CLINICAL LAW PROGRAM

OFFICE PROCEDURES MANUAL

Spring, 2016
UNIVERSITY LEGAL ASSISTANCE

Attorneys

Susan Amstadter, Practitioner in Residence  
samstadter@lawschool.gonzaga.edu

Allen Bonney, Practitioner in Residence  
abonney4@asisna.com  
RM 109, Ext. 3729

George A. Critchlow, Supervising Attorney,  
gcritchlow@lawschool.gonzaga.edu  
RM 209, Ext 3791

Rick Eichstaedt, Supervising Attorney,  
Environmental Law Clinic  
ricke@cforjustice.org  
RM 123, Ext 3784

Steve Faust, Director, Business Law Clinic  
steve@faustlawfirm.com  
RM 123, Ext 3784

Jennifer Gellner, Director, Federal Tax Clinic  
jgellner@lawschool.gonzaga.edu  
RM 211, Ext 3808

Gail A. Hammer, Director, Clinical Law Program  
ghammer@lawschool.gonzaga.edu  
Supervising Attorney, General Public Practice Clinic  
RM 205, Ext 3724

/Indian Law Clinic

Judge Jerome Leveque, (Ret).  
levequej@lawschool.gonzaga.edu  
RM 109, Ext 3729

Ted McGregor, Practitioner in Residence  
mgregort@comcast.net  
RM. 109, Ext. 3729

Barry Pfundt, Director, Medical/Legal  
barry@cforjustice.org  
Partnership  
RM 123, Ext 3784

Robert M. Seines, Practitioner in Residence  
rseines@lawschool.gonzaga.edu  
RM. 109, Ext. 3729

Genevieve Mann  
manng@lawschool.gonzaga.edu  
Supervising Attorney Elder Law Clinic  
RM 207, Ext 3718
### SUPPORT STAFF:

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Email</th>
<th>Office Location</th>
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<tbody>
<tr>
<td>LeAnn Blair</td>
<td>Elder Law Paralegal/Word Processor</td>
<td><a href="mailto:lblair2@lawschool.gonzaga.edu">lblair2@lawschool.gonzaga.edu</a></td>
<td>Room 203, Ext 3806</td>
</tr>
<tr>
<td>Julie Claar</td>
<td>Assistant to Director/Office Manager</td>
<td><a href="mailto:jclaar@lawschool.gonzaga.edu">jclaar@lawschool.gonzaga.edu</a></td>
<td>Room 125, Ext 3799</td>
</tr>
<tr>
<td>Debbie Ortega</td>
<td>Receptionist</td>
<td><a href="mailto:dortega@lawschool.gonzaga.edu">dortega@lawschool.gonzaga.edu</a></td>
<td>Reception, Ext. 5791</td>
</tr>
<tr>
<td>Vicki Yount</td>
<td>Paralegal/Word Processor</td>
<td><a href="mailto:vyount@lawschool.gonzaga.edu">vyount@lawschool.gonzaga.edu</a></td>
<td>Room 121, Ext 3788</td>
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### SUPPORT STAFF HOURS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Hours</th>
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<tbody>
<tr>
<td>Julie Claar</td>
<td>Monday through Friday 7:00 to 4:00</td>
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<tr>
<td>LeAnn Blair</td>
<td>Monday through Friday 8:00 to 5:00</td>
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<tr>
<td>Debbie Ortega</td>
<td>Monday through Friday 8:30 to 5:00</td>
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<tr>
<td>Vicki Yount</td>
<td>Monday through Friday 8:00 to 4:30</td>
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### HOLIDAY SCHEDULE – Spring, 2016 Semester

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date</th>
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<tbody>
<tr>
<td>Martin Luther King Jr. Day</td>
<td>Monday, January 18, 2016</td>
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<tr>
<td>President’s Day</td>
<td>Monday, February 15, 2016</td>
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<tr>
<td>Good Friday</td>
<td>Friday, March 25, 2016</td>
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<tr>
<td>Easter Holiday</td>
<td>Monday, March 30, 2016</td>
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<tr>
<td>Court</td>
<td>Hours</td>
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<td>--------------------------------------------</td>
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<tr>
<td>Spokane County Superior Court Clerk</td>
<td>Monday – Friday</td>
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<tr>
<td>Spokane County District Court Clerk</td>
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<td>Phone Hours:</td>
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<tr>
<td>Court of Appeals Clerk</td>
<td>Monday – Friday</td>
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<tr>
<td>Federal Court Clerk</td>
<td>Monday – Friday</td>
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<tr>
<td>Kalispel Tribal Court</td>
<td>Monday-Thursday</td>
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<td>Cusick, WA</td>
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<tr>
<td>Kalispel Tribal Court</td>
<td>Every other Thursday</td>
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<tr>
<td>Airway Heights, WA</td>
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<tr>
<td>Spokane Tribal Court</td>
<td>Monday-Friday</td>
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<td>Wellpinit, WA</td>
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<td>Fax: 509-258-9223</td>
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CONFIDENTIALITY

The duty to protect client confidences is paramount in legal work. Confidentiality must be preserved on all client files and information.

1. You may discuss client issues internally with supervisors, clinic staff, and other clinic students; you may not discuss client issues with non-clinic students, non-clinic staff, or non-clinic faculty members, unless your supervisor gives explicit permission to confer with a particular person about a particular case.

2. Files may not be taken from the clinic except for court or administrative hearing purposes.

3. At the end of your term in the clinic, you must remove all client information from your computer. This includes all documents that identify a client and all drafts of any documents (e.g., pleadings, office memoranda) written in connection with the Clinic's representation of a client. You must then sign and deliver to your supervisor a written certification that you have complied with this duty.

Washington’s Rule of Professional Conduct 1.6 provides, in relevant part:

CONFIDENTIALITY OF INFORMATION

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b).

(b) A lawyer to the extent the lawyer reasonably believes necessary:

(1) shall reveal information relating to the representation of a client to prevent reasonably certain death or substantial bodily harm;

(2) may reveal information relating to the representation of a client to prevent the client from committing a crime;

(3) may reveal information relating to the representation of a client to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;

(4) may reveal information relating to the representation of a client to secure legal advice about the lawyer's compliance with these Rules;
(5) may reveal information relating to the representation of a client to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;

(6) may reveal information relating to the representation of a client to comply with a court order; or

(7) may reveal information relating to the representation of a client to inform a tribunal about any breach of fiduciary responsibility when the client is serving as a court appointed fiduciary such as a guardian, personal representative, or receiver.

Washington has adopted extensive comments providing further guidance about this obligation.

**CONFLICT OF INTEREST**

Legal malpractice claims are increasingly based on conflict of interest situations. The goal of conflict management is to systematically identify potential conflicts before they arise. It encompasses both the mechanics of tracking the firm's client history (manual vs. software applications) and the methods used to minimize the risk of malpractice claims by detecting potential conflicts early.

The following is the procedure to check against conflict of interest situations at University Legal Assistance.

1. When initially interviewing a client, find out, if possible, all potential or real **opposing parties, opposing attorneys, co-parties, and co-parties' counsel**. Indicate them on the intake sheet and notify one of the staff. Before the case is approved for opening, an initial conflict check must be completed. This will be accomplished by one of the staff.

2. If a potential or real conflict is found, immediately write a memo to the supervising attorney regarding the conflict. The conflict will be resolved (accept or reject case and/or refer out) by the intern and the supervising attorney. If necessary, an opinion letter will be drafted by the intern and approved by the supervising attorney and placed in the file.

3. If, during the course of the case representation a new opposing party or co-party is discovered, then an immediate conflict check should be performed. Supervising attorneys will also inquire into any potential conflicts at each case review.

**CALENDARING**

In order to keep track of: trials, motion hearings, depositions, fair hearings, negotiations, threshold hearings, discovery cut-off dates, other items from scheduling orders, due dates for
answers to interrogatories, continuances, etc. in our cases, it is very important that Vicki Yount gets the calendar information to enter into the clinic database calendar.

If the information comes through the mail: the receptionist attaches a Calendar Routing Slip and then gives to Vicki to enter into the database calendar. Vicki puts the slip in the mailbox of the student assigned to the case to put on his/her calendar. It is the responsibility of the student to be sure it gets on the supervisor’s calendar, the master calendar at the reception desk, and the intern’s calendar.

If the information is coming from our office: It is the student’s responsibility to put on his/her calendar, on the supervisor’s calendar and the master calendar at the reception desk and to give Vicki information either by e-mail or paper form so that she can enter into the clinic database calendar.

Clinic Court Calendar: To access the Clinic Court Calendar, log into Outlook and select Calendar. Click on File, click on Other User’s Folder and type in Clinic Court Calendar in the Name box and click OK. Select a day that you wish to view. If an item is not listed on the calendar, notify the receptionist and she will process.

This is very important as malpractice insurance requires keeping at least three calendars.

**INTERN SUPERVISION**

Since the primary purpose of University Legal Assistance is to provide legal experience for its students under the supervision of participating attorneys, an intern’s consultation with his or her supervising attorney should be regular and continuous. At a minimum, consultation should follow the schedule set forth below:

All outgoing correspondence relating to client files, including emails, must be approved by a **supervising attorney before sending**. The supervising attorney assigned to the case must approve your work product. If there is an emergency situation, you can have another attorney approve your work.

A. **The Initial Interview with the client**

1. It is the intern’s responsibility to be prepared in advance of the interview appointment and to have read the materials on interviewing and counseling in **Lawyer’s Work** (available in the clinic library or from supervising attorneys) or other materials on this subject.

2. Within one day after any initial interview, the intern should make arrangements to discuss the case with his or her supervisor. This discussion will involve a review of the facts and a general survey of the applicable law, and is designed to focus the student’s attention on problems that may require immediate action.
B. Monthly Case Review

Each intern will have a comprehensive case review with his or her supervisor. This review will address an intern’s entire caseload in some detail.

COURTROOM/INTERN SUPERVISION

APR 9
LICENSED LEGAL INTERNS

(a) Purpose. Supervised professional practice plays an important role in the development of competent lawyers and expands the capacity of the Bar to provide quality legal services while protecting the interests of clients and the justice system. This rule authorizes supervised professional practice by qualified law students, enrolled law clerks, and recent graduates of approved law schools when they are licensed pursuant to this rule to engage in the limited practice of law as “Licensed Legal Interns”. The license granted pursuant to this rule is a limited license, based in part on recognition of the role practice experience plays in developing the competence of aspiring lawyers and in part on the fact that the Licensed Legal Intern will be supervised by an experienced lawyer. Persons granted such a limited license and their supervising lawyers must comply with the obligations and limitations set forth in these rules.

(b) Eligibility. To be eligible to apply to be a Licensed Legal Intern, an applicant must have arranged to be supervised by a qualifying lawyer and:

(1) Be a student duly enrolled and in good academic standing at an approved law school who has:

(A) successfully completed not less than two-thirds of a prescribed 3-year course of study or five-eighths of a prescribed 4-year course of study; and

(B) obtained the written approval of the law school’s dean or a person designated by such dean and a certification by the dean or designee that the applicant has met the educational requirements; or

(2) Be an enrolled law clerk who:

(A) is certified by Washington State Bar Association staff to be in compliance with the provisions of APR 6 and to have successfully completed not less than five-eighths of the prescribed 4-year course of study; and

(B) has the written approval of the primary tutor; or
(3) Be a graduate of an approved law school who has not been admitted to the practice of law in any state or territory of the United States or the District of Columbia, provided that the application is made within nine months of graduation.

(c) Qualifications to Be a Supervising Lawyer. Except in the sections regarding the application for issuance of a limited license pursuant to this rule, references in this rule to “supervising lawyer” include both the supervising lawyer named in the application materials and on the Licensed Legal Intern identification card, and any other lawyer from the supervising lawyer’s office who meets the qualifications of a supervising lawyer and who performs the duties of a supervising lawyer. A supervising lawyer must be either:

(1) a lawyer currently licensed pursuant to APR 8(d) Exception for Educational Purposes; or

(2) an active member in good standing of the Washington State Bar Association, who has been actively engaged in the practice of law in the State of Washington or in any state or territory of the United States or the District of Columbia for at least the 3 years immediately preceding the date of the application, who has not been disbarred or subject to a disciplinary suspension in any jurisdiction within the previous 10 years and does not have a disciplinary proceeding pending or imminent, and who has not received a disciplinary sanction of any kind within the previous three years.

(d) Application. The applicant must submit an application on a form provided by the Bar Association and signed by both the applicant and the supervising lawyer.

(1) The applicant and the supervising lawyer must fully and accurately complete the application, and they have a continuing duty to correct and update the information on the application while it is pending and during the term of the limited license. Every applicant and supervising lawyer must cooperate in good faith with any investigation by promptly furnishing written or oral explanations, documents, releases, authorizations, or other information reasonably required by the Board of Governors or Bar Association staff, or Bar Counsel. Failure to cooperate fully or to appear as directed or to furnish additional information as required shall be sufficient reason for the Board to recommend denial or termination of the license.

(2) The application must include:

(A) all requested information about the applicant and the Supervising Lawyer;

(B) the required certification from the law school (or confirmation from the Bar Association, for APR 6 Law Clerks) that the applicant has the required educational qualifications; and
(C) certifications in writing under oath by the applicant and the supervising lawyer(s) that they have read, are familiar with, and will abide by this rule and the Rules of Professional Conduct.

(3) Full payment of any required fees must be submitted with the application. The fees shall be set by the Board of Governors subject to review by the Supreme Court.

(4) Bar Association staff shall review all applications to determine whether the applicant and the supervising lawyer have the necessary qualifications, and whether the applicant possesses the requisite good moral character and fitness to engage in the limited practice of law provided for in this rule. Bar Association staff may investigate any information contained in or issues raised by the application that reflect on the factors contained in APR 21-24, and any application that reflects one or more of the factors set forth in APR 24.2(a) shall be referred to Bar Counsel for review.

(5) Bar Counsel may conduct such further investigation as appears necessary, and may refer to the Character and Fitness Board for hearing any applicant about whom there is a substantial question whether the applicant possesses the requisite good moral character and fitness to practice law. Such hearing shall be conducted as provided in APR 20-24. Bar Counsel may require any disclosures and conditions of the applicant and supervising lawyer that appear reasonably necessary to safeguard against unethical conduct by the applicant during the term of the limited license. No decision regarding the good moral character and fitness to practice of an applicant made in connection with an application for licensing pursuant to this rule is binding on the Bar Association or Character and Fitness Board at the time an applicant applies for admission to practice law and membership in the Washington State Bar Association, and such issues may be reinvestigated and reconsidered by Bar Association staff, Bar Counsel, and the Character and Fitness Board.

(6) The Supreme Court shall issue or refuse the issuance of a limited license for a Licensed Legal Intern. The Supreme Court’s decision shall be forwarded to the Bar Association, which shall inform the applicant of the decision.

(7) Upon Supreme Court approval of an applicant, the Bar Association shall send to the applicant, in care of the supervising lawyer’s mailing address on record with the Bar Association, a letter confirming approval by the Supreme Court and a Licensed Legal Intern identification card. An applicant must not perform the duties of a Licensed Legal Intern before receiving the confirming letter and identification card.

(8) Once an application is accepted and approved and a license is issued, a Licensed Legal Intern is subject to the Rules of Professional Conduct and the Rules for Enforcement of Lawyer Conduct and to all other laws and rules governing
lawyers admitted to the Bar of this state, and is personally responsible for all services performed as a Licensed Legal Intern. Any offense that would subject a lawyer admitted to practice law in this state to suspension or disbarment may be punished by termination of the Licensed Legal Intern’s license, or suspension or forfeiture of the Licensed Legal Intern’s privilege of taking the bar examination and being licensed to practice law in this state.

(9) A Licensed Legal Intern may have up to two supervising attorneys in different offices at one time. A Licensed Legal Intern may submit an application for approval to add a supervising attorney in another office or to change supervising attorneys any time within the term of the limited license. When a Licensed Legal Intern applies to add a supervising attorney in another office, the Intern must notify both the current supervising attorney and the proposed new supervising attorney in writing about the application, and both the current and the new supervising attorney must approve the addition and certify that such concurrent supervision will not create a conflict of interest for the Licensed Legal Intern. The qualifications of the new supervising attorney will be reviewed by Bar Association staff who may approve or deny the supervisor. The Licensed Legal Intern will be notified of approval or denial of the new supervising attorney as described above and must not perform the duties of a licensed legal intern before receiving a new confirming letter containing notification of approval and a new identification card.

(e) **Scope of Practice, Prohibitions and Limitations.** In addition to generally being permitted to perform any duties that do not constitute the practice of law as defined in GR 24, a Licensed Legal Intern shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule.

(1) A Licensed Legal Intern may engage in the following activities without the presence of the supervising attorney:

(A) Advise or negotiate on behalf of a person referred to the Licensed Legal Intern by the supervising lawyer;

(B) Prepare correspondence containing legal advice to clients or negotiating on behalf of clients, pleadings, motions, briefs or other documents. All such correspondence, pleadings, motions, and briefs must be reviewed and signed by the supervising attorney, as well as any other documents requiring the signature of a lawyer. On any correspondence or legal document signed by the Licensed Legal Intern, the Licensed Legal Intern’s signature shall be followed by the title “Licensed Legal Intern” and the Licensed Legal Intern’s identification number;

(C) Present to the court ex parte and agreed orders signed by the supervising lawyer, except as otherwise provided in these rules;
(D) After a reasonable period of in-court supervision or supervision while practicing before an administrative agency, which shall include participating with the supervising lawyer in at least one proceeding of the type involved before the same tribunal and being observed by the supervising lawyer while handling one additional proceeding of the same type before the same tribunal:

(i) Represent the State or the respondent in juvenile court in misdemeanor and gross misdemeanor cases;

(ii) Try hearings, non-jury trials, or jury trials, in courts of limited jurisdiction;

(iii) Represent a client in any administrative adjudicative proceeding for which non-lawyer representation is not otherwise permitted.

(2) In any proceeding in which a Licensed Legal Intern appears before the court, the Licensed Legal Intern must advise the court of the Intern’s status and the name of the Intern’s supervising lawyer.

(3) A Licensed Legal Intern may participate in Superior Court and Court of Appeals proceedings, including depositions, only in the presence of the supervising lawyer or another lawyer from the same office.

(4) A Licensed Legal Intern must not receive payment directly from a client for the Intern’s services. A Licensed Legal Intern may be paid for services by the Intern’s employer, and the employer may charge for the services provided by the Licensed Legal Intern as may be appropriate.

(5) A Licensed Legal Intern must not try any motion or case or negotiate for or on behalf of any client unless the client is notified in advance of the status as a Licensed Legal Intern and of the identity and contact information of the Licensed Legal Intern’s supervising lawyer.

(6) A Licensed Legal Intern must not perform any of the actions permitted by this rule on behalf of or under the supervision of any lawyer other than the supervising lawyer or another lawyer employed in the same office who is qualified for such supervision under this rule.

(7) For purposes of the attorney-client privilege, a Licensed Legal Intern shall be considered a subordinate of the lawyer providing supervision for the Intern.

(f) Additional Obligations of Supervising Lawyer. Agreeing to serve as the supervising lawyer for a Licensed Legal Intern imposes certain additional obligations on the supervising lawyer. The failure of a supervising lawyer to comply with the duties set forth in this rule shall be grounds for disciplinary action pursuant to the Rules for Enforcement of Lawyer Conduct. In
addition to the duties stated or implied above, the supervising lawyer:

(1) must provide training to all Licensed Legal Interns supervised by the supervising lawyer, regarding the Rules of Professional Conduct and how they relate to the limited practice of the Licensed Legal Intern. Such training may be waived if the supervising lawyer otherwise determines that the Licensed Legal Intern has previously received such training and the supervising lawyer deems such training sufficient for the limited practice that will be supervised;

(2) must direct, supervise and review all of the work of the Licensed Legal Intern and shall assume personal professional responsibility for any work undertaken by the Licensed Legal Intern while under the lawyer’s supervision;

(3) must ensure that all clients to be represented by the Licensed Legal Intern are informed of the intern’s status as a Licensed Legal Intern in advance of the representation;

(4) must review and sign all correspondence providing legal advice to clients or negotiating on behalf of clients and all pleadings, motions, briefs, and other documents prepared by the Licensed Legal Intern and ensure that they comply with the requirements of this rule, and must sign the document if it is prepared for presentation to a court;

(5) must take reasonable steps to ensure that the Licensed Legal Intern is adequately prepared and knowledgeable enough to be able to handle any assigned matters performed outside the supervising lawyer’s presence, but need not be present in the room while the Licensed Legal Intern is performing such duties unless such presence is specifically required by this rule;

(6) must supervise no more than

(a) one Licensed Legal Intern at any one time if the supervising lawyer is in private practice not otherwise described below;

(b) four Licensed Legal Interns at any one time if the supervising lawyer is employed by a recognized institution of legal aid, legal assistance, public defense or similar programs furnishing legal assistance to indigents, or by the legal departments of a state, county or municipality; or

(c) 10 Licensed Legal Interns at any one time if the supervising lawyer is a full-time clinical supervising lawyer or a member of the faculty of an approved law school for a clinical course offered by the law school where such course has been approved by its dean and is directed by a member of its faculty and is conducted within institutions or legal departments described in the section above or within the law school, provided that a supervising lawyer attends all adversarial proceedings conducted by the
legal interns;

(7) must meet with any Licensed Legal Intern he/she is supervising, in person or by telephone, a minimum of one time per week, to review cases being handled and to provide feedback on performance, to provide additional guidance and instruction, and to answer questions or issues raised by the Licensed Legal Intern;

(8) must inform the Bar Association staff promptly if circumstances arise that cause the supervising lawyer to have concern about the good moral character or fitness to practice of a Licensed Legal Intern supervised by that lawyer, and cooperate in any investigation that may follow such a report;

(9) may terminate supervision of a Licensed Legal Intern under this rule at any time, with or without good cause, and must promptly notify the Bar Association staff of the effective date of the termination and the reasons for the termination;

(10) may be terminated as a supervising lawyer at the discretion of the Board of Governors, and when so terminated, must take steps to ensure that any Licensed Legal Intern previously supervised by the supervising lawyer ceases to perform duties or hold him/herself out as though supervised by the supervising lawyer.

(g) Additional Obligations and Limitations. The following additional general obligations and limitations apply:

(1) A judge or administrative hearing officer may exclude a Licensed Legal Intern from active participation in a case in the interest of orderly administration of justice or for the protection of a litigant or witness. In such case, a continuance shall be granted to secure the attendance of the supervising lawyer, who must assume personal responsibility for that matter.

(2) A Licensed Legal Intern or the supervising lawyer must notify the Bar Association staff promptly if the supervising lawyer named on a Licensed Legal Intern’s identification card terminates supervision of the Licensed Legal Intern, and such Licensed Legal Intern is prohibited from performing any of the actions described in these rules unless and until a change of supervising lawyer has been approved and a new identification card issued.

(h) Term of Limited License. A limited license issued pursuant to this rule shall be valid, unless it is revoked or supervision is terminated, for a period of not more than 30 consecutive months, and in no case will it be valid if it has been more than 18 months since the Licensed Legal Intern graduated from law school or completed the APR 6 Law Clerk program.

(1) The approval given to a law student by the law school dean or the dean’s designee or to a law clerk by the tutor may be withdrawn at any time by mailing notice to that effect to the Bar Association, and must be withdrawn if the student ceases to be duly enrolled as a student prior to graduation, takes a leave of absence from the
law school or from the clinical program for which the limited license was issued, or ceases to be in good academic standing, or if the APR 6 law clerk ceases to comply with APR 6. When the approval is withdrawn, the Licensed Legal Intern’s license must be terminated promptly.

(2) A limited license is granted at the sufferance of the Supreme Court and may be revoked at any time upon the court’s own motion, or upon the motion of the Board of Governors, in either case with or without cause.

(3) A Licensed Legal Intern must immediately cease performing any services under this rule and must cease holding himself or herself out as a Licensed Legal Intern upon:

(A) the termination for any reason of the Intern’s limited license under this rule;

(B) the termination of the supervision for any reason or the upon the resignation of the Intern’s supervising lawyer;

(C) the suspension or termination by the Board of Governors of the supervising lawyer’s status as a supervising lawyer;

(D) the withdrawal of approval of the Intern pursuant to this rule, or

(E) the failure of the supervising lawyer to maintain qualification to be a supervising lawyer under the terms of this rule.


NOTE: you must carry your Rule 9 card with you any time you go to court.

A. Superior Court and Court of Appeals proceedings.

A supervising attorney must accompany an intern in contested proceedings before the Court of Appeals and Superior Court. A supervising attorney for courtroom purposes is one who has been actively engaged in the practice of law for three years. It is the intern’s responsibility to inform a supervisor of scheduled court appearances far enough in advance of the court date so arrangements can be made to ensure a supervisor’s presence. If a supervising attorney cannot be present because of previous commitments, the intern is responsible for re-scheduling the proceeding at a more convenient time or finding another supervisor who is available to attend the proceeding and to fully inform that supervisor about the case.
Court dates should be noted on the intern’s calendar, the appropriate individual supervisor’s calendar, and given to Vicki to enter in the clinic database calendar.

Rule 9 provides that an intern may appear in Superior Court or before the Court of Appeals without his or her supervising attorney only when presenting an ex parte matter or an agreed order. While Rule 9 does not require it, ULA’s standard practice is to require supervisor’s presence even for these matters unless the supervisor decides it is unnecessary.

B. **State District Court proceedings**

APR 9 allows an intern to appear without his/her supervising attorney in District Court only after a reasonable period of in-court supervision. Reasonable in-court supervision is defined to be not less than one occasion in both jury and non-jury trials.

The intern, then, is responsible for notifying his or her supervising attorney before his or her first jury and non-jury trial in District Court. The supervisor will, after the initial appearance, decide if subsequent appearances require his or her presence. Generally, for educational purposes, a supervisor will be required to accompany an intern to all court proceedings, unless the assigned supervisor decides it is not necessary.

C. **Federal District Court proceedings**

Federal District Courts do not use APR 9, so practice in federal court is not necessarily limited to only third-year students. It is a matter of the judge’s discretion whether to permit an intern to present anything in Federal District Court. A request for an intern to speak in federal court requires a Motion by the supervising attorney and the client’s signed consent to representation by an intern.

D. **Tribal Court proceedings**

Each Tribal Court has its own rules about who may practice before it. Admission to tribal courts is not generally limited to only third-year students, but interns must be admitted to practice before the tribal court. For some tribal courts, *e.g.*, Kalispel, this requires an application, knowledge of the tribal code, and signing an oath. For some, *e.g.*, Spokane, it also requires taking and passing an examination on the tribal code.

E. **Administrative Agency proceedings**

Administrative agencies do not require a Rule 9 license. Different agencies have different rules. For example, the Social Security Administration requires that the client sign an Appointment of Representative form, naming the student and the supervising attorney; the Internal Revenue Service requires that the client sign a power of attorney; the Veterans Administration will not permit anyone to appear before it or receive information unless the person is certified to practice before the VA. At present, Gail Hammer is the only one in our office certified to practice before the VA.
Trials, Depositions, Fair Hearings, Negotiations, Etc.

1. **Four days or more prior to the scheduled date** of any deposition, fair hearing, negotiating session, motion argument, etc., the intern should have completed preparation for the proceeding. The intern should then arrange a conference with the supervising attorney to review the procedural and substantive law pertinent to that proceeding. Four days should allow sufficient time for a thorough review of the intern’s work. It would also provide an opportunity to consider and implement alternative legal theories or strategies if necessary. Current developments in procedural and substantive law applicable to ULA cases should be updated as needed at faculty/student meetings.

2. The four-day period stated above is the absolute minimum. For more complicated procedures (e.g., trial) the intern should be fully prepared far enough in advance to allow for a review of all aspects of the case in a timely manner.

3. An intern in the ULA clinic may not settle a case without the approval of the supervising attorney assigned to the case.

F. **Memoranda on Judges and Opposing Counsel; Self-Evaluations**

1. After completing any adversarial proceeding, an intern should critically evaluate the experience. This evaluation should include a short separate memorandum about the student’s performance (a self-evaluation), and reaction to the judge and opposing counsel. The memo should indicate the type of proceeding, the outcome, the reporting intern’s conception of the way the judge and attorneys responded to the ULA intern, their apparent prejudices, and anything else that might be of educational value. These memos will be kept on file so that future interns dealing with these particular judges or attorneys may have the benefit of past interns’ experiences. Most importantly, evaluations should be written with an aim toward self-improvement.

2. An intern should arrange for a critique of his or her litigation experiences with the supervising attorney who was present during the proceeding.

**CASE REVIEW STRUCTURE**

The following topics should guide the framework for periodic case reviews, as well as the format and content of intern-authored case planning memos. While the topics are not of equal significance within all cases, interns should be prepared to discuss each topic in each of their assigned cases.

a. Facts and background information based on investigation, interviews and discovery to date.
b. Client’s interests and client’s goals based on what is known about the case. (Why did the client contact ULA?)

c. Substantive law (tort, contract, landlord-tenant, etc.) which applies or might arguably apply to the case. The intern should address all legal elements (statutory / common-law) of any claims and defenses.

d. Additional fact-finding or formal discovery which needs to be accomplished in order to adequately resolve the dispute or problem through advice, negotiation, mediation, or litigation. (What facts are material to prove or disprove the claims and defenses alleged under the applicable law? What kind of discovery is suitable to establish them?)

e. Procedural issues and concerns, including: statute of limitations; time-lines for filing complaints, answers, and motions; discovery schedule; trial setting; briefs; responses, etc.

f. Ethical considerations, including conflicts of interest, Rule 11, relations with opposing party and opposing counsel, relations with court, and relations with client.

g. Strategic decisions and client options, including alternative dispute resolution options analyzed as a function of items a. through f. above.

h. Adequacy and frequency of communication with client and parties, including written, in-person, and telephonic contact.

i. Appropriate assignment of case weight (i.e., an estimate of the number of hours that should be spent on the case over the next 30 days) on case planning memos, including comparison with and evaluation of previous case planning memos.

j. Overall evaluation of intern work and performance in light of criteria used for assigning final grade (see grading criteria in previous section).

**CLINIC MEETINGS**

Members of individual clinics will meet weekly with their clinic supervising attorney. The meetings are mandatory and the times for the weekly small group meetings are scheduled by the supervising attorney. The focus of the small groups is to 1) make sure each intern’s caseload is appropriate; 2) discuss a case topic that is of interest to the group, e.g., depositions, direct examination, difficult clients, etc.; and 3) provide opportunities for student presentation of cases OR anything that the group members decide would be helpful in the representation of their clients.

If you cannot attend, you must obtain prior approval from the attorney facilitating the meeting. The law school’s ordinary 80% attendance rule does not apply to small group meetings—you are expected to attend each one.
**RECORDING EXERCISES:** You may have a video-recorded public speaking exercise in your clinic during this semester. Clinic Practitioners in Residence will review the tapings with you. The time and subject matter for the exercises will be announced.

**OFFICE PROCEDURES FOR ULTIMATE COMMUNICATION**

1. If you will be out of the office, please let the receptionist know where you are and when you are going to return. The receptionist will automatically take a message and send it to you by email if you have a call.

2. When you have an appointment here in the office, please report the name of your client, date, and time to our receptionist, so she may greet the client in a professional manner and know who she should call forward. Appointments are recorded on the interview room calendar.

3. If you will be in court, you should have previously informed the receptionist of the date, time, which court, client’s name, your name, and supervising attorney so she can note it on the master calendar.

4. If for some reason you are not able to be in the office during your scheduled time, please call our receptionist and let her know that you will not be in [if it is for more than one day, you will need approval from a supervising attorney].

5. If you will be working in any conference room and would like your calls transferred there, please let our receptionist know the time frame.

6. If you are having your case review, please let our receptionist know if you would like to accept calls and the time frame that you will not be available.

7. University Legal Assistance will not give out your personal phone number or address to anyone. At your own discretion you may give your phone number to your client, but remember you do this on your own. **If you want to give your phone number to your client, we strongly suggest you discuss it with a supervisor first.**

8. If you need to interview a client, please first check with the receptionist to make sure an interview room is available. During your interview, if your client has material that needs to be copied, let the receptionist know and she can do the copying for you.

9. Your telephone messages will be sent to you via email. We place in the subject line of the email: **PHONE CALL:** [name and #] – This enables you to alphabetize your messages by subject and all your clinic phone calls will be sorted and listed together for easy access. Check frequently throughout the day.
CLIENT CASE FILES

Client files are opened for you by the staff and put into your mailbox.

Intake Sheet:

Review information on the Intake Sheet with client at the initial conference. Report any additional information or changes to one of the paralegals so the computer file can be updated.

Representation Agreement

You must have your client sign a Representation Agreement at the time the case is accepted. Please review the representation agreement with new clients.

The original signed agreement is kept in the client’s file and a copy should be given to the client. Post a PDF copy to the electronic Case Management System (CMS).

File Storage

All client files are to be stored in a desk drawer or a file cabinet in the office of the student assigned to the case. All files should be in there by the end of the work day. Closed files are transferred to off-site storage after a short time.

FILE ORGANIZATION

Students are responsible for organization and upkeep of files. Paper files are organized as follows:

First section: Administrative

- Green client information form taped on inside of file cover (this contains Client, Opposing Party and other important names, addresses, phone numbers, etc.)
- ULA’s intake sheet from Case Management System
- Color coded Intake sheet (filled out at first interview to get file opened)
- Client Ledger Sheet
- Agreement for Representation by University Legal Assistance
- Release of Information forms
- Case Planning Memos – Case Transfers
- Declaration of Hours sheet and time sheet

Second section: Memos, Notes to File, and Research

This should be in chronological order (with the most recent on top) and should contain all memos from conversations, telephone messages, notes from interviews, interoffice email, research, etc.
Third section: **Correspondence**

This should be in chronological order [with the most recent on top] and contain all letters, faxes, printouts of emails, business plans received from the client, etc. Remember, to send your client copies of **all** correspondence to or from others. As to emails, see the material on use of CMS.

Fourth section: **Discovery/Other Documents**

This should contain documents pertaining to your case such as government/social security notices, school records, witness statements (not the filed versions), final copies of articles of incorporation, bylaws, business contracts, etc.

Fifth section: **Other**

This should contain any pleadings from another case, such as a protection order, or other actions that may be of use. Can also be used for research and discovery. **Note this should not be used for the current action unless the sixth section is full and you have not used this for other actions. (Note: Business clinic files do not have a 5th or 6th section.)**

Sixth section: **Pleadings**

This should be in chronological order (with most recent on top) and contain all pleadings in the current action and match the court file. A pleading index should be on top of the pleadings and should be kept updated.

**COLOR CODING FOR INTAKE SHEETS & FILE LABELS**

**Label Color Codes**

ULA "OTHER": GREEN
ELDER/SENIOR CITIZENS: YELLOW
LTCOP/NURSING HOME: BLUE
TAX CLINIC: LAVENDER
BUSINESS LAW: WHITE
INDIAN LAW CLINIC: PURPLE
ENVIRONMENTAL LAW: ORANGE
HOME FORECLOSURE MEDIATION: RED
MEDICAL/LEGAL BLUE
**Intake Sheet Color Codes:**

GENERAL/HOME FORECLOSURE 
MEDIATION: PURPLE

ELDER/SENIOR CITIZENS: YELLOW

FAMILY RELATED CASES: PINK

TAX: GRAY

BUSINESS LAW: WHITE

INDIAN LAW: GREEN (Kalispel) 
WHITE (Other Tribes)

MEDICAL/LEGAL WHITE

**CLIENT INTERVIEW SCHEDULES**

**Interview Rooms**

We have three rooms set aside for interviewing clients: **#103 & #105 & 108** as well as the large conference room if available.

Prior to scheduling an appointment, talk to our receptionist to schedule an interview room for you. This schedule will be strictly enforced.

**Elder Law**  
When you are assigned an Elder Law Case, questions regarding Elder Law, interviews should be directed to the Elder Law Paralegal, LeAnn Blair. It is your responsibility to schedule the interview.

Remember, you should dress professionally for interviews.

**MEMORANDUM ON MERITS OF PROPOSED LAWSUIT**

It is ULA policy to require students to submit a written Memorandum on the Merits of Proposed Lawsuits prior to the service or filing of any clinic lawsuit, other than family law petitions. The reason for this is to ensure that students have: 1) adequately researched the facts and law; 2) considered what evidence and legal authority is available for us to prevail in a 12(b)(6) or summary judgment challenge; 3) evaluated the case from the standpoint of how realistic it is for the clinic to successfully prosecute the claim in light of anticipated costs, witness problems, commitment of time, etc.; and 4) evaluated and discussed with the client any potential exposure the client may have to an adverse judgment on counterclaims, costs, or attorney fees. The Memorandum is also useful in documenting our compliance with the requirements of CR 11 in the event an opposing party alleges we are engaged in frivolous litigation.
Please follow the format below in drafting your memorandum. A copy of the finished memorandum should be given to all supervising attorneys well in advance of the time in which you propose to file suit.

1. Set forth the basis for personal jurisdiction over defendant(s).

2. Set forth the basis for choosing the court in which the suit will be filed (subject matter jurisdiction in state or federal court). If state court, which court within the state system: Superior or District Court?

3. Set forth the basis for choosing the venue in the action.

4. Set forth the formal name of each claim or cause of action which you expect to include in the proposed complaint.

5. Set forth the legal authority which supports each discrete claim for relief against each prospective defendant, indicating what authority you are relying on to determine the legal elements of each claim and whether your authority is statutory, case law, binding or persuasive.

6. Set forth the admissible evidence which supports the elements of each claim. (This would be evidence which is admissible at trial or in the context of a summary judgment motion).

7. If you do not have on-point legal authority or identifiable admissible evidence to support a claim or claims, set forth the reasons why you believe the proposed lawsuit has merit in light of CR 11.

8. Set forth the goals of the client and why a lawsuit is necessary to achieve the client’s goals.

9. Set forth the anticipated monetary costs for service and filing, witnesses, discovery, travel, etc., and how such costs are to be paid.

10. Set forth the client’s exposure, if any, to counterclaims and adverse judgments for costs and attorney’s fees.

**CLINIC NETWORK POLICY**

University Legal Assistance is connected to the Law School Network. You may access the clinic directories through the law school lab computers.

There is wireless access throughout the clinic.

If you use a laptop, the clinic network drive will need to be mapped to your computer. See the
following pages for instructions on how to map the clinic network drive to your computer.

If you have any problems with your computer or with a network printer at any time please contact a staff member.

**Logging onto the network**

The network drive for the clinic is Q. To log into the network, you will need to type in your personal user name and password. The password you will use is the same one you use to retrieve your e-mail.

**Network Access Policy**

We have the privilege of accessing the Internet through the law school. Clinic network users should be interns, staff, and authorized users only. **Do not let family members or friends use the clinic network or the computers located at ULA.**

Do not use University Legal Assistance’s computers for any unlawful activity. The use of Gonzaga resources, including ULA equipment, for personal profit or political gain is prohibited.

**Network Directories**

There is a directory already created for every client. The path for locating your client's directory would be Q:\CLIENTS\LAST NAME OF CLIENT, FIRST NAME OF CLIENT.

For example if your client's name is Jane Smith, you would look under Q:\CLIENTS\Smith, Jane. In the event there are two directories for Jane Smith look for a middle initial to distinguish between the two clients.

**CMS**

In addition to the paper files and network directories, the clinic uses an electronic case management system (CMS). The Business Clinic relies extensively on the case record in CMS. Students in the Business Clinic should carefully review and follow the materials on CMS at pages 26-37, below.

**TWEN Sites**

The Business Law Clinic’s TWEN Site and the General Public Practice (Hammer) Clinic’s TWEN Site are loci for materials on clinic procedures, course materials, forms, and other useful resources. Students in the Business Clinic and the General Public Practice (Hammer) Clinic will receive a password to the TWEN Site from the clinic director at the beginning of each semester and are encouraged to explore the resources available at the TWEN Site early in the semester.
CONNECTING WITH WINDOWS VISTA TO THE Q DRIVE

CONNECTING TO THE Q DRIVE:

Go to the start bubble and select computer. Select Map Network Drive, select Drive Q. Type in \lawula\ula and then select finish.

You need to be connected to lawula to access the network so you will get the log in screen for connection.

It should look like: USER NAME: Gonzaga\User Name
                  PASSWORD: Your Gonzaga Password

SETTING UP PRINTERS:

Go to the start bubble and in the search box type \lawula

If your office is on the first floor connect to: clinic first floor Dell. IP Address: 147.222.27.61

If you are going to print LARGE jobs you may print them to the Copy/Scanner/Fax machine in the workroom:

PC: Go to the start bubble and type \lawula enter, you should see an icon for a Ricoh Aficio MP 6000 PCL6. Right click and connect.

MAC: Go to System Pref, Print and Fax, Add Printer, insert IP address as follows: 147.222.27.36, Name it, Add Duplex Printing, continue. “Generic PCL Drivers for Apples”

If your office is on the second floor:

PC: Go to the start bubble and type \lawula enter, you should see an icon for a Canon, 2nd floor. Right click and connect.

MAC: Go to System Pref, Print and Fax, Add Printer, insert IP address as follows: 147.222.27.35, Name it, Add Duplex Printing, “Generic PCL Drivers for Apples”, continue.

Printers for Macs – Mac-Ricoh-1st Floor, Cannon 5020 – 2nd Floor.

\law-ula-01 IP address: 147.222.27.72

For Macs – Filling in PDF’s use “Adobe READER” don’t use “Preview”
SETTING UP LETTERHEAD AND PLEADING PAPER:

Go to the Office Button located in the top left hand corner and select **Word Options**, Select **Advanced** and go to the very bottom and select **File Locations**, double click on **Work Group Templates**. Select Modify and then go to the Q Drive and find Templates Word and then select OK.

To access the templates go back to the Office Button and select New, My Templates and then ULA Templates.

MAPPING A DRIVE ON A MAC TO CONNECT TO THE Q DRIVE

1. Make sure the computer is connected to the **Gonzaga Community Network**
2. In the **Finder**, click on the **Go** menu, select **Connect to Server**
3. Enter under **Server Address** `smb://lawula/ula`
4. Click **Connect**
5. When the authentication box opens up **Connect as a Registered User**

Enter under **Name** `gonzaga\username` and then enter your **case-sensitive network password**
6. Click **Connect** and you should now be able to access your Q drive.

CLIENT DIRECTORIES/WORD PROCESSING

See a staff member to have the ULA templates set up [i.e., letterhead and pleading paper].

**Starting Word**

Enter your password to get into the system. The password for the clinic computers is the same password you use for retrieving your email.

Access your client’s directory by their last name, e.g., Q:\CLIENTS\Smith, Jane.

**Saving Documents**

`SAVE ALL DOCUMENTS IN THE “DRAFT” FOLDER ON THE Q DRIVE` and our word processors will finalize and save in the correct client directory.

**Letters /Correspondence**

Go under Office Button, File to New, My Templates, ULA select Letterhead.

All outgoing correspondence relating to client files, including emails, must be approved by a supervising attorney before
sending. NO EXCEPTIONS.

The supervising attorney assigned to the case must approve your work product. If there is an emergency situation, you can have another attorney approve your work.

All letters to someone other than the client should show that the client will receive a copy. [cc: client’s name]

Hard copies of all emails and signed copies of all correspondence must be added to the client’s file folder. It is the intern’s responsibility to photocopy signed letters and file them in the client’s file. The staff member who completes the word processing will save final copies to the client’s computer file under “Correspondence.”

ALL correspondence to client must be signed with the title “Licensed Legal Intern” and the identification number of the Legal Intern.
The sample below demonstrates the format of the text that should be used for all letters:

May 20, 2013  (start letter at 2” below top edge of paper)
 (3 blank lines)

VIA U.S. Mail/Certified/Facsimile/Email

Jasmine Oats
Attorney at Law
1111 North 16th Street
Spokane, Washington 99201
 (1 blank line)
Re: The Marriage of Jane Doe, Petitioner and John Doe, Respondent
Spokane County Superior Court Case No. 03-3-00010-3
 (1 blank line)
Dear Ms. Oats:
 (1 blank line)
Please find enclosed a conformed copy of each of the following documents.

1. Findings of Fact and Conclusions of Law
2. Decree of Dissolution
3. Parenting Plan (Final Order)
5. Order of Child Support

As this concludes this matter, University Legal Assistance will be withdrawing as attorney of record for Jane Doe. Enclosed is a copy of our Notice of Intent to Withdraw as Attorney of Record. Thank you for your attention to this.

Sincerely,
(1 blank line)
UNIVERSITY LEGAL ASSISTANCE
 (3 blank lines)

Joe B. Riggs
Licensed Legal Intern
#123456
 (1 blank line)
Enclosures
 (1 blank line)
pc: Client
 (pc means photocopy)
 (1 blank line)
Doe\Closing letter to Adverse/jbr  (client’s directory\letter saved as/your initials)
For mandatory family law pleadings we have a program called Family Soft Combination. You will need to set up a time with Vicki for training on this program if you are handling any family law cases.

For all other pleadings, there is a template that will bring up the pleading format. This is only for pleadings that you are drafting from scratch. Go under file to new, templates, then ULA Pleading Paper. The pleading name should be placed just within the footer. The footer would look something like this:

MOTION AND AFFIDAVIT FOR
ORDER OF DEFAULT – 1

After typing the draft copy of your pleading, you must get approval of a supervising attorney then submit it to word processing.

Most of the Court forms and estate planning documents are saved on the Q drive as Q:\FORMS. Once you pull up the form you just need to fill in the required information in the space(s) provided, then save in the draft folder under the client’s name.

Business clinic forms are found in the Business Clinic TWEN site under the “Forms” and “Course Materials” links. Drafts are posted to CMS for review by your supervising attorney. See the section on use of CMS. Final, approved drafts are posted to CMS and saved to the Q drive under the client’s name.

A hand-written copy to be typed should be double spaced on legal pad paper and printed if necessary so that the word processor can read it easily. A hand-written copy of a letter should include the correct, complete address. The letter should show that the client is to receive a copy. (cc: (client’s name))

Copies of all documents generated must be kept in the client’s file folder. If the original document is signed, the copy should be of the document with signatures. Conformed copies of documents filed with the Court showing date of filing must be kept in the client’s file folder, in the Pleadings section.

If you have any questions at all, please ask and we will be more than happy to help you. Also, remember that all documents must go through WORD PROCESSING after being approved by a supervising attorney.
Unless your supervising attorney uses email to approve your documents, you will need:

**Word Processing Slip**
Purple word processing slips are available in the workroom and in the word processing room (121). These slips need to be attached to every document, before getting attorney approval. There is a section entitled “COMMENTS” for you to give specific instructions, e.g., need large manila envelope, address of person getting copy of letter, etc. *If the word processing slip does not have attorney initials on it, then it will be returned to you.*

**Word Processing**
Drop off all paperwork to be processed in Room 121. There is a tray labeled “Word Processing to be Completed” - be sure “word processing slip” [explained above] is attached.

**Last Will and Testament**
At the time the Will is signed, make sure all dates are inserted, that the client and witnesses have signed in the appropriate places, and the notary stamp is on the document. The client takes the original. *Make a copy for the client and also for the file. Be sure to scan as well.*

**Prioritizing documents**
You should be realistic when prioritizing work to be completed. Give the word processor plenty of time for material to be typed and proof read prior to any court dates or deadlines. Do not wait until the last minute to draft or finalize your work. Work to be completed is prioritized by due date indicated on the word processing slip.

**High priority**
*All briefs and/or lengthy court documents that are high priority will need to be handed in at least 48 hours in advance.*

**Lengthy documents**
When lengthy briefs, interrogatories, etc., are to be typed, please be present in case the typist needs to ask questions for clarity. All citations need to be complete before submitting for typing.

**Finals**
You should not schedule a time to meet with your client to go over final documents until after you have received the final documents from word processing.

**File copies**
It is your responsibility to make copies of your letters and pleadings for the file and your client. *This includes signed copies of all correspondence sent.* Photocopiers are available in the workroom area and in the clinic lobby on the second floor. If you have a very large number of copies to make, please see the support staff and make arrangements for your copies to be completed.
All material will be returned to you via your mailbox. Support staff does their best to get the work back to you quickly.

**Printing a Document**

*IF YOUR OFFICE IS ON THE FIRST FLOOR YOU WILL NEED TO SELECT THE PRINTER FROM THE FIRST FLOOR PRINTER, WHICH IS CLINIC 1st FLOOR DELL.*

*IF YOU ARE ON THE SECOND FLOOR YOU WILL NEED TO SELECT THE SECOND FLOOR PRINTER WHICH IS CANON 2ND FLOOR.*

**Do not** print course related documents to the clinic printers.

**Case Management Software (CMS)**

You must be in Mozilla Firefox web browser to access. The website is [https://ula.legalserver.org](https://ula.legalserver.org).

Enter your user name and password.

CMS will default to Home which will show **incomplete tasks** and your **current assignments**.

To view other Supervisor assignments:

1. **Cases** tab
2. Show filters
3. Primary Assignment (Supervisor)
4. Select name
5. Filter
6. The supervisors list comes up

To view intern assignments:

1. **User** tab
2. Show filter
3. Last Name
4. Filter
5. Click on name
6. Under **view (on the right hand side)** click assignments
7. The intern’s list comes up

To search cases:

1. **Search** (on the top right hand side colored red)
2. Client name
To add case notes:

Go to the **Cases** tab
1. Open client case by clicking on the **case ID number** (clicking on the client’s name will take you to another, less-useful screen)
2. Under **Action** (on the right hand side) select “**Add Case Note**”
3. Type your case note
4. Select **Continue** to add your note

To add case weight & case weight date:

When you are in the client’s case profile select the tab “**case info**” and the fields for case weight and case weight date are located there.

Reports:

1. Select **report** tab
2. **Base Reports**
3. A Opened Cases by Supervising Attorney or A Opened Cases by Supervising Attorney & Intern are the two reports you will currently use.

Calendar:

The calendar defaults to your calendar. To view other users or the office calendar:

1. Select **calendar** tab
2. Click **Show/hide filter**
3. Click on **An Office** (this is located on the left side and is shaded)
4. The office should be **Main**
5. **Filter**

Add Time:

1. If you are in a case, under “**Action**” select **Add New Staff Time**
   
   Or

2. From the **Timekeeping** tab, select **Add Client Time**
Guide to
University Legal Assistance
Electronic Case Management System
Case Notes

(NOTE: The Business Clinic uses CMS as its primary case file. Not all clinics use CMS as extensively as described here—e.g., not all clinics attach documents to case notes. Check with your supervisor.)

CMS is Our Primary Case File

CMS is an electronic case management system, similar to those used by many law firms. A great advantage of CMS is that the information stored is available via a web browser in any location where one has an internet connection. While clinics that rely primarily on CMS also keep a paper client file, we look to and rely on CMS to give as complete a picture of the client’s file as possible. Accordingly, it is important that you learn to use it and use it well.

The basic tool for assembling information in CMS is the case note. When you finish making your case note, right before you submit it to be saved, you have the option to also email it to your supervisor, a paralegal, and/or other students working on the case. This can be an efficient way to keep everyone working on the case informed about it.

Use Case Notes to Handle E-Mails, Letters and other Documents in CMS

E-mails, letters and other documents can be uploaded and attached to a case note in CMS. These documents will then be available to you anytime and anywhere that you are connected to the internet. This is extremely useful to everyone involved with the file.

When a final version of a letter, agreement or other document is sent out, or received by the clinic, we want you to post it to CMS in either PDF or Word format (or for pictures, etc., in the native format of the file).

For letters, agreements, and other documents prepared by the clinic (e.g., by you), we also want you to save the final version to the client’s directory in the “Q” drive.

For the time being, we also want you to print and save all letters and final documents - sent or received - in the appropriate place in the client’s paper file. See the discussion of how to keep a paper file, above.

E-mails present a particular challenge in any legal file in that it is often necessary to read several e-mails in a “chain” in order to get the substance. As e-mails are exchanged, the chain usually grows longer. Printing and filing each version of the evolving e-mail chain in a paper file would
provide a very redundant and unreadable record, and waste both paper and storage space. We would prefer that you not place e-mails in the paper file. Instead, use a case note in CMS to preserve the e-mail communication.

Letters and e-mail “chains” should not be set out fully in a case note, and for sake of readability of the entire CMS file it is better to save these as Word, .txt, or .pdf files and upload them to a case note with a short summary of the content. A short e-mail can be quoted in the case note, but be sure to provide enough information (e.g., what was the sender’s e-mail address, who was copied, what documents were attached, when was the e-mail received) so that a later reader can analyze and respond intelligently if need be. For longer e-mails, always save and upload to a case note the final version of the “chain”, or as many separate e-mails as are needed to provide a full picture of what transpired. Always provide a short summary of what the e-mail chain is about in the body of the case note.

Similarly, notes of a meeting can be set forth in full in the case note if they are short. If the summary is extensive, readability of the CMS file is enhanced by saving the notes as a Word document and attaching it to the case note with a brief reference in the body of the case note about the “who, when, and where” of the meeting.

Use Case Notes To Document Your Analysis

This case note below was made by the student after an initial review of the file, creating order from chaos and preserving a to-do list for future reference. In essence, what follows is a case planning memo. Note that the student later updated the initial case note using the editing tool, and left his initials so we know who did the update. Note also that the student begins the original case note with an answer to “what the client wants”.

Client Status as of 08/27/2012 (Case Notes)
Posted on 08/27/2012 by Matthew Johnson.
Updated on 09/04/2012 at 1:14 PM by Susan Amstadter - Edit

I verified with John Pollack that Vet's did receive a copy of the bylaws during our conversation on 08/28/2012. MJ

Client wants 501(c)(3) status.
*04/22/2011 Date of Incorporation
*08/01/2012 Sec. of State put Vet's on inactive status and we need to find out how to reinstate them. The Sec's website did not have readily available instruction on the reinstatement process. Checked other online sources and discovered that it most likely went inactive for failure to pay annual fees.
*Articles of incorporation are insufficient for 501(c)(3)'s organizational test because Vet's stated purpose doesn't comport with the permissible purposes requirement. Permissible purposes include charitable, educational, religious, literary or scientific purposes, fostering national or international amateur sports competition, testing for public safety, or prevention of cruelty to animals. U.S.C. § 501(c)(3).
* articles of amendment have been drafted, but appear not to have been approved by Vet's or submitted yet.
* Bylaws have been revised and are ready for adoption according to Steve Faust on 08/02/2012. There is no record on CMS that they have been submitted to Vet’s for approval. There is a version of bylaws signed by Dennis Pollack (president) and Justin Bell (secretary) dated 08/07/2012. They appear to be the same as the entry by S.F. on 08/02/2012 w/ changes accepted. I accepted changes and saved copy of that file to the CLIENT network folder. *Form 1023 is partially completed, a digital version has not been added.

**Use Case Notes To Document the Completion of a Task**

The following case notes tell us that an action was taken on a final draft of a document, and each includes a copy of the document in its final form. While this information may be replicated in the paper file, the addition of a case note in CMS is extremely helpful.

In the first example, the student might also have attached the final form of her cover letter (if any) sent to the Secretary of State. Note also that the second case note example below was required because an intern who had worked this case in the prior semester did not post the document to a case note when it was first received from the client.

**Example 1:**

**Montfort Belles Amended and Restated Articles Mailed (Case Notes)**

Posted on 11/30/2012 by Saerom Konecky - Edit

I mailed the Montfort Belles Amended and Restated Articles to the Secretary of State today. See attached.

Note emailed to steve Faust <steve@faustlawfirm.com>

Documents Attached:

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<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>MB.ArticlesFiled.pdf</td>
<td>MB.ArticlesFiled.pdf</td>
<td>452.2 kIB</td>
<td>Download</td>
</tr>
</tbody>
</table>

**Example 2:**

**Signed Consent (Case Notes)**

Posted on 04/13/2012 by Emily Harris - Edit

The Signed consent in lieu of the organizational meeting was in the file. It just was not posted to CMS.

Note emailed to Steve Faust <Steve@faustlawfirm.com>

Documents Attached:

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<tr>
<td>Consent in Lieu of Organizational Mtg of Soul Sisters Inc 083111.pdf</td>
<td>Consent in Lieu of Organizational Mtg of Soul Sisters Inc 083111.pdf</td>
<td>93.49 kIB</td>
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**Use Case Notes To Document Progress in Preparing a Document**

We use case notes to track the dialogue between student and supervisor concerning the preparation of a legal document. The dialogue starts when the student uploads a first draft
in a case note, and uses the e-mail tool in CMS to send it to the supervisor. Here, the student correctly used our file naming convention, allowing us to track revised versions by date. The supervisor used the CMS edit tool to e-mail comments back to the student in the same case note. By keeping all comments about the same document within a single case note, it is easier to track our progress and much easier to make sense of the CMS file.

The student writing this note also included useful information on what happened with the document after approval, and attached the final version labeled as such. This could also be the subject of a separate case note.

**Transfer Letter (Case Notes)**

Posted on 11/28/2012 by Brett Spooner.
Updated on 12/14/2012 at 9:04 AM by Brett Spooner - [Edit]

Client received letter on 12/4/2012. See below e-mail as guidance on where to go with bylaws. It appears they have choices to make at this point internally.

Hi Brett,

Thanks for your good work on this. I got your note in the mail today. I am sorry that my board members have been diddling around and we didn’t get finished. I reviewed everything and think you did a fine job with the information available. They need to make some decisions before the next part.

Thanks, k

Letter sent to client 11/29/2012. BS

Transfer letter attached with a few edits. Accept and send to Karen. Thanks.
Susan

Susan, please see the attached transfer letter for approval.
** Added Transfer Summary Also~

Thanks

Brett

Note emailed to susan Amstadter <samstadter@lawschool.gonzaga.edu>, brett Spooner <bspooner@lawschool.gonzaga.edu>

Documents Attached:

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<tbody>
<tr>
<td><a href="#">Transfer Summary of Case - Spokane Art Commission-Fund 11.27.2012.doc</a></td>
<td>Transfer Summary of Case - Spokane Art Commission-Fund 11.27.2012.docx</td>
<td>30.5 kiB</td>
<td><a href="#">Download</a></td>
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<tr>
<td><a href="#">Final Transfer Letter - Spokane Arts Commission.docx</a></td>
<td>Final Transfer Letter - Spokane Arts Commission.docx</td>
<td>18.2 k</td>
<td><a href="#">Download</a></td>
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Use Case Notes To Document Facts About the Client or Relevant to the Client’s Issues

Students will often need to obtain additional facts to complete legal work, either from the client or from a third party. It is imperative that the file reflect WHAT you learned about the client’s situation, and HOW you learned it. When preparing case notes of this type, be sure to record WHO you spoke with (agency/name/title), WHERE they can be contacted for follow up (e-mail or phone # or whatever), and WHEN you spoke with them.

So: WHO, WHAT, WHERE, WHEN, and HOW!

Note also that if you learned something through an e-mail, much of the who, where, when, etc., may already be in that e-mail. If you save the entire e-mail as a .txt or Word file, you automatically preserve all of the information it contains. This technique is illustrated in example 2, below, in which the student summarizes the key information in the case note to which a copy of the e-mail is attached.

Example 1:

Medical Form questions (Case Notes)
Posted on 03/30/2012 by Emily Harris.
Updated on 04/02/2012 at 3:40 PM by Emily Harris - Edit

I tried calling the park a couple of times, but no one answered. The application language states, "Waivers of liability, insurance disclaimers, and/or indemnification agreements are not allowed for park trips." This is under the instructions for the mandatory visitor's acknowledgment of risk form.

This on its face would seem to preclude the use of a medical consent/medical refusal form. I will call again on Monday for confirmation.

The phone number is 360-565-3007.

I was able to get a hold of Lisa, a park employee in concessions. She said that medical treatment waivers and medical treatment refusal waivers would be fine for customers to sign. Just as long as they don't include language that it is a waiver of liability. She thought medical waivers would be considered separate then the prohibitions referenced on page 7.

Example 2:

Bylaws Update Status (Case Notes)
Posted on 10/08/2012 by Brett Spooner - Edit

Steve,
This is just an administrative update on the case. I'm attaching the most recent email chain from Rob, and will follow up on these again. Per Rob Seines on 10/2 "We have an agreed set [of bylaws]. I am tasked with redlining the changes. I will get that to you as soon as I can."
Note emailed to steve Faust <steve@faustlawfirm.com>

Documents Attached:

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<td>Incorporation.pdf</td>
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**Use Case Notes to Document Substantive Information or Advice Provided to the Client**

As a matter of risk management, it is critical that all lawyers in a firm understand what information or advice any lawyer (or intern) in the firm has previously provided to the client. Anytime you provide SUBSTANTIVE advice or information, you must document this in a case note in CMS. This includes information provided verbally, or in writing by a letter or an e-mail. You are required to use judgment here, but “substantive” will generally mean any communication other than exchanges between you and the client to set up a meeting or establish the time for a later conference. Always err on the side of documenting the file!

In general, the same guidelines apply here as in case notes made to document facts that you learn from the client. So: WHO, WHAT, WHERE, WHEN, and HOW!

**9-10-2012 Meeting notes (Case Notes)**
Posted on 09/18/2012 by Brett Spooner - Edit
Susan please see attached meeting notes from 9-10-2012. I have started researching bylaws, and applicable clauses to meet their needs.
Thanks
Brett
Note emailed to susan Amstadter <samstadter@lawschool.gonzaga.edu>

Documents Attached:

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<tr>
<td>Spokane Arts Meeting notes</td>
<td>Spokane Arts Meeting notes</td>
<td>13.01 kiB</td>
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A student will sometimes use e-mail to send the client a letter or other document, either in addition to or without actually sending the letter by mail. Sending a letter or an e-mail is one way that we provide advice to the client and the ACT of sending the document should be noted in CMS irrespective of how it is sent. If we don’t know whether the document was ever sent or not, then having the document itself on file is not particularly helpful!
In the case note below, the student has included a quote from an e-mail sent by the supervisor approving the letter which the student is sending. (Sometimes even we supervisors forget to use CMS!)

Client Update Email (Case Notes)
Posted on 09/22/2012 by Brett Spooner - Edit
Emailed client attached letter, which was approved by Susan per below. Letter includes: 1) review of application documents to note they are not binding contracts, 2) inquiry about release and waiver of claims, and 3) reminder to purchase general liability insurance.

"Brett

(Just one typo - third paragraph, first sentence "appears"). Thanks for taking care of this client. If Phyllis wants us to explore the release and waiver issue, I guess she'll let us know. I think your letter is good and should be sent to Los Hermanas "as is".

SA"

Documents Attached:

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<td>Letter to Hermanas Spokane</td>
<td>Letter to Hermanas Spokane</td>
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<td><img src="download-icon" alt="Download" /></td>
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Substantive communications include commitments you make to the client, as in “I’ll get that to you by Friday.” These communications may seem pedestrian or unimportant, but it is critical that we know the substance of them should you become ill or unavailable.

In the example below, the supervisor has used the edit tool to provide feedback in the same case note as the student used to document the original conversation. The phone call referred to was with the client, and the case note tells us who the intern spoke with. We have the phone number on file, so the student did not record it in the case note.

Phone call from Ms. Mobley (Case Notes)
Posted on 07/16/2012 by John Cadagan.
Updated on 07/17/2012 at 5:26 PM by Susan Amstadter - Edit
We'll just keep the case open - there's no procedure that I know of to keep it on hold officially. Thanks for the great notes of your conversation. SA

Ms. Mobley called me back.
The city has been the "primary funder" of the the Spokane Arts Commission, but the SAC is being "defunded" now. The fiduciary duty is now going to the Spokane Arts Fund. According to Ms. Mobley, among other things, the Commission will need a new set of bylaws, the Fund will need to be redesigned to allow for a paid employee, and the "governance" will need to be revised.
Ms. Mobley said that she had hoped the process would be further along by the time we were ready to begin assisting, but there are still a couple of meetings happening in the next two weeks that will have an impact on how the case will unfold. After learning that the summer semester will be over by early August, with the next semester starting at the end of August, Ms. Mobley asked if it would be alright to postpone the case until the next semester. I told her that was fine, and advised her that she likely would not hear from the next intern until the last week of August. She said that would be fine, since that will give the SAC time to get a better understanding of what it requires in terms of representation.

As it stands now, I told Ms. Mobley that the fall semester intern would be contacting her around the last week in August. My question is, what do I do with the file now? Should I keep it open and just not touch it; should I write Ms. Mobley a letter to document this and then leave the file open; is there a process to put a file ‘on hold’ until a specific date; ... ?

Note emailed to Susan Amstadter <samstadter@lawschool.gonzaga.edu>, John Cadagan <jcadagan@lawschool.gonzaga.edu>

**TIME KEEPING**

You are responsible for entering time in CMS, the clinic database. Time spent on each client file must be documented. You will also spend time in the clinic that is not connected with any one file in particular (e.g., time spent in orientation, your clinic meetings, meetings with supervisors). This time must also be documented, as non-client time. When you enter time, you should include information in the box labeled “Activity Details,” about what you spent your time on, e.g., “returned client’s call, left message” or “researched 501(c)(3) requirements.”

If there is substantive information that you would want to write a separate case note about, you can enter that information into the “Case Notes” box. For example, you could enter “phone call with Joe” in the “Activity Detail” and then summarize the content of the call in the “Case Notes” box. Please do not use the “Case Notes” box to simply say “worked on memo” or “researched stuff...”. This makes it very difficult to read the Case Notes view and find the substantive things that should be there.

**E-MAIL Policy**

**Communication with our office:** E-mail is a critical part of communication in our office. During your tenure with our office, you will be communicating by e-mail on a daily basis with supervising attorneys and support staff. As a rule, check your e-mail several times during the day. Do not delete the e-mail without reading it first. If you have problems, please alert the Office Manager immediately.

**Corresponding by e-mail with clients, adverse attorneys, etc.:** CAUTION! E-mail can be intercepted and you cannot assure confidentiality. Therefore, e-mails may not be protected by the attorney-client privilege. The supervising attorney must approve all e-mail communication with clients, opposing attorneys, etc. Use common sense – if the information
is sensitive or critical, do not use e-mail. **When you do use e-mail or receive e-mail pertaining to your case, print a copy for your client file, and save the e-mail to your client’s correspondence directory by using “OneNote,”** unless your Supervisor wants you to post email messages to CMS, as described above.

**In the General Practice Clinic (Hammer), use this email address for all email correspondence with clients and other individuals associated with cases:**

Ulagpp@lawschool.gonzaga.edu

This is an address to be used for all case-related email messages, so that when students leave the clinic, messages from clients do not follow the students but instead are directed to the clinic.

**FAX PROCEDURES**

Faxing is done on the photocopier machine in the first floor workroom. **Note: All faxes must be approved by a supervising attorney and filed in your client file.**

When a fax comes in, a staff member records it on the incoming fax log. After it is logged in, it is scanned to the file and to the supervising attorney and then placed in your mailbox.

Please record every document faxed out of our office on our outgoing fax log, which is located by the copiers – on the counter to the right of the copier and printer - in the first floor workroom.

**MAIL PROCEDURE**

Mail is opened by the receptionist and any mail relating to your clients will be placed in your mailbox after being scanned into the file. Case documents are emailed to the supervising attorney when received.

Outgoing mail leaves University Legal Assistance at approximately 1:00 p.m. Please place any clinic related mail in the basket located in our workroom **face down for confidentiality.**

Certified mail forms are available for your use. The forms are located in the Administrative Documents drawer, in the right hand file cabinet under the student mailboxes. Please indicate on the face of the envelope, ‘Return Receipt Requested’ so the green receipt card will be returned to you. **You should also be sure to write your name on the card as well as your client’s name so we will know who to return the card to when it is received.**
PROCEDURE FOR CLOSING FILES

After you have completed the work on your client’s case and are ready to close the file, there is still some work to be done. This includes sending out a final letter to your client, obtaining signatures for closing and completing a case closure checklist. Here’s how you should proceed:

**Checklist**

Print the Case Closure Checklist from Q:\ADMIN File for Clinic Students\Forms\Case Closure Checklist. Paper clip the checklist to the front of the file. (See the next page for instructions for completion of the checklist).

This needs to be completed on all cases even if the client ledger sheet inside the file does not show any activity.

1. **BEFORE** closing each file, check with the office manager, Julie Claar, to see whether or not your client has a balance with us. It is the intern’s responsibility to collect any outstanding costs prior to closing the file.

2. If a judgment for attorney fees has been awarded, you must submit a copy of the order to Julie for recording and collection.

3. If the client's trust account is zero, you may proceed with closing the file.

4. Fill out and sign your declaration of hours and put it in the file. If the form is not in your file, print it from Q:\ADMIN File for Clinic Students\Forms\Hours Declaration.

**Prepare Notice of Intent to Withdraw (if applicable)**

A Notice of Intent to Withdraw must be filed in ALL cases that have been filed with the court and not dismissed. Remember that the **rules of Civil Procedure require you to send the Notice to your client before sending it to other parties.** This is sent to the client by certified mail with a return receipt requested. You may proceed with closing the file once the certified return receipt ‘green’ card is returned to you.

**Closing Letter**

Draft a closing letter to the client. Thank the client for choosing University Legal Assistance. A sample closing letter for Elder Law and Family Law cases can be found under Q:\ADMIN File for Clinic Students\Sample Letters\Closing Letters.
Donations

To comply with grant requirements and because University Legal Assistance has minimal operating income, it is imperative that we give our clients the opportunity to make donations to the clinic. The following is a sample of what is recommended:

As you are probably aware, University Legal Assistance is a non-profit organization and we do not require payment for any of our services. Because we are striving to become self-sustaining while facing increasing costs, we depend more and more upon donations from our clients. We hope that each client will give serious consideration to making a donation that suits his or her budget. Every donation will enhance our capacity to continue providing crucial services to clients who cannot easily afford to pay the going rate for private attorneys. We are a non-profit organization under section 501(c)(3) of the IRS Code, and as such your donation may be tax deductible.

Closing Check List

Fill in the information in the top section, e.g. client name. Complete Part B, items 2-9, 11 and 12 of the CASE CLOSURE CHECKLIST.

Hours

Tally up all of your hours and any previous intern hours on the time sheet and enter the total of the intern hours on the client closure checklist.

Attorney Sign-off

Take the file with a draft of the closing letter and case closure checklist to the supervising attorney to sign off on the checklist and closing letter. The attorney should also enter the hours he or she spent on the case.
CONFERENCE ROOM LIBRARY POLICY

For your convenience and courtesy toward others, we ask that you abide by the following:

If you remove books:

- Books must be promptly returned to the conference room library.
- Never leave books in your office overnight.
- Please re-shelve the books in the correct place when you are finished using them.
- Books are NOT to be removed from University Legal Assistance.
- Report any lost or damaged books to the Office Manager.

The conference room may be reserved for depositions or meetings with groups. The receptionist maintains the conference room reservation schedule.

ACCOUNTING PROCEDURES

Client Finances

From time to time expenses will be incurred in regard to your client’s case. The most typical are filing and recording fees. **It is your responsibility to collect these fees from your clients, prior to incurring any costs,** and bring the funds to Julie, our office manager, for her to issue a receipt and deposit the money into our client trust account. One copy of the receipt is given to the client and the other is placed in the client's file. Disbursement for costs cannot be made until dollars are received and/or checks cleared, which is approximately five to ten days (exceptions are cash and money orders). **The clinic has limited funds and is not in a position to advance fees for filing, medical records, recording, or process of service fees.**

See Julie Claar for client trust account activity.

You can access client funds by filling out a “disbursement voucher”, which you can get from Julie. Please review RPC 1.15A and 1.15B concerning the handling of client funds.
Disbursement Requests

Complete the top portion of a disbursement voucher and attach any bill, receipt or related material to the voucher. Obtain the signature of the supervising attorney approving the request. If the client has insufficient funds in the trust account, our director must approve the disbursement from our general funds along with the approval of the immediate supervisor on the case. This should be the exception, not the rule. The disbursement voucher is then given to Julie Claar, and she will issue a check to you.

DRESS CODE POLICY

University Legal Assistance operates as a medium sized law firm, specializing in legal representation of low income people. As a professional office, there is an expectation of professional dress, which reflects standards of dress required by trial courts rules.¹

It is important to remember that clients, process servers, opposing counsel, and even judges are frequent visitors to the office. It is inappropriate and unprofessional for students and staff within the office to be attired in tank tops, shorts, cut-offs, t-shirts, muscle shirts, baseball caps, etc. Professional attire is an important factor that evokes respect and trust from clients and opposing counsel. It helps you to convey professional stature as well as gain respect from other members of the University community.

Therefore, to show respect for clinic clients as well as ALL clients and counsel that may enter our offices, each of us should be attired professionally at all times while in the clinic.

Males need not wear a coat and tie in the office so long as a coat and tie are available at a moment’s notice for those occasions when the intern must unexpectedly appear in court. If you have some doubts whether some clothing item is appropriate or not, choose something else to wear.

¹ “Professional attire is required. Dress code will be enforced.” Sign posted outside of the courtroom in room 304, in the Spokane County Courthouse. Courtesy of Spokane County Bar Assoc.

“Attire. When appearing in court, all attorneys shall be suitably attired, and to the extent possible shall advise their clients to be similarly attired in apparel other than shirts without collars, shorts, sandals, overalls, torn or tattered jeans.” [Kansas] 14th Jud. Dst., Court Rule R. (2) “Decorum.”

“All attorneys shall wear appropriate attire. Men shall wear coats and ties. Women shall wear professional attire, i.e.: conservative dresses, suits and pantsuits. Appropriate attire for attorneys does not include jeans, warm-ups, jogging suits, sweats, shorts or other casual or athletic clothing, including athletic shoes.”[Oklahoma] 7th Jud. Dst., Court Rules R. 40, part 13, “Courtroom Conduct.”

“If you are one of those people who does not put a lot of stock in personal appearance, you may be shocked when you first walk into court. Like it or not, people notice what you wear to court. You do not need to be decked out in an ultra-expensive ensemble, but you do have to pay attention to your appearance. Most courts still require coat-and-tie, and its equivalent for women lawyers. “Some lawyers may be able to get away with business casual in a court-related matter, but taking liberties with courtroom appearance is not a wise move for a new lawyer who is trying to build credibility with the court.” “Building Credibility with the Court,” by Jack J. Goldwood, 2004 DRI.
wear which meets the standard convention indicated above.

In a particular court, the bailiff or judge’s clerk may be of assistance to an intern or new attorney as to whether there are particular decorum or attire rules to be followed in that venue. In most Court rooms, hats and sunglasses may not be worn due to security concerns.

Friday is a “dress-down day” unless you have court appearance or client meeting. Please use your discretion.

**ULA OFFICE EQUIPMENT POLICY**

The use of the copy machine, the printers and the fax machine are **FOR CLIENT CASES ONLY. RECORD ALL COPIES on the log sheet located on the copier.** Occasionally we are able to recover costs and it is important that we know the count for each client.

University Legal Assistance is a non-profit organization running on a very limited budget. We do not have funds for making copies out of the office at Kinko’s or any other copy shop. If you are in need of a large amount of copies, please see the office manager for approval to have your copies made through Faculty Services on main campus. **DO NOT SUBMIT ANY COPY JOB TO FACULTY SERVICES ON YOUR OWN.** It is imperative that a copy of the job request submitted to Faculty Services be given to our office manager, Julie Claar.

**Lexis Printing**

We have a Lexis Printer on the 2nd floor. Please see the Lexis Reps for any questions you may have. Clinic research documents are to be printed on the Lexis printer, located on the second floor of the clinic. To print, click on the print link in the upper right hand corner of the screen. From the drop down menu of the printer choices select “clinic-ULA”.

**FILING COURT DOCUMENTS**

**Filing Documents at the Courthouse:**

If you need to go to the courthouse for any reason, please check the box in the workroom area by the outgoing mail basket for documents that need to be filed in court. As a courtesy to your fellow interns please check this box for any documents that need to be filed. Please check headings to be sure documents are delivered to the correct court.

If you leave documents to be filed in this basket, attach detailed instructions [e.g., please return conformed copy to Vicki] and any deadline.

When filing documents at the courthouse you need the original, which you will leave with the court clerk, and extra copies to be conformed and brought back for your file, for the client, and for the opposing party or attorney.
ELECTRONIC FILING POLICY

Federal Court filings are now executed ELECTRONICALLY ONLY. This process needs to be performed by one of the support staff. Legal Interns are not authorized to do the filings. Please notify one of our support staff the day before the filing is needed to make sure they are available and your filing is accomplished in a timely manner.

COURTHOUSE COPY MACHINE POLICY

ALL DOCUMENT COPYING IS TO BE DONE HERE IN OUR OFFICE, IF POSSIBLE ... NOT AT THE COURTHOUSE!

Always make copies of case documents here at the office prior to going to court. Our cost per copy is significantly less than the charge at the Court House. The Spokane County Bar Association in the courthouse gives us a special low rate that is still more expensive than in-house copying: .10 cents per copy. We are a NON-PROFIT organization and do not have funds for unnecessary photo copies. Consequently, we must endeavor to keep copying costs to a minimum.

If a situation arises that requires copying at the courthouse – the following procedures will apply:

1. If you must draft an order to enter the same day (e.g., after a family law hearing) or significant changes have been made to the original document, make copies of only the necessary pages and bring them back to ULA to make the additional copies for opposing counsel, the client, etc.

2. If copies must be made at the courthouse, ask the person at the front desk in the Spokane County Bar Association office (4th floor of the courthouse annex) for the ULA billing folder. Fill in the information [your name, name of client and number of copies]. Our code is the last 4 digits of the main office number, 5791.

Please remember to use the courthouse copying privilege wisely and sparingly.

3. The court’s case file may be checked out from the Superior Court Clerk’s office by a Rule 9 or supervising attorney to allow copies of it to be made in the Spokane County Bar Association’s Office, located in the courthouse on the 4th floor annex. It will be necessary for the intern or an attorney to show a WSBA membership card in order to borrow the court’s file. The court file must be returned in exactly the same condition, with all the documents in the same order, as when it was checked out.

An alternative to checking out and photocopying the court’s case file is to ask Vicki Yount to get electronic access to the file.
AT THE END OF THE SEMESTER

If you are leaving the clinic at the end of the semester:

- **Close all files that are finished.** Use the case closing checklist available on the Q drive (Admin File for Clinic Students \ Forms \ Case closing checklist) and complete all the items on that list. Then give the list and the physical file to the supervising attorney.

- **For each case that will be transferred:**
  - write a letter to the client, explaining that the case will be transferred to another student.
  - fill out a transfer memo, with an eye to setting a context for the next student who will work on the case. Save the transfer memo on the Q drive, in the case’s administrative folder. Put a hard copy of the transfer memo in the physical file.
  - be sure the file is organized
  - be sure your time records are up to date
  - fill out and place in the file a Declaration of Hours
  - notify Vicki of any upcoming court dates or procedural dates or deadlines that she does not already have noted in the calendar
  - include information about the case in your transfer list, and give your transfer list to Vicki and to your supervising attorney
  - take the physical files to the place designated by your supervising attorney

- **Remove all client information from your computer.** This includes all documents that identify a client and all drafts of any documents (e.g., pleadings, office memoranda) written in connection with the Clinic’s representation of a client.

- **Sign and deliver to your supervisor a written certification that you have complied with this duty.**

- **Fill out a self-evaluation form and give a copy to Julie and to your supervising attorney.**

- **Make an appointment with your supervising attorney for an exit interview**
If you are staying in the clinic next semester:

☐ close all files that are finished. Use the case closing checklist available on the Q drive (Admin File for Clinic Students \ Forms \ Case closing checklist) and complete all the items on that list.

☐ for cases you are keeping

☐ let your supervising attorney know of anything that might come up between now and the start of the next semester

☐ be sure the file is organized

☐ be sure your time records are up to date

☐ notify Vicki of any upcoming court dates or procedural dates or deadlines that she does not already have noted in the calendar

☐ if you are transferring any cases, for each case that will be transferred:

☐ write a letter to the client, explaining that the case will be transferred to another student.

☐ fill out a transfer memo, with an eye to setting a context for the next student who will work on the case. Save the transfer memo on the Q drive, in the case’s administrative folder. Put a hard copy of the transfer memo in the physical file.

☐ be sure the file is organized

☐ be sure your time records are up to date

☐ fill out and place in the file a Declaration of Hours

☐ notify Vicki of any upcoming court dates or procedural dates or deadlines that she does not already have noted in the calendar

☐ include information about the case in your transfer list, and give your transfer list to Vicki and to your supervising attorney

☐ Fill out a self-evaluation form and give a copy to Julie and to your supervising attorney.

☐ Make an appointment with your supervising attorney for an end-of-the-semester interview
MISCELLANEOUS

Clinic Access

The clinic doors are open Monday-Friday from 8:30 a.m. to 5:00 p.m. You are however, able to access the clinic with your ID card during the same hours as the library is open. If your office is on the second floor of the clinic you will need to use your card to enter the clinic from the law school second floor entrance as that door is locked all hours.

Office Hours

8:30 a.m. to 5:00 p.m.

Room Assignments

See one of the support staff for your room assignment.

Absences

If you plan to be away from the office for an extended period of time please let our office manager and receptionist know when you plan to leave and return. Of course, all extended periods of time from the office must be approved by your supervising attorney.

In/Out

Close communication with the receptionist enables the staff to effectively handle your calls and answer client questions. Turn in your “Clinic Schedule of Office Hours” to our receptionist within one week of the start of the semester.

Deposition and Process Service Policy

See Julie Claar for a list of names of court reporters or process servers who will offer their services at a reduced rate. Do not randomly select a vendor for either of these services as the costs can be extremely high.

If a deposition is to be held here in this office, you need to schedule a room with the receptionist.

Notaries Public

All attorneys and all staff, except the receptionist, are notaries public.

Make sure you check on the availability of one of the notaries before scheduling client appointments that require a notary (e.g. will signing).

Medical Records

When medical records are needed for your client, the client can often request
these records themselves for little or no cost. When we request them, the fees the medical providers charge are quite high. If it is not possible to have your client request their own records, please ask the record service for a fee waiver or a reduced rate if it is warranted, and collect any fees from the client prior to making this request.

EXAMPLE:

TO WHOM IT MAY CONCERN:

University Legal Assistance requests medical records in the above-entitled matter. Our office represents_______, mother of the minor child, ______, in a family law matter. Ms. _______ is a single parent receiving public assistance benefits in the amount of $____ per month. She is without funds to pay the $____ copy fee. University Legal Assistance is a non-profit organization that provides free legal services to low-income persons. As a result, we are also not in a position to pay this fee.

I would appreciate if your bill could be waived, or at the very least reduced, in light of the fact that we are providing pro bono services to the needy.

Your consideration is greatly appreciated.

SUPPLIES

We have limited office supplies so please use them mindfully. If you require something we do not have please bring it to the attention of our receptionist.

TELEPHONE CALLS

For local calls, dial 9 then the number. To make long distance calls, dial 9-1-area code-number. All long distance calls made on ULA phones must be for your client’s cases only. All long distance calls are to be logged in on the “long distance phone log” found in your office, beside each phone.

All calls on campus are by the 4 digit extension. Our receptionist has a campus directory to assist you.

When you leave a telephone number for a return call, give the main number, 313-5791. Do not give your office number.

Incoming internal calls will make your office telephone ring in a standard single-ring pattern. If the telephone rings in this pattern, answer it. Calls from off-campus will make your office telephone ring in a double-ring pattern (two rings, pause, two rings). As a general rule, do not answer the double-ring calls, because they too often result in interns taking (or failing to take)
messages for other interns and not getting the messages to the appropriate person. If you do not answer a call, it goes to the receptionist, who will take effective messages and be sure they reach the appropriate person.

**EMERGENCY SITUATION – CALL 9911**

Campus Security – 2222

Dial 9 to get off campus.

**CLIENT SOURCES-GRANTS AND CONTRACTS**

**ALTCEW:**

The Aging and Long Term Care of Eastern Washington provides a contract, which enables University Legal Assistance to serve senior citizens 60 years of age and older in the Spokane area.

**LTCOP:**

The Long Term Care Ombudsman Program serves persons who reside in long-term care facilities by providing them with information about their rights and available resources, by obtaining factual information about their complaints, and by providing them with protection of their rights, and otherwise assuring that they receive fair treatment from service providers.

**FEDERAL TAX CLINIC/ IRS:**

University Legal Assistance began its Federal Tax Clinic in the spring semester of 2001. This clinic is for second and third year law students interested in tax law. This clinic is funded through the federal government to aid low income individuals with tax related problems.

**INDIAN LAW CLINIC:**

The Indian Law Clinic provides students with an opportunity to learn the academic practice of law through representing enrolled members of the federally recognized Indian Tribes in administrative, civil, and criminal litigated matters docketed in courts of Indian Tribes and the State of Washington.

**HOME FORECLOSURE MEDIATION:**

The Washington State Office of the Attorney General awarded a grant to fund Gonzaga University School of Law Home Foreclosure Mediation Program. Students will have the opportunity to advocate for homeowners in the mortgage foreclosure process with a specific objective of preserving home ownership. In addition, students will be educated on mortgage foreclosure law and mediation advocacy skills.
Medical/Legal Partnership

Through a partnership with the Providence Family Medicine Residency Clinic, Providence Internal Medicine Residency Clinic, and the Center for Justice, students will learn alongside medical residents and work with other healthcare professionals to improve the wellbeing of their patients/clients. Together they will learn how doctors and lawyers can chip away at the social determinants of health that perpetuate intergenerational poverty.

GRADING CRITERIA

THE MEANING OF LETTER GRADES

The following is a rough description of the quality of work which corresponds to the various grades. These are necessarily general and limited descriptions, but ones which we hope will be useful in helping you to understand our grading criteria.

A: Consistently excellent work in all areas, with at least one outstanding piece of significant work.

A student who earns an “A” in Professional Responsibility will take full ownership of his/her cases, be organized and attentive to details, and will always allocate sufficient time and effort to carry out tasks responsibly and will recognize, consider, and appropriately resolve ethical issues.

A student who earns an “A” in Advocacy will show initiative and creativity in planning and developing cases, rather than merely carrying out plans.

A student who earns an “A” in Reflection, Curiosity, Self-Critique and Class Participation will demonstrate a high degree of self-critique and self-analysis in his/her experiences and formal self-evaluation; and will actively prepare, participate and take initiative in all class sessions, exercises, and supervisory sessions.

A-: Consistently excellent work in all areas.

B+: Consistently very good work, or a mix of generally very good work, occasionally excellent work and consistently competent work.

B: Competent and adequate work with some very good work, but with some weaknesses.

B-: On the whole, competent work but with some significant lapses or shortcomings.

Below B-: Serious difficulties with performance; failing to make appropriate use of supervision; failing to meet responsibilities.

A NOTE ON EFFORT

Participation in the clinic requires hard work. Ethical obligations of competence and diligence
require attorneys to work hard. It is expected that every student in the clinic will fulfill this obligation. It is likely that every student will work harder in this course than in any other course in law school. Simply put, hard work is a minimum requirement of this course. It puts you in position to receive a passing grade. It does not guarantee an intern will earn an "A" or “A-.”

SUBSTANTIVE GRADING CRITERIA

Grades will be based on the clinical faculty’s assessment of the following three separately weighted categories of performance: Professional Responsibility (40%), Advocacy (40%), and Personal Growth (20%).

I. PROFESSIONAL RESPONSIBILITY (40%)

A. Ethical Considerations

Professional responsibility is an indispensable feature of good lawyering. Knowledge of and adherence to ethical rules is obviously necessary to practice law. An intern will be expected to diligently represent his/her client and, of course, to preserve a client’s confidences. The intern is expected to identify the ways in which these obligations and the others contained within the Rules of Professional Conduct affect his/her work on any case. Again, as with any other issue, ULA supervisors expect that, having become familiar with the rules, an intern will recognize ethical concerns in cases, consider the choices presented, develop a plan of action that will respond to the issues presented, and initiate discussion with his/her supervisor.

B. Diligent and Responsible Advocacy

Professional responsibility is not limited to the ethical considerations of lawyering. It also includes attention to cases and to other clinic responsibilities, effort in the representation of clients, and management of one’s workload. Some specific factors are:

- Putting forth effort to provide diligent representation.
- Taking personal responsibility for a client's case.
- Ensuring that cases are prepared for court hearings.
- Maintaining appropriate relationships with clients, other attorneys, and court officials.
- Meeting deadlines imposed by the court, by ULA supervisors, and by the intern’s plan.
- Attending punctually to professional obligations, including court appearances, and meetings with clients, supervisors, witnesses, and other students.
- Maintaining files accurately and precisely to comply with office procedures.
- Allocating time and effort to carry out tasks responsibly.
C. **Conscientious Approach To Work**

- A novice lawyer or law student is beginning to develop a robust sense of professional role and responsibility and is therefore conscientious about the quality of his / her work. Some indicia of this approach are:

  - Meets deadlines, including early deadlines imposed to assure effective review by supervisors;
  
  - Makes an effort to do his / her best work;
  
  - Demonstrates an understanding of the process of work and may ask for assistance at any stage including defining the assignment, identifying resources, correcting or improving work, preparing and practicing for performance;
  
  - Recognizes in group sessions the relationship of the work group effectiveness to each person's contribution and accordingly accommodates the need for others' input, being mindful and respectful of the group's mission and standards;
  
  - Acknowledges mistakes and asks for help to correct an error and its impact.

- Dresses professionally for meetings with clients and court appearances.

II. **ADVOCACY (40%)**

A. **Clinical Planning:**

This is a broad area that encompasses case planning, deliberation on alternatives, and judgment. Planning is the single most important feature of good lawyering. In developing and executing a theory of the case, the intern must plan for fact investigation and researching facts and theories, drafting documents, negotiating, settlement or litigation presentation, and all phases of dispute resolution (which may include mediation, arbitration, or trial). As one uncovers new facts (or fails to uncover desired proof of expected facts), an intern must adjust the relevant case plan so that it corresponds to these developments. The plan will necessarily be designed in accordance with a client’s best interests and directions. Some activities in this area are:

  - Developing a theory and strategy for each case, taking into consideration the application of evidentiary rules, statutes, regulations, and case law to develop a plan for using facts and law to the benefit of the client.

  - Modifying and reassessing strategy in light of subsequent developments.
Refining and improving work between planning and final draft or performance.

Considering conscientiously the ethical, strategic, and client specific issues in cases.

Weighing conscientiously the risks and benefits attendant to different strategies and choices.

Making appropriate judgments and decisions and setting priorities according to the available information and resources.

To make this more concrete, it is expected that the intern will come into a meeting with his or her supervisor having considered the various challenges in his / her assigned cases and having identified several responses to those difficulties. The intern should be able to articulate these challenges and responses for his or her supervisor. Pursuant to ULA standards, it is expected that an intern will realize that rules of professional ethics, of evidence, of practicality, and of other constraints, may favor some responses and disfavor others. The clinical supervisors do not expect that any of this insight and skill will come naturally. They do not anticipate that each intern will enter the first supervision meeting with a case plan that compares well with the strategic approach attributable to a more experienced lawyer. It is expected that an intern’s planning will show serious application of time and effort and that, with additional time and effort, an intern’s planning skills, and the others listed below, will improve.

B. Skills Development:

- Professional conduct: An intern’s performance in court will be evaluated, as will the intern’s performance of out-of-court lawyering skills.
- Interviewing: Structure, rapport, obtaining information. (To be evaluated within the constraints of our decision not to have supervisors at client interviews.)
- Counseling: Helping client to understand alternatives; keeping client informed; remaining sensitive to full range of client needs.
- Fact Investigation: Planning, thoroughness, effort, creativity.
- Legal Research: Thoroughness, accuracy, appropriate analysis of relevant sources.
- Writing: Organization, structure, use of language and writing techniques that are appropriate to the audience, and are concise and persuasive.
- Pre-hearing Preparation: Using suggestions, completing tasks, producing quality work.
- Performance: Plan execution; court presentation; case process agility and flexibility.
III. Personal Growth: Reflection, Curiosity, Self-Critique and Class Participation (20%)

A. Reflection

Reflection is a critical feature of clinical learning. An intern should be doing it during and after completion of a task in the clinic. What is meant here by reflection is not simply reviewing what happened. Instead, what is implied is for an intern to engage in critical analysis of his or her own work and the context in which it is produced. It is expected that a clinical law student will ask himself or herself questions such as those listed below, and be prepared to discuss them with his or her supervisor. Then, when beginning a new task, an intern should use what he or she has learned, through reflection in recent decision-making, to fashion new, informed case-related decisions.

Such reflective review usually involves self-questioning. How was a prior decision made? (For example: Why was the choice made to call one witness and not another? Why was one claim or theory pursued over another?) How were different strategy choices discovered or investigated? Why were other choices, opportunities, or theoretical possibilities not considered, developed, or discovered? What led other people (clients, judges, opposing counsel) to act as they did in response to the intern’s work? How will the answers to these questions affect the way clinical representation should be conducted, changed, or improved in the future? What lessons can be drawn from this experience about the way in which the legal system actually works? How does that compare with the intern’s ideals of how the system ought to work?

B. Curiosity

A novice lawyer or law student should be eager to learn from experience and openly curious about the lives and concerns of clients and others. A clinical law intern fully bringing his or her talents to bear:

- Takes advantage of opportunities to observe lawyers and judges in action, alertly considering the observed practices, and questioning participants about decisions;
- Sincerely seeks, listens, and responds to constructive criticism concerning her work;
- Exercises curiosity about the many aspects of the legal practice setting, seeks out additional information and insights, respects and learns from peers and co-workers in all positions;
- Earnestly considers the lives, needs, and perspectives of clients and others affected by the legal system, beyond the apparent legal problem presented in a particular case or dispute.

Curiosity prompts a person to ask a wide range of questions, listen for a range of answers, and attempt new skills, increasing learning in any setting; it is a "primal wonderment" that combines
imagination and intelligence. The curious person is willing to ask questions without fear of appearing incompetent. Willingness to try new tasks, without a disabling fear of failure, is the foundation of initiative.  

In appreciation that it is a necessary companion to an apt intelligence and that it is consequently an impetus to learning, curiosity is a measured value within an intern’s clinical law grade. It is a quality revealed by a significant tool, the Student Final Self-Evaluation, used by clinical law supervisors to assess an intern’s professional development, self-criticism, and general skill of reflection. Each student is required to submit a written self-evaluation at the end of his or her clinic experience. Once submitted by an intern, the written self-evaluation becomes part of the review process conducted at the final meeting between an exiting intern and the assigned supervising attorney.

C. Class/Rounds Preparation & Participation

The "classroom" in the clinical law setting refers to the orientation, small group meetings, and case reviews, which are all designed to enhance the students’ clinical experience. Classroom work is an important aspect of an intern’s work in the clinic. Each intern’s thoughtful contributions are essential to the success of the clinic. Thus, each intern is generally required to prepare for all sessions and to participate in all discussions, supervision meetings, and simulations. Clinic supervisors however counsel: “We do not want you to talk for the sake of talking any more than we would expect you to cross-examine a witness just for the sake of saying something. We choose topics for class carefully, for the purpose of having the members of an intern group learn as a team and individually, from faculty instruction, and … from each member’s relevant practical experience.” The same sort of preparation and participation is required from an intern in a supervision session. Some specific factors are:

- Preparation for class
- Consistent participation in class
- Quality contributions in class such as engaging meaningfully in discussion and analysis
- Participation in simulations
- Preparation for supervisory meetings
- Initiative and creativity in raising issues and planning cases
- Class attendance and punctuality

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