

HAMLIN UNIVERSITY SCHOOL OF LAW
HEALTH LAW CLINIC
FALL 2010

SYLLABUS AND POLICIES

Clinic Professors: Susan Schaffer and Lindsay Davis

I. READINGS

A. Required Readings

1. *Essential Lawyering Skills* - by Stefan H. Krieger and Richard K. Neumann, Jr.
2. TWEN course website. Students must enroll and provide an e-mail address. URL is: <http://lawschool.westlaw.com/twen/default.asp>
3. Volunteer Lawyer's Network (VLN) DHS Reconsideration, Attorney Handbook, by Lindsay Shaw, Cara Hawkinson, and Laura Plummer Zrust, Sept. 2007, pp. 1 to 36.
4. Supplemental materials to be made available, as assigned in posted class materials.

B. Recommended Readings

1. Minnesota Rules of Evidence
2. Minnesota Rules of Civil Procedure
3. Minnesota Office of Administrative Hearings Contested Case Proceedings Guide
4. SMRLS Policy Handbook

II. OFFICE HOURS AND CONTACT INFORMATION

We will set up appointments for each team to review your casework. These meetings and times will depend upon your schedule. In addition, you may contact Professor Schaffer or Professor Davis to set up additional appointments.

Susan Schaffer
sschaffer@visi.com
651-221-0683

Lindsay Davis
Lindsay.davis@smrls.org
651-894-6942

III. ATTENDANCE AND PARTICIPATION

Regular attendance and participation is critical in the Health Law Clinic. We are operating as a small law firm, and you will benefit from the opportunity to discuss your case theory and hone your advocacy skills in class. Attendance will be taken in each class. Due to the importance of class attendance in case development, two absences will be considered

excessive. Class preparation and participation is part of evaluation and grading.

Students will track their clinic hours on weekly time sheets and SMRLS PIKA (case management system). Students will report clinic hours at mid-semester evaluation and faculty may check clinic hours randomly. Students are expected to complete clinic hour requirements on or before Tuesday, December 7, 2010.

IV. LAPTOP POLICY

Laptops may be used in class to take notes and to look up statutes or class materials. Use of laptops for anything other than class work is not permitted. The Clinic is an interactive class requiring your complete attention and participation.

V. COURSE GOALS AND OBJECTIVES

A. Central Objective

The Health Law Clinic combines the experience of representing clients under close supervision with the opportunity for careful reflection characteristic of an academic setting. The clinic is intended to provide a foundation for the continuing acquisition and honing of the skills necessary to be a competent practicing attorney. Most cases involve Minnesota Department of Human Services maltreatment and disqualification issues. The clinic will provide students with substantive health law information, as well as the opportunity to interview and counsel clients, research client issues, obtain and review evidentiary records, and draft persuasive administrative appeals for clients. Some client cases may involve assisting in an administrative hearing.

B. Sub-Objectives used for Evaluation:

1. Uses critical observation of self and others as a tool for continuing learning and skill development.
2. Makes productive use of available support resources, including classroom experiences, supervision from supervising attorney and input from teammates and other class members.
3. Uses a systematic approach to lawyering.
4. Represents clients competently, effectively, zealously, and ethically.
5. Establishes and maintains a professional relationship with clinic clients.

VI. EVALUATION AND GRADING

The Health Law Clinic is a three-credit course with no final examination. Students will be expected to spend a minimum of 70 hours working on client cases in addition to class time and class preparation. Although students work in teams, they are graded individually based on their individual efforts and contributions to the client representation.

Evaluation of students in the clinic will take five forms:

1. Informal, oral evaluation by the supervisor of the student's performance contemporaneously with, or immediately after the performance;
2. Written critiques of the student's performance and written work, including class assignments and clinic work product;
3. Completion by students of formal self-evaluation forms at mid-semester and at the end of the semester.
4. Completion by supervisor of an evaluation form at the end of the semester.
5. Assignment of a letter grade, to be determined based on the student's performance in each of the four major sub-objectives described in Section IV.B, using the attached evaluation form. Class participation is taken into account in grading.

Course and Self-Evaluation

At the mid-point of the semester, you will be asked to complete the self-evaluation form reproduced in the course syllabus. After completing the evaluation, turn it in to your supervisor and schedule an individual meeting to discuss your assessment. At the end of the semester, your supervisor will fill out a similar evaluation form which will be the basis for calculating a letter grade for your Health Law Clinic work.

A Method for Self-Evaluation¹

What happens in law school and in the skills program is only the beginning of your development as lawyers. Historically, law schools have claimed that they teach people how to "think like a lawyer." The traditional classroom courses are training you to take apart cases and apply the previous cases' analysis to

¹ This methodology is adapted from "The Skill of Evaluation as an Explicit Goal of Clinical Training," by Nina W. Tarr, 21 Pac. L. J. 967 (1990).

the next case. In the traditional classroom, we pose hypotheticals so that you can apply the analysis to a variety of situations. You become legal problem solvers skills to find the law you will need in the future.

In the skills setting, we teach you a broader range of what a lawyer does. For example, we discuss the goals of an initial client interview and how to most effectively accomplish those goals. Unless you are able to look back at your own performance and evaluate whether you effectively executed the desired skills, the learning will stop. You must learn to constantly look at yourselves and others to continue to grow when there is no longer a supervisor to give you a critique. What makes lawyers improve rather than stagnate is the ability to examine and learn; this ability is as important as mastering substantive and procedural law.

It is doubtful that you will either be trained in the skill of evaluation or even necessarily critiqued in an effective manner once you are out of school and on the job. There is a vast range of training that goes on in the various settings in which you will work, but the dynamics of time and money are almost always at play and the training that will take place is usually focused on the particular type of practice you have entered.

Everything we teach in the skills course is a microcosm or specimen to be examined and therefore learned from. We teach areas as cerebral as how to develop a theory of a case to something as mundane as how to document time for billing purposes. Our hope is that every time you as a lawyer are faced with a new client's case, you will routinely analyze the facts to develop a theory of the case that will guide your work. We also expect that you will routinely keep accurate time records so you can bill your clients or document your time for your public sector employer.

We also expect you will routinely pause and examine your performances and those around you to continue to develop your skills. When you walk out of a hearing or a meeting, you should stop and consider what happened and why. Most lawyers go home at the end of the day and say "I did well in that hearing today" or "that other attorney really ruined my client's case" but the excellent lawyers ask themselves what they can learn from what happened.

The first step is to develop the habit of reflection, what is absolutely critical to this continued learning process is the ability to realistically and critically examine activities and occurrences so you can use the experience to learn. Simply stopping after the interview or hearing and saying, "I did a great "job" is insufficient. The question must always be, "Why?" For example, did the interview go well because you established good eye contact with the client so it felt like she trusted you? Did the hearing go well because the hearing officer was really listening and the argument took on a personal and convincing tone? Is this something you can replicate or is it a peculiarity of this particular judge? Were you able to establish eye contact because you were unusually familiar with the law and facts and so felt comfortable and spontaneous?

Consequently, more preparation on cases in the future might pay off. Was it because the argument was the first in the morning and you were alert and awake? Is sleep more critical to performance than you realized? Since you cannot always control the time of day a part of a case is heard, how can you compensate?

These are examples of beginning to distinguish between that for which you are responsible and can control versus that which is outside your control. Many of you will return from a hearing and complain your client surprised you with unknown facts on the stand. Why? You may want to shift the responsibility to the client, which is sometimes justifiable, but it is more often the case that the trial preparation was superficial and you must figure out what to do differently in the future.

The skill of evaluation is one of the skills we hope you will be learning from this course. Working together with your supervisor and teammate, we'd like you to use the following method for conducting critiques.

1. Begin by focusing your evaluation. Before undertaking a task, discuss with your supervisor what the focus of your evaluation will be. For example, for an initial client interview, you could choose to assess your probing skills, your ability to develop rapport with the client, your ability to spot legal issues, your ability to effectively use interpreters, or any number of other areas. The post-task evaluation should focus on one or two subjects.
2. Identify your goals. After performing a task, your supervisor and teammate will first help you identify what you intended to accomplish. Only then are you in a position to learn from the gap (hopefully small!) between what you planned to do and what happened.
3. Identify responsibility. The next two steps are to determine what happened and why: what was the cause and effect. Here, you will try to distinguish between what you were responsible for versus what was the consequence of forces outside your control. For example, let's assume you just completed a maltreatment hearing for which you dutifully planned and prepared the client. The client arrived drunk and behaved thoroughly confused on the stand. The client's drunkenness is clearly outside your control; yet, the decisions on whether and how to proceed were within your discretion. Make sure your self-evaluation focuses not just on the client's behavior but on your own response as well.
4. Articulate specific components of theory. Articulate the components of the lawyering function in terms of the theory we have discussed in our class. For example, in class 5, we will encourage you to use a T-Funnel questioning pattern during your interview – you explore a subject by employing a series of open-ended questions at the beginning. This helps get at the facts the client recalls easily. When these questions are no

longer productive, you employ a series of narrow, probing questions. Now, let's assume you identified your main goals in an initial client interview to be establishing an accurate chronology of your client's story and identifying key witnesses. Observation and discussion with your supervisor and teammate revealed that you failed to get important dates and the names and addresses of significant family members. The client had some trouble remembering some dates and names so it was partly the client's initial response that prevented you from accomplishing the stated goal. But to evaluate your own performance, you'll need to discuss in what ways you either effectively or ineffectively asked narrow, probing questions using the T-funnel approach.

5. Articulate new theory of action. Effective self-evaluation concludes with a statement of specific behaviors or activities that you want to discard or replicate. Again specificity is crucial.

HEALTH LAW CLINIC

Fall 2010

Class 1

Assignment for August 25, 2010

Class Topic: Introduction/Overview. We will discuss course goals and expectations, as well as clinic procedures.

Activity during Week 1:

- Please stop in the Hamline Law School Clinic Office to complete the required student practice certification forms. If those forms are not complete, students will be unable to work at SMRLS.
- In class, we will review the Syllabus and course schedule
- We will schedule tours and hours at SMRLS' Offices
- We will discuss and assign client work

Reading:

- Course syllabus and policies on TWEN
- *Essential Lawyering Skills* - by Stefan H. Krieger and Richard K. Neumann, Jr., Chapters 1-6 (pp. 3-61)
- Visit the SMRLS website (www.smrls.org) and read the following information:
 - Guiding principles
 - Norms
 - Need for Legal Services
- DHS disqualification article
<http://hennepin.timberlakepublishing.com/article.asp?article=1151&paper=1&cat=147>
- MN Supreme Court Rule 2, Clinical Student Practice
<http://law.hamline.edu/practicums/clinical-student-practice-rule-2.html>

Readings related to substantive law used in clinic practice:

- Reports and Recommendations of the 2007 Collateral Sanctions Committee, *Criminal Records and Employment and DHS Background Studies, Disqualifications, and Set-Asides*.
- Davis, L., *An Amicus Perspective on Recent Minnesota Criminal Expungement*, Journal of Law & Practice, February 6, 2009.
- The Volunteer Lawyer's Network (VLN) *DHS Reconsideration, Attorney Handbook*, by Lindsay Shaw, Cara Hawkinson, and Laura Plummer Zrust, Sept. 2007. Students may want to download this handbook and have it available as a reference for work in the Clinic.

OVERVIEW & CLINIC BACKGROUND

Students in the Health Law Clinic will represent SMRLS clients who have cases related to employment in facilities and agencies licensed by the Minnesota Department of Human Services (DHS) or the Department of Health (MDH). Your Health Law Clinic casework is performed at SMRLS in student teams of two under the supervision of Susan Schaffer and Lindsay Davis. One student on the team will have primary responsibility for each case project to assure that work is completed in a timely manner. Each team will meet regularly with supervisors, to be scheduled, to discuss the progress of each case. Your work must be checked with a supervisor before sending out any written materials or before giving any legal advice. You must maintain strict client confidentiality. Teams will decide what legal work needs to be performed for clients and who will complete the work, in consultation with each other and a supervisor. Work at SMRLS also presents opportunities for students to assist and or observe attorneys in court and community activities.

The classroom component will take place at Hamline Law School and will be devoted to discussion of the cases that you are working on, ethical issues, litigation skills, and professional development. The clinic time will take place at SMRLS. Clinic time will be devoted to work on your clinic cases.

Much of your class time and time spent with your supervisors will focus on learning and practicing effective self-evaluation. Much of your professional learning will take place after law school, so it is crucial for you to learn to observe yourself and other attorneys in a thoughtful manner. In this clinic, you are expected to engage your supervisor, teammate, and classmates in critique of your work; and you should strive to use self-evaluation, as well as critique of others, to improve your future performances. Our course emphasis on self-directed learning demands that you adequately prepare for and actively participate in classroom case discussions and simulations. You will also complete a self-evaluation and review these with a supervisor at mid-semester and throughout the course.

CLINIC WORK AT SMRLS

Lindsay Davis is a staff attorney at SMRLS. Susan Schaffer is a volunteer attorney with SMRLS. The clinic work will take place at SMRLS, which is located at 400 Alliance Bank Center, 55 East 5th St., in Saint Paul. Students will arrange clinic hours with their supervisors. The office is open Monday through Friday from 8:30 AM until 5:00 PM. Each student will work in an assigned cubicle in the law clerk office at SMRLS. SMRLS is a law firm with real clients and real liability. You will be working as a law clerk at SMRLS, and we expect you to maintain professionalism and respect for clients at all times.

SMRLS clients are all low-income legal aid clients. We will devote class and clinic time toward learning how to advocate on behalf of clients from different cultural and socioeconomic backgrounds in an effective and respectful manner.

Primary responsibility for the legal welfare of the clients rests with you. SMRLS has high standards and strives to provide the highest quality legal services possible. While working with SMRLS' clients, you will be expected to meet those standards and that will require your hard work and diligence.

SMRLS does not allow students to connect their laptop computers to the system. Students will use SMRLS telephones, computers, and other hardware to communicate with clients and other contacts. Students should not use SMRLS equipment for personal use. Students are not allowed to take any original documents or files out of the office.

Students must take great care to assure client confidentiality. Never leave a file or client papers unattended. Do not leave client files in the law clerk office overnight. You will store client files in Lindsay Davis' office when you leave the clinic. Client files should remain organized at all times.

You will be assigned a mailbox at SMRLS. It is critical that you check your mailbox every time you come to SMRLS and show any mail to a supervisor right away. Any correspondence should be directed to SMRLS. Do not use your personal phone, email, address, or other contact information for correspondence, as SMRLS attorneys may need to take over your unresolved cases when the semester ends.

SMRLS' Work Flow, File Maintenance, And Clinic Forms

In accordance with SMRLS case management policies, each of you will maintain a paper file and a computer account for each client.

SMRLS is a non-profit law firm. We have very limited secretarial support; therefore students will write and send all correspondence and memos on their own. All electronic documents should be saved in clearly marked client files on the shared office server, in the W: drive entitled "Benefits." We will set up files for each student before the clinic work begins. Do not store files on your personal computers. This compromises client confidentiality and it prevents your teammate and supervisor from being able to access the information if you are not available.

Good record keeping is essential for any attorney's practice. Supervisors will help you create initial paper files at SMRLS. Supervisors should be able to access your client paper files and PIKA notes at any time for an up-to-date account of what is happening with your case. This means that you should maintain contemporaneous PIKA notes and organized paper files.

The paper file should contain the following:

1. "Blue Sheet," or completed intake summary form
2. Retainer agreement signed by client and student or supervisor
3. Signed citizenship or eligible alien attestation form
4. Documents relating to the case, such as exhibits, notices, correspondence, or court documents.
5. Closing letter or transfer memo when you end your work on the case

We recommend sub-dividing documents in paper files into the following categories:

1. Office communication/administrative documents
2. Outside correspondence
3. Legal research
4. Pleadings
5. All rough drafts, to document your progress in each case

At SMRLS, the computer account management system is called "PIKA." Each of you will receive a PIKA password when we begin working at the clinic. Please email your resume to Lindsay Davis **ASAP** in order to get your password. It is critical that you document every action that takes place on a case in PIKA in a contemporaneous manner. This includes summarizing every phone call, meeting, or discussion, and documenting all legal research and discovery time. Err on the side of inclusion if you are unsure about whether to document in PIKA. We will provide detailed PIKA training and SMRLS case management practices more thoroughly when you begin working at SMRLS.

Essentially, every time you communicate with anyone about the case, we should be able to find a PIKA note summarizing the communication. Paper copies of written correspondence are to be kept by you in the case file.

Deadlines are critical in every case. Missing a deadline constitutes malpractice and can be devastating to your client. You should document deadlines in PIKA. We recommend that you also develop a personal calendar system to track your case deadlines.

Interviews and Client Confidentiality

You will conduct interviews with each of your clients. You will most likely meet with your client several times throughout the semester. Conduct client meetings at the SMRLS office in a private office or room. Do not conduct interviews in the law clerk room. You can check with the receptionist to find empty offices when your clients arrive.

Try to fit your client interview in to your scheduled clinic time at SMRLS. You may have to come to SMRLS at a different time than normally scheduled to accommodate your client. Ask your client about any accommodations before you schedule an interview. We can arrange for interpreters if needed. Ask a supervisor if you need to schedule an interpreter for your interview.

Confidentiality is extremely important for all attorneys, and it is equally important for all of your client interactions. The Professional Rules of Conduct 1.6 states that a lawyer shall not knowingly reveal a confidence or secret of a client. The broad obligation exists without regard to the nature or source of the information, or the fact that others share the information. This means that you should not discuss your cases in the presence of people who are not privileged with your case information. You should advise your client about the attorney client privilege when you first meet with them and when you have them sign the retainer agreement.

We recommend following these simple rules to ensure client confidentiality:

1. The fact that you represent a client is a confidence. Never leave a file or client papers unattended in the clinic office or anywhere else. You compromise confidentiality when you leave documents with client names out in the open because someone else could read them. Shred any unneeded documents that contain client-identifying information. Shredders are available in the SMRLS Biz Hub.
2. Avoid the temptation to discuss your Clinic cases informally with acquaintances. You never know who is listening, or whether the person you are speaking with may have a conflict of interest. Keep your case discussion limited to your teammate and your supervisor. However, you may want to discuss certain legal issues with outside experts for help with your case. In these circumstances, you should not use client names or reveal any identifying information about clients. Proceed cautiously with such actions and consult with a supervisor before you do so.
3. Control who attends client interviews. Many of our clients come to meetings with friends, relatives, social workers, etc. You must explain the attorney-client privilege to the client and the fact that they will waive it if they allow a third party to be involved in the interview. Make sure that your client knowingly agrees to this waiver before you talk with them about the case.

Please remember that you should never give legal advice to a client as a law student. Tell your supervisor if a client needs legal advice.

AVOIDING CONFLICTS OF INTEREST

A conflict of interest is an issue that affects all lawyers in all practice areas. You are held to the same standards of conduct as attorneys when practicing as

a Certified Student Attorney in Minnesota. You have an affirmative duty to speak with one of the supervisors if you believe that there is a potential conflict of interest for you in the Clinic.

Overview of Conflict of Interest Rules

A conflict of interest exists whenever an attorney, any other lawyer with whom the attorney works, or any person represented by the attorney has interests adverse or potentially adverse in any way to the interests of any other client of the attorney, the attorney's office or the attorney personally. Even if the attorney and other lawyers in the attorney's office take action most beneficial to all clients involved, the conflict still exists unless certain steps are taken.

When a potential conflict arises, an attorney usually has four possible options:

1. Inform all interested parties of the presence of the potential conflict, inform them all of the possible consequences of the conflict, and continue the multiple representation if all parties give the attorney informed, express (usually written) consent; or
2. After informing all parties of the conflict, withdraw from representation of one of the parties if withdrawal will sufficiently cure the conflict; or
3. Withdraw from representation of both parties; or
4. In very limited circumstances, erect an "ethical wall" through screening procedures to block any access to the case by a person with a conflict of interest.

Remember that the policies underlying conflict of interest rules are the duties of loyalty and client confidentiality. SMRLS is a law firm, and you must make every effort to screen for conflicts of interest. You may violate the Minnesota Code of Professional Conduct if you knowingly or negligently fail to identify an actual or potential conflict.

Some common conflicts of interest with our health law cases may include, but are not limited to: the client was the opposing party in a separate SMRLS case; you are currently working for a firm that represents the health care facility or the agency that is an adverse party in this case; the alleged victim is a SMRLS client.

For more information, See Rules 1.6, 1.7 a & b, and Rule 1.10. We will discuss the rules governing conflicts of interest more thoroughly in Class 2 when we examine Professional Responsibility.

What You Should Do

To avoid conflicts, during the first class, we will discuss your current employment, your other law clerk work, and any recent work that you have been involved with recently or expect to be involved with during the semester.

Information that will be relevant to this discussion to determine whether there is a conflict of interest will be whether your employer, firm, or office is involved with administrative hearings before the Department of Human Services or Department of Health, related to an individual's disqualification, determinations of maltreatment, or benefit eligibility and coverage. We will work with you as would be done in other law firms to evaluate cases for conflict of interest on case-by-case, fact specific basis.

Please notify any employer or office where you do legal work that this semester you are participating in the Health Law Clinic and work with their internal conflict of interest procedures, as well.

If you believe that there is an actual or potential conflict because of where you work or have worked, tell a supervisor immediately.

How to Avoid a Conflict

Your supervisors will attempt to monitor conflicts, but you should also be aware of potential conflicts with each case that you work on. When you get a new case, ask the client who the opposing parties are and the names of any alleged victims. Run the names of the opposing parties and victims through the "Conflict Check" feature on our PIKA case management system. Tell a supervisor immediately if you find a conflict. You should also evaluate opposing parties and victims for your own conflict check with your outside work. Supplement the information if new names become available at any time.

What to Do When a Conflict Arises

When there are actual or potential conflicts, protection of the client's rights comes first. The second most important consideration is the interest of the Clinic student. We will have to decline representation if a conflict cannot be resolved with the informed consent of all parties.

SUMMARY OF USEFUL INFORMATION

Supervisor Contact Information

Lindsay Davis, Staff Attorney at SMRLS, 651-222-5863,
Lindsay.davis@smrls.org.

Susan Schaffer, Solo Practitioner and Volunteer Attorney at SMRLS, 651-221-0683, sschaffer@visi.com.

Supervisors' Office Hours

To be announced and coordinated with schedules.

Your contact information at SMRLS:

Southern Minnesota Regional Legal Services
400 Alliance Bank Center, 55 East 5th St.
Saint Paul, MN 55101

Phone: 651-222-5863—no extension, just ask the receptionist to transfer the call to you.

Fax: 651-297-6457

Hours: Monday-Friday 8:30 AM – 5:00 PM

Email

You will not get a SMRLS email address and you should not use your school email address to communicate any information about the case, as other people at Hamline may monitor your email.

Parking

SMRLS does not pay for parking for students or clients. We have a limited number of bus tokens for clients who are extremely indigent and could not get to our office without assistance. Many busses run downtown.

Copying and Faxing

We have a “Biz Hub” at SMRLS that you can use to print, copy, fax, and scan documents relating to your cases. You can mail documents from SMRLS, as well.

Office Supplies

We have a full range of office supplies available, but sometimes the supplies are difficult to find. Ask a secretary if you need help finding a supply for your work.

Computers

Do not connect your personal laptops at SMRLS, as it may introduce computer viruses to our entire network. We do not have wireless internet at SMRLS.

We look forward to working with you and we are here to help. Please do not hesitate to ask us any questions throughout the semester.

HEALTH LAW CLINIC

Fall 2010

Class 2

Assignment for September 1, 2010

Class Topic: Professional Responsibility and Establishing a Professional Relationship

Readings:

- *Essential Lawyering Skills* - by Stefan H. Krieger and Richard K. Neumann, Jr., Chapters 1-6 (pp. 3-61)
- Minnesota Rules of Professional Conduct, Minnesota Rules of Court book on Reserve in the Law Library or <http://www.mncourts.gov/lprb/05mrpc.html>
- *Minnesota Rules of Civil Procedure* Rule 17. Parties Plaintiff and Defendant; Capacity
- Minn. Stat. § 595.02 (witness privileges)

Class assignment:

During class 2, we will role play and discuss the following fact situations. Each student will be assigned 2 situations to prepare to be the attorney handling the client situation. Faculty will act as the client or other party described in the scenario. Please review and research all of the situations so that you are able to participate in the discussion and prepare to act as the attorney in the 2 situations assigned to you.

PROFESSIONAL RESPONSIBILITY AND MORAL QUESTIONS

Look to the Code of Professional Conduct or Minn. Stat. § 595.02 for guidance in deciding what one should do in a similar situation. In some cases, the Code requires particular conduct. In other cases attorneys may exercise discretion with guidance provided by the Code.

Situation	Relevant Code or Statute Citation
1. You go to the waiting room to meet your client and another person is with her/him. The other person follows the two of you to your office. The person is your client's neighbor who gave her/him a ride. Prepare for your conversation with the neighbor.	<hr/>
2. You go to the waiting room to meet your client and another person is with her/him. The	

Situation

Relevant Code or Statute Citation

other person follows the two of you to your office.

The person is your minor client's parent. The matter you expected to discuss is a maltreatment proceeding that the Minnesota Department of Health investigated, found maltreatment, and disqualification is pending. The County Attorney is considering criminal abuse charges. The child is 17 and has worked part-time at a child care agency. The parent asks about bringing a juvenile court proceeding to declare that she is beyond their control. Prepare for conversation with the parent.

3. You go to the waiting room to meet your client and another person is with her/him. The other person follows the two of you to your office.

The person is your client's sibling who also works at the nursing home from which she or he was fired and wants to help get your client rehired. Prepare for conversation with the sibling.

4. A client comes to your office seeking help with a fair hearing on a maltreatment determination. The hearing is scheduled tomorrow. Prepare for your conversation with the client.

5. You are representing a husband in a dissolution proceeding. He brings his unrepresented wife with him to the interview. What should you do?

6. You are representing a new immigrant of African descent who is challenging a neglect determination that will result in disqualification from his nursing home job. At the initial interview, the client mentions that his former employer recently fired several

Situation

Relevant Code or Statute Citation

other new immigrant employees of African descent. The client asks if he might have a discrimination claim. Also, the client asks if he can sue to get substantial severance and vacation pay that he is allegedly owed. You are working at SMRLS and only allowed to take health related cases (disqualification, maltreatment, benefits denial).

- 7. You are representing a client in a benefits proceeding. The client does not speak English and you had to use an interpreter for your initial interview. The client's nephew (who you have not met) calls and asks for an update on the status of the case and the likelihood of reaching a stipulated settlement. The nephew is fluent in English.
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What are you able to tell the nephew?

During the initial interview, what steps could you take to arrange to communicate with this client?

- 8. You are representing the owner of a day care who has been found responsible for maltreatment of a three year-old child who was at her day care. One of the day care's former employees reported that the owner had slapped the child. The owner denies this explaining that the former employee made the report because the owner had docked her pay that day when she was late to work.
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To prepare for trial you go to the scene of the "day care" to observe the location and where the witness was standing when she allegedly saw the owner slap the child. While you are observing the day care with the owner, the owner's daughter is hanging around there. When the owner leaves the room, you ask the daughter about the situation. She says that she was in the room and she saw her mother slap the child. The county investigator did

Situation

**Relevant Code or
Statute Citation**

not know that the daughter was in the room at the time and did not interview her.

When you meet again with your client to prepare for hearing, you need to discuss how you proceed with the hearing. She has told you on previous occasions that she did not slap the child. You note from the discovery you have that the prosecution is not planning to call the daughter as a witness.

Second hour of class: discussion with guest lecturer about establishing professional relationship with clients and on DQ cases. Linkage of knowing case law and learning background of clients (gaining trust with clients so that they are willing to share their story with you.