intake interviews will be discussed and, if accepted, assigned. We will also discuss the progress of ongoing cases. Every class also presents an opportunity to discuss topical events, problems, and concerns that arise in your cases.

Our classes involve discussion and active participation so it is important that you arrive on time so that we can begin and end on time. The classes are intended to convey information you will need to enable you to represent your clients. If you cannot attend a class, let us know in advance. PLEASE NOTE: We are aware that students often want to use their computers during class time. Computer use in the clinic seminar generally is **not permitted**.

We expect that you will attend all classes and meet other staffing and office assignments as set out in this Syllabus and the Orientation materials. If, for some unavoidable reason, you have to miss class, you should make every effort to let the Director know in advance. It will be your responsibility to make up class work and to obtain the information from any missed class.

Intake Interviews

Each student will be required to staff intake interviews for a block of **1.5 hour** each week from **August 30 to October 28.** You will be assigned the interview times in pairs, based on overall schedules and needs.

Readings

There is no textbook required for the Civil Law Clinic. However, readings focusing on lawyering skills or substantive legal issues may be assigned from time to time and posted on Box. You are expected to do all assigned reading in advance of each class, and we will assume that you are familiar with the content of the readings. Our work in the seminar is often based on the readings, though we may not discuss all of them specifically. The class work is designed to assist you in your case work and in your development as a lawyer and is a critical component of the course.

The following texts may be helpful references to review:

- Judge Mark Painter, *The Legal Writer* (4th ed. 2009) (**recommended**);
- Rose & Underwood, *Fundamental Pretrial Advocacy: A Strategic Guide to Effective Litigation* (2nd ed. 2012).
- Rose, *Fundamental Trial Advocacy* (2nd Ed. 2010).
- Bastress & Harbaugh, *Inteviewing, Counseling, and Negotiating* (1990).

Case Load and Supervisory Meetings

Each Civil Law Clinic student will maintain primary responsibility for a number of clinic cases. Two (or more) students may be assigned to unusually complex cases. You will be representing real people. This is an intensive experience. Students assigned to a case will be responsible for all aspects of case management, including: meeting with and interviewing clients, client and adverse party communications, investigating witnesses and facts, development of case theory, legal research, legal drafting, conducting discovery, internal office filing (paper and electronic database), case scheduling, and representation of the client in negotiations, hearings, or trials as needed. NOTE: the type of work you can do on behalf of clinic clients depends of whether you are a Certified Law Student Intern. Make sure you review and understand the Guidelines for Appropriate Activities by Law Clinic Students.

Students are responsible for arranging and attending weekly hour-long supervisory meetings with their intake interviews paired student and the Clinic Director or Supervising Attorney. We will discuss the status and progress of each case to which you have been assigned. Remember, you do not have to wait until the weekly meeting to discuss a case with the Clinic Director or Supervising Attorney—in fact, please bring any issues or problems to our attention as soon as possible.

In addition to the weekly meetings, we will have a goals meeting with each student in the first couple of weeks of the fall semester. We then have an evaluation meeting with each student mid-semester, and a final evaluation meeting with each student at the end of the semester.

Goals

The following are some of the goals we have for the semester. In our meetings with you, we will discuss the goals you may have and the ways in which we can help you achieve them.

- manageable case load;
- learning how to master substantive areas of law—and mastering some;
- learning "nuts and bolts" of practice and procedure;
- improvement of written work product;
- development of communication skills with clients, opposing counsel, and courts; and
- incorporation of ethical rules and professionalism norms into daily practice.

Time

Your work in the Civil Law Clinic will take a significant amount of time. This includes all your work: class, client intake, reading assignments, casework, projects, meeting with supervisor, office hours at the clinic, court, discussions with classmates about cases, etc. We want the work to **average about 12-14 hours per week**, but the nature of practicing law makes it difficult to achieve that precisely—and certainly not each week. You will need to work in the clinic more some weeks and less other weeks. Under ABA Standard 310, you are expected to spend no less than **170 hours** working on cases this semester. You will have to track all of your hours in CLIO. You are also expected to devote 4 hours per week outside of class preparing for seminar and case rounds.

You are expected to devote as much time as you need to professionally represent your clients and thoroughly participate in class. In some instances, this may involve working during breaks or exam time; however, we will work together to minimize these instances. You are expected to check in with the Clinic at least once every day to get messages and stay current with activities. Let us know if you will be out of town for a number of days or if you are having problems with the demands of the clinic.

You are also expected to attend to the administrative necessities of professional practice, including: compliance with Alabama student practice rules, completing confidentiality and conflicts forms, maintaining internal office paper and electronic database files, and keeping complete and detailed time sheets and phone logs.

You will need to learn to manage your time professionally, which includes consulting with us BEFORE a major problem arises. Please look at your schedules NOW and discuss with us any special needs you might have this semester, including time away for job searching and the like.

Grading / Student Evaluation Criteria

The School of Law Honor Code, Grading Policies, and other policies will be applicable to this class, and are available for review and reference at:
http://www.law.ua.edu/students/

Students with disabilities are encouraged to register with the Office of Disability Services, (205) 348-4285, and to meet with Associate Dean Grace Lee, (205) 348-5750 or glee@law.ua.edu. You are invited to see the Director to discuss accommodations and other special needs.

You are expected to represent your clients zealously and competently, abiding at all times by the Alabama Rules of Professional Conduct. A significant lapse in professional responsibility or judgment may result in a failing grade for the course—but it should never happen if you stay in constant communication with your supervisors. Advanced planning and regular communication are essential lawyering skills and will therefore be a necessary part of your work in the Civil Law Clinic.

All of the work that is required of you, including class assignments and administrative responsibilities, are part of the work we evaluate in the Civil Law Clinic. No work is assigned as "busy work." All assignments and requirements are intended to further at least one of our goals for you. If you have questions about an assignment or administrative requirement, please see us. Choosing not to meet a requirement is not acceptable and will be taken into consideration when grades are assigned.

Student performance in the law clinic will be monitored by clinic instructors through discussion and editing of student work product and through weekly review of student case files. A student's grade will be based upon performance in class and performance on their own cases.

Below is an outline of the criteria that the Civil Law Clinic faculty will use to evaluate your performance as a student or legal intern in the clinic. We realize that not all students will have exposure to the different skills listed. Our objective in creating this list is to give you guidelines to help clarify what is expected of you while in the Civil Law Clinic and, more importantly, the standards you should use to evaluate your lawyering skills once you become a practicing attorney.

Over the course of the semester, you will discuss with your supervisors your progress on these lawyering skills. You will be expected to improve and develop in the skills and qualities mentioned below. Depending on the nature of the cases you are working on, performance on some of the listed skills may carry more weight than others toward your final grade. Evaluations are done collaboratively, and grades awarded reflect a consensus of the faculty and staff with whom you worked.

I. Attorney-Client Relationship

- develops relationship and maintains contact with clients
- responds promptly and effectively to client inquiries
- advises client of developments in case through phone calls, meetings, and written correspondence
- develops priorities with clients, identifies and explains alternative legal and non-legal courses of action; as case progresses, understands full range of legal and non-legal issues
- counsels client appropriately; includes client in decision-making process
- demonstrates effective listening skills (including empathy, reflective listening)
- explains applicable law
- interacts appropriately with clients

II. Professionalism: Professional Responsibility/Ethical Considerations/Collegial Responsibility

- demonstrates understanding of and familiarity with Rules of Professional Conduct
- identifies potential ethical issues in cases & projects, and develops strategies for addressing ethical issues
- zealously represents client
- consults appropriately with supervisor (including reviewing written drafts, discussing case strategy and counseling issues, advising supervisor of delays or potential problems)
- identifies personal views (which could conflict with the client's views or goals) and develops strategies to ensure that such personal views do not compromise the client's objectives
- conducts one's self with candor, honesty and courtesy in relationships with clients, colleagues, courts and the general public
- develops positive working relationships with supervisor, administrative staff and colleagues
- collaborates effectively with colleagues

III. Investigation

- conducts thorough legal research
- identifies and develops factual issues of case including comprehensive investigation and fact gathering
- conducts effective interviews

IV. Analysis

- develops a cogent theory of the case
- understands and applies rules of procedure and evidence
- identifies, researches and develops legal issues in cases including interpreting and applying statutes, regulations and case law
- demonstrates creativity, flexibility, innovation in problem-solving and developing case

strategy, including non-legal solutions

- recognizes weaknesses in case theory and anticipates adversary's position
- integrates client's concerns and needs into case planning and theory

V. Execution of Strategy and Lawyering Objectives

- pursues options creatively while maintaining awareness of legal framework of case, as well as the impact of choices on the client
- follows a course of action while maintaining the adaptability to adjust the plan when the facts and/or circumstances have changed or evolved
- carries out lawyering tasks underlying the decided upon course of action skillfully and with adequate preparation
- prepares and conducts effective negotiations
- organizes and facilitates effective client meetings, closings and presentations
- helps client reach decisions that best accomplish client's objectives

VI. Oral Work Product

- prepares thoroughly for all hearings, trials, public speaking opportunities and meetings
- oral communication skills evidenced in case meetings, telephone calls, other meetings and strategy sessions involving cases
- oral presentation during motions arguments, evidentiary hearings, public speaking opportunities and other presentations including style, understanding of substantive issues, incorporation of theory of case
- expresses ideas in clear, persuasive fashion

VII. Written Work Product

- written work product is clear, precise, and concise
- written work product is free of typographical and formatting errors
- thoroughly organizes correspondence, case file memos, written pleadings
- expresses ideas in clear, persuasive fashion

VIII. Law Practice Management

- ability to manage time, meets time requirements
- timesheet entries thorough, completed on a timely basis
- consistently follows office procedures outlined in Office Procedure Manual
- prepares for supervision meetings, takes initiative in setting agenda
- meets deadlines
- prepares thorough, clear closing memos and transfer memos
- organizes file
- initiates contact with supervisor on a regular basis

IX. Class Preparation and Participation

- reads all assigned readings
- participates in class discussion and case-rounds discussion
- prepares for in-class simulations and exercises
- analyzes the role of lawyer and justice system in society
- completes class assignments

X. Self-Reflection and Evaluation/ Improvement and Effort

- critiques self, accepts constructive suggestions and feedback; applies appropriately
- reflects on own strengths and weaknesses
- takes responsibility for own learning
- seeks to understand the social, economic and political context of the particular legal problems clients present in order to analyze fully and address the various problems
- demonstrates improvement in the above criteria over the course of the academic year
- demonstrates a commitment to providing high-quality legal services and addressing needs of clients
- incorporates self-critique, supervisory feedback and concepts learned in classroom discussion into clinical work

---

ADDITIONAL COURSE REQUIREMENTS

In addition to your class assignments and participation and your case work (which will involve a substantial written component, including preparation of memoranda, case summaries, planning documents, correspondence, pleadings, discovery, etc.), we will be asking you to do the following this semester:

- Complete a preliminary questionnaire, which requires you to identify your educational and professional goals;
- When appropriate, formulate (with our guidance) an initial case plan for each case;
- An interview summary for initial client interviews and significant ones thereafter;
- Logging everything you do that is case-related into Clio;
- A mid-semester self-assessment—based upon initial goals you set and anything you want to add (including changing and re-prioritizing goals);
- An end-of-semester self-assessment based upon progress since mid-semester; and
- A transition memo at the end of each semester for each case you are handling.

WELCOME TO THE PRACTICE OF LAW!

WEEKLY SCHEDULE

NOTE: This schedule is subject to revisions based on the types of cases being handled by the Civil Law Clinic and the procedural status of these cases.

—Week 1—

August 17	**Introduction and Orientation**
August 19	Optional class on racism and the law.
August 20	**Clinic Orientation** – Moot Courtroom (9:00-12:00)

—Week 2—

Carry-Over Case Assignments Begin
Weekly Meetings Begin on August 23

August 24	**Clinic Procedures and Resources for Civil Practitioners in Alabama** CLIO, Box, physical file maintenance, phone and fax systems, etc. Alacourt, Alafile, court rules; treatises, etc.
August 26	**Interviewing Applicants and Clients** **Intake Interview Simulations** *Read: Painter, Rules: 1-3*

—Week 3—

Intake Interviews Begin on August 30

August 31	**Case Analysis & Preparation** *Read: Case Analysis & Preparation* *Read: Painter, Rules: 4-6*
September 2	**Case Rounds**

—Week 4—

September 7	**Fact Investigation/Witness Interviewing** *Read: Witness Interviews* *Read: Painter, Rules: 7-9*
September 9	**Case Rounds**

—Week 5—

September 14 **Client Counseling**
Client Counseling Simulations
Read: Client Counseling
Read: Painter, Rules: 10-12

September 16 **Case Rounds**

—Week 6—

September 21 **Alabama Landlord-Tenant Law**
Read: Alabama Uniform Landlord & Tenant Act
Read: Painter, Rules: 13-15

September 23 **Case Rounds**

—Week 7—

September 28 **Consumer Law (FDCPA, FCRA, etc.)**
Read: TBA
Read: Painter, Rules: 16-18

September 30 **Case Rounds**

—Week 8—

Mid-Semester Meetings

October 5 **Pleadings—Complaint & Answers**
Read: Painter, Rules: 19-21

October 7 **Case Rounds**

—Week 9—

October 12 **Discovery—Part 1**
Read: Introduction to Formal Discovery
Read: Painter, Rules: 22-24

October 14 **Case Rounds**

—Week 10—

October 19	**Discovery—Part 2** *Read: Written Discovery* *Read: Painter, Rules: 25-27*
October 21	**Case Rounds**

—Week 11—

Last Week of Intake Interviews

October 26	**Trial Practice and Evidence Issues—Part 1** *Read: Painter, Rules: 28-30*
October 28	**FALL BREAK**

—Week 12—

November 2	**Trial Practice and Evidence Issues—Part 2** *Read: Painter, Rules: 31-33*
November 4	**Case Rounds** *Read: Painter, Rules: 34-36*

—Week 13—

November 9	**Negotiation** **Negotiation Simulations** *Read: Conducting & Closing Negotiations* *Read: Painter, Rules: 37-38*
November 11	**Case Rounds**

—Weeks 14 & 15—

Final Weekly Meetings

November 16	**Trial Plans** *Read: Painter, Rules: 39-40*
November 18	**Case Rounds** **Case Transition Memos and Letters Due**
November 23	**Social Gathering (MAYBE?)—Reflections on the Semester**