

CIVIL PRACTICE CLINIC - *DRAFT*
Fall 2017
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Law school clinics provide students with the opportunity to learn about the law from a practical perspective. In the Civil Practice Clinic, you will learn the law and procedure by providing representation to individuals who are experiencing legal problems. The majority of our clients are indigent, are often in crisis, and may have very little trust in the “system”. As the student attorney on the case, you will be responsible for making legal decisions and strategy calls and you may face ethical dilemmas that arise in the course of representation. This is an opportunity for you to learn to think and to act like a lawyer in a very real, practical setting. You will be doing the work of a new attorney in a small firm, but have the advantage of having supervision from an experienced attorney.

Class meets on **Tuesdays and Thursdays from 4:00 – 5:30 pm**. Please review your syllabus carefully as there are some class times when we will not meet due to the orientation that was held prior to the beginning of the semester. The classes will concentrate on skills, substantive law, ethics and case strategy. As students, you are responsible for taking charge of your cases; you will also be responsible for portions of the class sessions. Students will be responsible for presenting their cases during some class sessions and leading the discussion regarding strategy decisions and/or ethical considerations.

You will have to learn a great deal in a short time in order to be able to handle your cases properly. The learning curve is very steep. For that reason, the beginning of the semester is extremely time consuming and starts earlier for the clinic than for your other classes. Your clinic responsibilities will end by Friday, November 27, 2017, unless you have a trial or hearing scheduled in December and wish to participate in the hearing/trial. If a hearing or trial is scheduled for December on one of your cases and you don’t wish to participate in the court proceeding, you must let us know as soon as possible.

Date	Topic
August 16-18	Mandatory Orientation
***NOTE:	<p>At least one journal “entry” during the semester is to be a digital video entry 2-3 minutes in length and submitted via email.</p> <p>Some topic dates may change depending on speaker availability.</p>
<p>Week 1 August 22 & 24</p>	<p>Recap of the first week; Review of Syllabus Review of class requirements (via student attorney manual) any questions?????</p> <p>Guardianships and other probate matters: Guardianship is a legal method to protect “incapacitated” adults (and some minor children) from being exploited by others. Probate: What happens to property if someone dies with or without a will? What “end of life” documents are important for everyone? Where do I go for more information? Exercise: draft of will, Durable POA, Health Care POA/Directive to Physicians, Declaration of Guardian, and HIPAA release due to Professor Heppard by 5:00 pm on September 5.</p> <p>Journals due August 24 via email by 5:00 pm; assigned topic: orientation and court visit;</p>
<p>Week 2 August 29</p>	<p>Motions: How do I draft a motion??? I need a court to order the other party to do or not do some act. Or I need my client to be permitted to do something. How do I get my request before the judge? Does it have to be a formal request? In writing? Typed? How long does it have to be? Where do I start? Ahhhh! They needed it yesterday.</p> <p>Motion assignment due back on or before September 12 class.</p>
August 31	<p>Writing like a lawyer: Speaker: TBA When corresponding with clients and lawyers and drafting documents including petitions, orders, and motions, lawyers must be aware of the use of words and how the specific words used may be interpreted by the reader. Final Agreement re-write assigned and due September 19</p>

Week 3
September 5 &
September 7

Building Your Client's Case - Fact Investigation and Discovery

A new client has walked in the door. What do you do first? How do you develop a case plan? What is fact investigation? How can you best use formal and/or informal discovery methods to build your client's case for trial or settlement? How do you choose which methods to use? What facts do I need to develop the theme and theory of the case.

Week 4
September 12

Case Rounds: be prepared to describe one of your cases and to share one thing you have learned from working on that case.

Journals due via email by 5:00 pm

September 14

Electronic Evidence - Speaker: TBA

Technology is all around us and is used more and more in law; both in the courtroom, in fact investigation, and in case management. It is important that you, as an attorney, are familiar with current technology and electronic evidence (and what methods of evidence collection are legal/illegal) in order to properly advocate for and protect your client's interests. It is also important to understand how to protect client confidentiality when communicating with clients and when electronically storing your clients' files and other case information.

Week 5
September 19 & 21

Trial/Hearing: What to do

It is important to make sure every "I" is dotted and every "T" is crossed before trial. Your trial notebook should be started when you first decide to take a case. You continue to add materials, reorganize and build the notebook until trial.

Using Exhibits in your hearings/trials

Exhibits can be used to help prove your case; but, how do I get them before the court so they can be considered? How do I effectively use exhibits? Learn the "magic" words needed and see if you can get an exhibit into evidence.

Opening and Closing:

Your opening sets the stage for your case at trial. The closing pulls it together for the jury before they start deliberation or reminds the judge of your major points. Both are important to your case.

Direct and Cross Examination of Witnesses -

Direct and cross examination of witnesses is an art that needs to be developed. Through direct examination you want your witness to tell a story in their own words. You cannot lead the witness through the process and sometimes cannot stop a potentially loose witness from talking too

much. A good cross examination is tight and quick. It is one of the most difficult aspects of trial to prepare for, but one of the most important.

Additional suggested readings: The Winning Edge; Mauet's Fundamentals of Trial Techniques; and Basic Trial Advocacy by Peter Murray; Trial Advocacy by Moore, Bergman and Binder;

Week 6
September 26

Trial/Hearing: Cont'd

September 28

Case Rounds: be prepared to describe one of your cases and to share one thing you have learned from working on that case.

Week 7
October 3 & 5

**No class – prepare for group presentations
Journals due via email by 5:00 pm on October 5**

Week 8
October 10

Tuesday – No class – prepare for group presentations

October 12

Mid-semester logs due to Prof Heppard by 5:00 pm

Dealing with Stress and Working with Impaired Clients:

Being a lawyer can be very stressful; it is important to learn how to deal with these stresses and to be aware of secondary trauma and what it can mean in your law practice. In this class, we will discuss types of stress and how to manage that stress in your life. In addition, what should you do if you believe your opposing counsel is impaired.

In addition, lawyers need to work with their clients on their cases and clients must be able to participate and make certain case strategy decisions. How does one determine if a client is impaired and what should you do if you decide your client is impaired? Cases sometimes take strange turns and lawyers need to be ready for anything.

Week 9
October 16 – 20

Mid-semester individual meetings with students and Professors

Week 10
October 24

**Ethical Issues in the Practice of Law
Journals due via email by 5:00 pm**

Attorneys are constantly required to make ethical decisions in the practice of law. Questions arise regarding communication with clients and witnesses, actions of other attorneys and judges, actions required if you, as the attorney, become impaired, decisions to make in the course of representation and actions you may or may not take as an attorney. Two

student presenters will discuss ethical issues that may arise in the practice of law.

October 26

Diversity, Racism, Sexism (Genderism), Classism:

How do these topics affect the judicial system and the way you practice law? Are these issues you need to think about as an attorney practicing in the 21st Century? Why do attorneys need to be culturally sensitive? How does cultural competence make one a better attorney? Two student presenters will lead this discussion.

Week 11
October 31

Case Rounds

November 2

Technology and the Law - Law Office Management

Technology now plays a big part in our lives, from i-phones, to email, to texting, to trial work to facebook. What technology do attorneys need to have in their bag of tricks? What ethical/confidentiality issues do attorneys need to consider (including any traps for the unwary)? How can I leverage the internet and other technology to enhance my law practice? Two students will lead a discussion of this topic.

Week 12
November 7

Media and the Law

Over the past 20+ years the public's perception of lawyers, justice and the law has changed because of the influence of the media and the law. This includes, TV shows, Court TV, and the Internet. Two student presenters will lead a discussion on the influences of media and the law through time.

Journals due via email by 5:00 pm

November 9

ADR/Negotiation/Mediation: Speaker: TBA

What role will ADR play in your practice? How do you become an effective negotiator? How do you prepare your client for mediation? What style of conflict management do you tend to use? What impact will this have on your client? Students participate in a negotiation role play.

Complete test on conflict management styles which will be emailed.

Week 13

November 14 & 16

Why we do what we do: the need for Social Justice (Justice and the Rule of Law):

The concept of rule of law is deeply linked to the principle of justice, involving an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Throughout history there are examples of what happens when we forget about the rule of law. Why is the Rule of Law important? What happens when the rule of law is not defended and protected; when fear, hate, and prejudice administer the law?

Week 14

November 21

Final Class, Evaluations - Internal and External Goals after Law School:

What do you plan on doing with your law degree? Are you going to practice law? Will you work with a large firm? Will you be a solo practitioner? How can you reach your goals? Did you meet your semester goals?

Exit Interviews will be scheduled at this time; Self-evaluations due at least 24 hours prior to the exit interview.

December 1

Final logs and final journal (including hard copies of journals and including a final journal related to the Week 13 Video and discussion, Rule of Justice topic, are due to Professor Heppard by Noon.