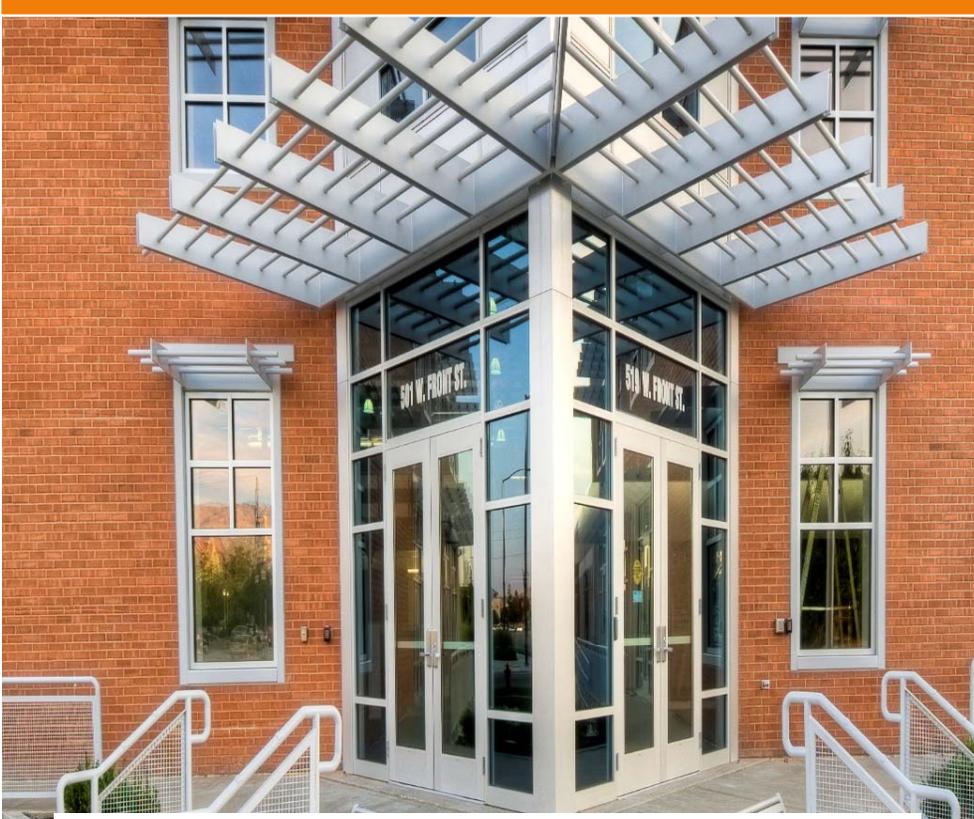




Clinical Program Manual



As part of Concordia University School of Law's commitment to public service and experiential learning, its clinical program is designed to provide law students with opportunities to build and refine lawyering skills while representing underserved clients and serving their community.

Latonia Haney Keith
lkeith@cu-portland.edu
208.639.5417

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INTRODUCTION

Concordia University School of Law (“Concordia”) is committed to training effective, ethical advocates and to instilling a commitment to justice and a desire to provide legal services to underserved communities. As part of this commitment, the law school offers a variety of clinical courses through its Clinical Education Program consistent with ABA Standard 304.

A clinical course combines (i) a classroom component (i.e., a substantive course designed to reinforce lawyering skills and the social and ethical responsibilities of the profession), with (ii) a fieldwork component (i.e., the opportunity to gain valuable hands-on client and/or court experience under the supervision of an experienced attorney(s) directly advising or representing actual client(s)). Through clinical program courses, students receive opportunities for performance and careful, individualized attention, supervision and feedback from full-time and adjunct faculty. Students also self-evaluate their own performance as well as collaborate actively with one another to serve clients’ needs.

Concordia Law’s Clinical Education Program is designed to create a supportive educational environment and facilitate opportunities for students to:

1. *Gain legal knowledge* in an area of substantive law, legal theory and procedure;
2. *Practice professional skills* in client intake and interviewing, identifying legal issues, problem solving, and written and oral communication;
3. *Understand the ethical and professional responsibilities* as representatives of clients, officers of the court, and public citizens;
4. *Respect the legal profession* and its values of justice, fairness, candor, honesty, integrity, professionalism, respect for diversity and the rule of law; and
5. *Engage in public service* and explore career possibilities in an area of legal practice.

Clinical program courses are offered in the fall and spring terms and qualify to fulfill students’ Experiential Learning Requirement. Students may participate in the Clinical Education Program if they (i) have completed two years (or 60 hours) of academic study (however, some clinics will also consider 2L and part-time students who have not yet completed 60 hours of coursework), (ii) meet all specific clinic program requirements, and (iii) are in good academic standing.

This Manual provides a program overview, answers frequently asked questions and outlines policies and procedures for making the experience valuable for students, clients and, if relevant, the clinic host organization.

COURSE DESCRIPTIONS

Criminal Law Clinic (LAW 612 / 4 Credit Hours)

Concordia's Criminal Law Clinic is a four-credit course that focuses primarily on criminal prosecution of misdemeanors and infractions. The Criminal Law Clinic is operated in partnership with the Office of the City Attorney (OCA), located at 150 N. Capitol Blvd., 4th Floor, Building 2. The Criminal Law Clinic is overseen by Professor Latonia Haney Keith and Professor Jodi Nafzger and taught and supervised by an adjunct faculty member.

The Criminal Law Clinic will provide students with the opportunity to deepen and expand on the skills learned in evidence, criminal law and criminal procedure and hone the skills necessary to become a successful prosecutor/litigator. Under the supervision of law faculty, students will interview police officers, victims and witnesses; review police reports and other discovery materials; draft correspondence, pleadings and other memoranda of law; develop case theory; negotiate with opposing counsel; and prepare for and conduct arraignments, pre-trial conferences, sentencing hearings and misdemeanor court trials. The contemporaneous course will add depth and reflection to the fieldwork, including workshops on criminal law procedure, legal ethics, trial advocacy and other practical skills.

For students interested in criminal defense, participation in a criminal prosecution clinic will allow students to gain familiarity with the prosecution process, placing students in a unique position to defend clients as they face this process. For students interested in a civil litigation career, the skills developed through the Criminal Law Clinic (interviewing clients and witnesses, legal and factual investigation, discovery analysis, case development, litigation strategy and oral advocacy) are directly transferrable to any litigation practice.

The Criminal Law Clinic is a graded clinic offered during the fall and/or spring semesters and is designed as a single semester course for third-year or fourth-year students. Legal Intern Limited Licenses and background checks are mandatory for all students working with the OCA.

Housing Clinic (LAW 612 / 3-5 Credit Hours)

Concordia's Housing Clinic is a three, four or five-credit course through which students will represent low-income tenants in eviction defense, habitability and security deposits cases. The Housing Clinic is an in-house law clinic taught and supervised by Professor Latonia Haney Keith and an adjunct faculty member.

The Housing Clinic will provide students with an opportunity to deepen and expand on the skills learned in evidence, civil procedure and property and hone the skills necessary to become a successful litigator. Under the supervision of law faculty, students will interview clients and witnesses; review leases and other discovery materials; draft correspondence, pleadings and other memoranda of law; develop case theory; negotiate with landlords; and prepare for and conduct mediations and hearings and potentially trials. The contemporaneous course will add depth and reflection to the fieldwork, including workshops on tenant rights, laws and protections, legal ethics, trial advocacy, and other practical skills.

For students interested in a civil litigation career, the skills developed through the Housing Clinic (interviewing clients and witnesses, legal and factual investigation, case development, negotiation, litigation strategy and written and oral advocacy) are directly transferrable to any litigation

practice. Also, students will develop skills in negotiation, advocacy, client management and practice management, which are also directly transferrable to any non-litigation practice.

The Housing Clinic is a graded clinic offered during the fall and/or spring semesters and is designed as a single semester course for ideally third-year or fourth-year students; however, second-year students will also be considered for participation. Legal Intern Limited Licenses are preferred for students working in the Housing Clinic.

Immigration Clinic (LAW 612 / 4 Credit Hours)

Concordia's Immigration Clinic is a four-credit course that focuses on representing immigrants in family-based adjustment of status, immigrant visa applications, and immigration waiver applications; helping immigrant victims of violence; assisting immigrants pursue naturalization or citizenship; and helping immigrants apply for asylum or other forms of relief from deportation. The Immigration Clinic is operated in partnership with the Schaefer Law Firm, located at 8030 Emerald Street, Suite 185. The Immigration Clinic is overseen by Professor Latonia Haney Keith and taught and supervised by an adjunct faculty member(s).

The Immigration Clinic will provide students with an opportunity to gain and/or deepen their knowledge of constitutional law, immigration law, administrative law and international law and hone the skills necessary to become a successful advocate. Under the supervision of law faculty, students will interview clients from foreign countries who are seeking immigration status in the United States and/or have suffered past persecution; investigate claims and find corroborating evidence; prepare the necessary applications for immigration status; draft briefs presenting a credible defense to deportation; develop case theory; and prepare for and conduct hearings before an immigration law judge. The contemporaneous course will add depth and reflection to the fieldwork, including workshops on immigrant and refugee rights, laws and protections, legal ethics, advocacy, and other practical skills.

For students interested in a transactional or litigation career, the skills developed through the Immigration Clinic (interviewing clients/witnesses, preparing immigration applications, negotiating/responding to USCIS, undertaking investigation, case development and litigation strategy, and honing written and oral advocacy skills) are directly transferrable to any practice.

The Immigration Clinic is a graded clinic offered during the fall and/or spring semesters and is designed as a single semester course for second-year, third-year and fourth-year students.

FREQUENTLY ASKED QUESTIONS

1. What is clinical education?

Clinical education is a teaching methodology combining theoretical concepts and actual legal practice. In clinics, students are given the opportunity to exercise professional judgment while representing actual clients. The students' experiences then become the subject of critical review and reflection. This review teaches students how to evaluate their own legal work as well as the legal work performed by others.

2. Will a clinic help me learn how to be a lawyer?

Of course! A central goal of clinical education is to teach students how to be skilled, responsible members of the legal profession. Clinical students learn how to be lawyers by engaging in the actual practice of law through a controlled educational environment that promotes self-reflection.

3. Whom do the clinics represent?

The clinics promote an ethic of public service. The clients of most clinics are individuals and organizations not otherwise able to obtain legal representation.

4. What do students do?

Students engage in many of the tasks normally associated with a legal practice and other matters in which the clinic provides representation. In many clinics, the students bear primary responsibility for investigation, client counseling, litigation planning, strategic analysis, research, writing, drafting pleadings, settlement negotiation, and oral advocacy in court.

5. Are clients' interests compromised by student representation?

No. Students are supervised by highly-skilled lawyers and caseloads are light enough to allow thorough preparation. Students are bound by the terms of their Legal Intern Limited License and the Idaho Rules of Professional Conduct.

6. Do students get to go to court?

All clinics are *designed* to include the representation of clients in court or in administrative hearings. However, it is important to recognize that, as lawyers, it is a student's ethical obligation to proceed with a case in a manner that is in the best interests of the client, which may be to settle the case rather than proceed to trial. Also, it is often outside of a lawyer's control as to when hearings are scheduled or potentially re-scheduled, and therefore despite our best efforts, we may not be able to provide students with courtroom or administrative hearing experience within the confines of the semester.

7. What is the faculty/student ratio?

The faculty/student ratio is typically 1-to-8.

8. Who may enroll in a clinic?

In general, most students must have completed the qualifications for obtaining a Legal Intern Limited License pursuant to Idaho Bar Commission Rule 226. Some clinics may allow students who are not eligible for a limited license and may also require applicants pass a background check.

9. How are students selected for a clinic?

Each clinic has its own method of selection. Most clinics choose students through a competitive application and selection process. Clinics that use such a selection process base their choices on prior experience, writing samples, resumes, statements of interest, oral interviews, and other criteria. Most clinics also give preference to those students who are entering their final year of law school.

10. Do students need to disclose “background issues” in the clinic application process?

Yes. Students should definitely disclose all background issues. Failure to disclose background issues can bar you from some clinics. Furthermore, it may affect you in the application process for the Idaho Bar. We recommend you review your law school application at the time you are completing your clinic application to ensure you disclose the same information.

11. Do all applicants get into their first clinic choice?

Unfortunately, no. Depending on the number of applications received in a semester for a clinic, students may not be accepted in their first clinic choice.

12. Can a student take more than one clinic while in law school?

Yes. However, students may not obtain more than twelve (12) credits for clinic courses, and preference is given to students who have not previously taken a clinical course.

13. What do I need to know about Legal Intern Limited License and the permissible scope of Legal Intern Practice?

Most clinics require a Legal Intern Limited License pursuant to Idaho Bar Commission Rule 226. If required, students should review this Rule and apply for a Legal Intern Limited License prior to the start of their clinic. Obtaining a Legal Intern Limited License takes at least four (4) weeks, so make sure you complete your application as soon as possible so that you have your license prior to the start of the semester.

14. On average, how many hours per week do students work in their clinic?

Most of the clinics require a substantial time commitment (roughly 12-16 hours per week). This ensures that students receive the best educational experience and that clients receive quality legal representation. The average weekly time commitment varies from clinic to clinic and is related to the number of credit hours allocated to the course.

Most clinics are structured with a two-credit classroom component and a one or two-credit fieldwork component. For fieldwork credit, students are required to work a minimum of 60 hours per credit or approximately 5 hours per week per credit.

Due to the nature of the work in some clinics, students in those clinics should expect to work more than the weekly average in some weeks, and less in others. Clinic students are required to bill their time each week, which will be reviewed by their faculty supervisor(s).

15. If a personal crisis, natural disaster, holiday or other issue occurs during the semester, do students need to make up the hours in order to fulfill the clinical requirements?

Yes. The clinical program is governed by the American Bar Association. Therefore, the law school must ensure that you complete the hours as required.

16. How long am I responsible for my cases or other clinic assignments?

Each clinic determines the duration of student responsibility for the course. Students may need to work on their cases during exam periods and vacation periods.

17. How are students graded?

This varies depending on the clinic.

18. Can the credits from Clinical Courses be used to satisfy the six-credit Experiential Learning Requirement?

Yes.

19. How am I notified if I am accepted in a clinic?

If you have been accepted in the clinic, the faculty member supervising the specific clinic will e-mail you at your official Concordia University email address. It is your responsibility to ensure your Concordia University email is working and to check your emails regularly.

20. What happens if after I apply, I realize that I have a schedule conflict or have changed my mind, can I just withdraw or drop out of a clinic?

Generally, no. Unlike law school courses that you can drop or add up to a certain date, you cannot withdraw from or drop a clinical placement. Once you have applied, you are committed to the clinic. Your acceptance may have negated the enrollment of another student and committed the Law School to your involvement.

21. What should I do if I have not heard whether I received a clinic placement?

Contact the faculty member supervising the clinic. In some cases, you may be instructed to register for another equivalent-credit course until you hear about your placement.

APPLICATION PROCEDURE

Students are responsible for applying for clinics according to the procedures established by the professor and/or the host organization. Information regarding specific application procedures will be emailed to the student body, and application deadlines will be indicated. Contact the professor if you have missed the deadlines but are still seeking a clinical opportunity. Some clinics may accept late applications, or additional clinics positions may become available as the semester approaches.

CLINIC ENROLLMENT POLICIES

Minimum Cumulative Average and Academic Performance – Students seeking to enroll in a clinic must have a minimum 2.0 cumulative average.

Clinic Orientation & Boot Camp – Many clinical placements require students to attend an orientation or boot camp that takes place either during the week before classes begin or during the first several weeks of the semester at times designated by clinical faculty based on students' schedules. Please check with your placement so that you can be available for the training.

Clinic Extension Policy – Clinic students are generally expected to work for their clinic until the end of the semester unless the clinic has established a shorter period. In some cases, the needs of clinic clients will require that a student perform some tasks after the semester ends. In other cases, students may request an extension to complete a project. In either case, an extension request must be filled out before the end of the semester and will be effective only upon review and signature of the professor. Except in unusual cases, an extension requested for any other reason will not be approved if it exceeds one month from the end of the semester.

GRADES & CREDITS

Clinics may be either graded on a grading scale or pass/no pass based on successful completion of the clinical work, professionalism, timely billing and appropriate case management, preparation and attendance at classroom sessions, and other assignments. Students who are not prompt and accountable for their fieldwork, at the discretion of their faculty supervisor, may have their credit hours reduced proportionate to the inconvenience they cause the field supervisor.

In most clinics, students will earn two credits for the classroom component, which is a required part of the clinic, and one, two or three credits for the fieldwork component. For fieldwork credit, students are required to work a minimum of 60 hours per credit or approximately 5 hours per week per credit.

All time spent observing the relevant court process, staffing client intake/screening clinics, interview clients, victims and witnesses, representing clients by preparing for/attending court hearings or mediations, effectively maintaining the clinic's case management system and undertaking research and analysis regarding assigned cases or matters count toward the fieldwork requirement. Time spent preparing for and attending class or completing class assignments does not count towards the fieldwork requirement. Students should consult the course syllabus and manual for how to record and submit fieldwork time.

During the course of the semester, students will be responsible for completing various tasks, including but not limited to the following:

- Attend the weekly class punctually and regularly (80 percent or better).

- Prepare for and participate in class and case rounds.
- Complete course work assignments, which may include reflection memorandums, skill exercises, and mock trials.
- Complete the fieldwork hours to the satisfaction of the faculty supervisor(s).
- Follow all clinic protocols, including properly billing time and managing and organizing case files, correspondence and other materials in the clinic's case management system.

ETHICS & PROFESSIONALISM

All students participating in the clinical program must read, be familiar with and abide by the Idaho Rules of Professional Conduct and the clinical program's Code of Conduct.

Clinic faculty will spend some of the class time discussing the code and the rules that are most applicable to the area of practice of relevant clinic. If students have even the slightest question about whether something is ethical, confidential, or a conflict, it is absolutely *imperative* that the student immediately discuss it with the clinical supervisor prior to taking any action. If the clinical supervisor is unavailable, students should seek out another faculty member or attorney in the chain of command at the relevant host organization. If no one is available to assist the student at that moment, the student should not take action until s/he has had the opportunity to discuss the situation with a supervisor. If students have a question about the ethics or professionalism of the supervising attorney, students should call their faculty supervisor for assistance as soon as possible, unless the placement has other rules of conduct which the student is mandated to follow.

Regardless of whether the clinical setting is a law school, corporation, a government agency, public interest nonprofit or law firm, students should always ask for clarification from the supervising attorney regarding clients, or the constraints of confidentiality.

OTHER POLICIES & PROCEDURES

- Students may use their Westlaw and LEXIS accounts for their clinical work in accordance with the policies of Westlaw and LEXIS.
- Students may enroll in a maximum number of 12 credits for clinical coursework throughout their legal education.
- Students may not take an externship and a clinic in the same semester without prior approval.
- Students may not receive compensation for work in which they receive academic credit. A student can only be reimbursed for necessary and reasonable expenses incurred in performing the clinic.
- Students participating in the clinic should keep their address and telephone information current with the Law School, the faculty supervisor(s) and, if the student is participating in a clinic under a Legal Intern Limited License, the Idaho Bar.
- Students should be checking their Concordia University issued e-mail regularly as well as any other e-mail account designated to clinic students.

CONCLUSION

Thank you for your interest in the Concordia Clinical Education Program. As a clinical course is a learning experience, we hope students seek out every opportunity to expand their practical and analytical skills, and get to know the local legal community, as well as have a good time and enjoy the social aspects of the clinical placement.