

HAMLIN UNIVERSITY SCHOOL OF LAW  
TRIAL PRACTICE CLINIC

Spring 2011

Sharon L. Jones  
Visiting Clinical Professor

I. Required, Recommended and Supplemental Readings.

Required:

1. David F. Chavkin, Clinical Legal Education: A Textbook for Law School Clinical Programs (2002).
2. Thomas A. Mauet, Trial Techniques (8th ed. 2010).
3. TWEN - course website  
The address is: <http://lawschool.westlaw.com/twen/default.asp>.
4. Supplemental Materials

Recommended Reading (available at the library):

1. James W. McElhaney, McElhaney's Trial Notebook (4th ed. 2005).
2. Martin L. Swaden & Linda A. Olup, Family Law, Volume 14 Minnesota Practice Series, West Publishing (3d ed. 2010).

II. Office Hours and Contact Information.

I will set regular weekly meetings with each team to review your casework. In addition, you may call me at (651) 523-2472 or email me at [sjones17@hamline.edu](mailto:sjones17@hamline.edu) to schedule additional appointments. Please do not include confidential client information in emails. **Please feel free to contact me, or stop by my office, at any time.**

III. Attendance and Participation.

Regular attendance is critical in the Trial Practice Clinic. We are operating as a small law firm and you will benefit from the opportunity to discuss your case theory and moot court final arguments and other portions of upcoming trials in class. Attendance will be taken in each class by passing around the attendance sheet. Due to the importance of class attendance in case development, two (2) absences will be considered excessive. Class participation is taken into account in grading. Attendance at court hearings is required. You are allowed to be excused from other classes to attend to your client's court matters. Please notify your other professors prior to such an absence.

IV. Technology Policy.

In the Classroom: Cell phones should be turned off or set to silent mode. Texting during class is

not permitted. If you are expecting a critical call or text, please notify me ahead of time. 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. This is an interactive class requiring your complete attention and participation.

In the Clinic: Computers may be used access information on TWEN for class use, but not for any other personal use, including: emailing; instant messaging; or surfing. Tweeting or posting on Facebook about cases or clinical work is strictly prohibited.

## V. Testing and Grading.

The Trial Practice 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 time. Although students work in teams, they are graded individually based on their individual efforts and contributions to the client representation. Grading is discussed in more detail in section VI below.

## VI. Statement of Goals and Objectives.

- A. Central Objective: The Trial Practice 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. We represent victims of domestic violence in Order for Protection hearings.
- B. Sub-objectives. The Trial Practice Clinic has four major sub-objectives. They are as follows:
  - 1. Students will learn and use a systematic approach to lawyering. There are many approaches to effective lawyering and this clinic will expose students to one such system. In this system, students will be expected to:
    - a. Maintain their case files in an organized fashion, in accordance with the case file organizational plan of the clinic.
    - b. Keep accurate and complete narrative and time records of all activities undertaken in the case.
    - c. Make regular use of the clinic "tickler" system.
    - d. Be punctual and reliable in their dealings with clients, other attorneys, supervisors, courts and administrative agencies. (Telephone messages should be returned promptly. Clients should be kept informed on a regular basis of the progress or lack thereof on their cases. Deadlines and promises should be strictly adhered to.)

- e. Prepare the following case management documents for each of their cases:
  - i. A written interview summary describing each meeting with the client or potential witness.
  - ii. A proposed weekly tickler for each case which will be discussed at the weekly meeting with the supervisor.
  - iii. A timesheet listing date, hours and all work performed.
  - iv. A trial notebook for each case with direct exam, cross exam, and closing argument.
  - v. A certificate of representation and notice of withdrawal for each litigated case.
  - vi. A closing or transfer memorandum, to be submitted when the case is closed, or when the student ceases having responsibility for the case. This memorandum should describe the problem presented by the client, a summary of the action taken, and the outcome obtained or the current status of the case.
  - vii. A closing or transfer letter to the client. The purpose of this letter is to say goodbye to the client and summarize the student's actions over the past semester.
- 2. Students will learn to use critical observation of self and others as a tool for continuing learning and skill development. Most of a lawyer's learning--particularly in the area of practical skills--takes place after the student has left law school. In order to decrease ineffective practices and to replicate effective techniques, it is important for the student to develop both the habit and the ability to observe him or herself and other attorneys in a careful manner.
- 3. Students will learn to make productive use of supportive resources available to them, in particular, suggestions by teammates and other class members and advice and supervision from their supervising attorney.
- 4. Students will represent their clients competently, effectively zealously, and ethically.
  - a. Students will attempt energetically and tenaciously to achieve their client's objectives.
  - b. Students will learn to translate the real problems of their clients into manageable legal categories, and complete efficient and thorough legal

research on those problems.

- c. Students will improve their pre-trial and trial skills (e.g., interviewing clients and witnesses, marshaling evidence, preparing witnesses, delivering opening and closing arguments, examining and cross-examining witnesses, making and responding to objections, etc.).
- d. Students will learn to develop a coherent theory of the case, which combines the facts and applicable law into a coordinated approach to the case designed to persuade the decision-maker.
- e. Students will analyze their obligations under the Code of Professional Responsibility and their own systems of values.
- f. Students will learn to communicate cross-culturally in an accurate and sensitive manner. Students will learn how to interview through an interpreter.

C. 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. Some written critiques of the student's performance and written work;
- 3. Completion by the student of formal self-evaluation forms at the mid-point and semester's end;
- 4. Completion by supervisor of an evaluation form at semester's end; and
- 5. Assignment of a letter grade. The letter grade will be determined based on the student's performance in each of the four major sub-objectives described above in Section B, using the attached evaluation form. Class participation is taken into account in grading.

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EVALUATION FORM

Student: \_\_\_\_\_

Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_

**A. USES A SYSTEMATIC APPROACH TO LAWYERING (20% of grade)**

Clinic Standard

Keeps accurate, timely, and comprehensive narrative and time records of all activities undertaken in cases; organizes client files in systematic fashion appropriate to the case; revises and use clinic tickler system on a weekly basis to track work; is always punctual and reliable in dealings with clients, other attorneys, supervisors, courts and administrative agencies; checks mail box daily and promptly returns telephone messages; regularly informs clients of the progress or lack thereof on their cases; adheres strictly to deadlines and promises.

Rating

\_\_\_\_\_

1	2	3	4	5
Poor		Satisfactory		Outstanding

(Place "x" to indicate position on continuum)

**B. USES CRITICAL OBSERVATION OF SELF AND OTHERS AS A TOOL FOR CONTINUING LEARNING AND SKILL DEVELOPMENT (15% of grade).**

Clinic Standard

Actively and consistently observes own performance and positively accepts feedback from others; sets objectives for critique of each lawyering task undertaken; systematically evaluates performance and strives to improve future performances in light of self-evaluation and supervisor, teammate and class critique; actively and productively observes and critiques teammate and classmates.

Rating

\_\_\_\_\_

1	2	3	4	5
Poor		Satisfactory		Outstanding

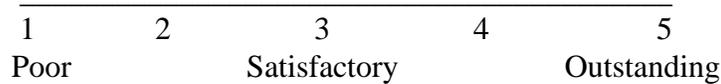
(Place "x" to indicate position on continuum)

**C. MAKES PRODUCTIVE USE OF AVAILABLE SUPPORT RESOURCES, INCLUDING CLASSROOM EXPERIENCES, SUPERVISION FROM SUPERVISING ATTORNEY AND INPUT FROM TEAMMATES AND OTHER CLASS MEMBERS (15% of grade)**

Clinic Standard

Thoughtfully and competently prepares class assignments and participates actively in class sessions; prepares for and punctually attend weekly case review meetings with supervisor and teammate; engages supervising attorney and teammate in constructive discussion about cases; follows through on decisions made with or instructions given by supervising attorney; timely seek additional help from supervising attorney and/or teammate when encountering difficulties meeting client/clinic objectives.

Rating

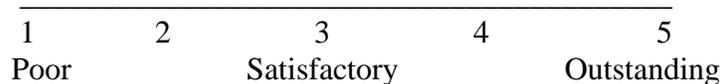


(Place "x" to indicate position on continuum)

**D. REPRESENTS CLIENTS COMPETENTLY, EFFECTIVELY, ZEALOUSLY, AND ETHICALLY (50% of grade).**

1. Interviewing: Develops interview plans and objectives in advance; does sufficient advance legal research to answer anticipated client questions; uses active listening and empathetic responses to develop client trust; does advance research and prepares adequately for cross-cultural interviews; follows suggestions for interviewing effectively through interpreters; consistently obtains relevant facts and ascertains client objectives in interviews of reasonable length.

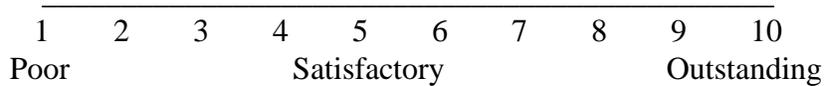
Rating



(Place "x" to indicate position on continuum)

2. Client counseling: Consistently develops rapport with clients and works to attain a high level of trust that allows client to freely share facts and objectives; works hard to see the factual situation from the clients' point of view putting aside personal bias; communicates effectively with clients of different class, gender, race, and cultural backgrounds; explains the applicable law, potential legal theories, and alternative strategies using words appropriate for the clients' level of understanding; actively involves clients in strategic decisions and chooses strategies that meet clients' actual needs.

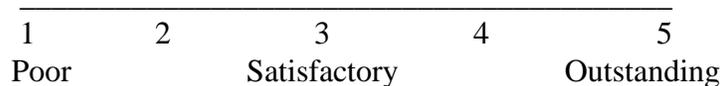
Rating



(Place "x" to indicate position on continuum)

3. Legal research and legal theory development: Identifies all legal issues relevant to clients' problems; completes and memorialize all legal research necessary to advise clients of their rights; develops theories of the case that are creative, take into account the clients' interests and the audience (decision-maker), and result in maximum persuasiveness.

Rating



(Place "x" to indicate position on continuum)

4. Written product: Initial drafts and final versions of all correspondence, inter- and intra-office memos, and pleadings and briefs, reflect thorough preparation, are thoughtfully planned with overall theory of the case in mind, and are skillfully executed so as to contribute maximally to the persuasiveness of the case; transfer and/or closing memo guidelines strictly followed giving new students and supervisor a comprehensive view of work completed and strategic plan for next six (6) months; transfer or close-out letter to clients accurately summarizes work performed, adequately reassures clients of continued representation (if case remains open), and clearly delineates unfinished tasks for clients to complete (if any).

Rating

\_\_\_\_\_

1	2	3	4	5
Poor		Satisfactory		Outstanding

(Place "x" to indicate position on continuum)

5. Oral advocacy and hearing preparation: Trial notebook prepared for each appearance; preparation completed sufficiently in advance of hearing to timely allow for moot court and preparation of all witnesses; oral argument reflects thorough preparation, is thoughtfully planned with overall theory of the case in mind, and skillfully executed so as to contribute maximally to the persuasiveness of the case.

Rating

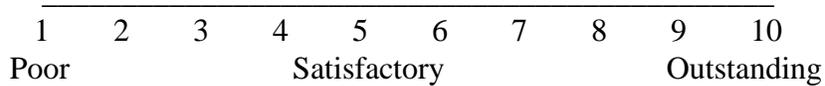
\_\_\_\_\_

1	2	3	4	5
Poor		Satisfactory		Outstanding

(Place "x" to indicate position on continuum)

6. Zealousness of Representation: Uses creativity, resourcefulness, perseverance, initiative, follow-through and hard work in attempt to achieve clients' objectives; without prompting from supervising attorney, takes those extra steps which may be necessary to overcome initial obstacles and problems which prevent or hinder the accomplishment of clients' objectives.

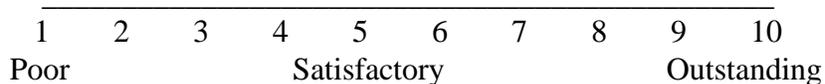
Rating



(Place "x" to indicate position on continuum)

7. Professional Responsibility and Ethics: Regularly acts in a manner consistent with the Code of Professional Responsibility; recognizes situations which present close questions, either under the Code or under personal values, and actively and explicitly resolves those questions without prompting from supervisor; always extremely sensitive to client confidentiality, especially handling of client files and phone calls in clinic office and public settings; always vigilant to identify potential conflicts of interests and take responsibility to actively resolve them.

Rating



(Place "x" to indicate position on continuum)

Hours worked to date: \_\_\_\_\_

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Tuesday, 3:00 p.m. - 4:50 p.m., Room 6

SYLLABUS

Weekly assignments and class exercises will be posted on TWEN.

<b>Class</b>	<b>Date</b>	<b>Topic</b>
1	January 17	Clinic Goals and Evaluation Methods; Domestic Abuse Act
2	January 24	Dynamics of Domestic Abuse
3	January 31	Professional Responsibility; Safety Planning
4	February 7	Client Interviewing
5	February 14	Direct Examination; Making the Record
6	February 21	Client Theory; Case Theory; and Basic Family Law
7	February 28	Exhibits and Evidentiary Issues
8	March 13	Cross Examination
9	March 20	Client Counseling; Mid-Term Self Evaluation Due
10	March 27	Negotiation
11	April 3	Opening Statements and Closing Arguments
12	April 10	Working with Marginalized Communities and Special-Needs Clients
13	April 17	Billing; Mentorship; and Pro-Bono Obligations
14	April 24	Case wrap up; Semester-End Reflections; and Stress Management