

OFFICE MANUAL
CLINICAL LAW OFFICES
U.S.C. LAW SCHOOL

This manual contains policies and procedures of the clinical law offices, and all students enrolled in a client-contact clinical course are responsible for understanding and following them. Note that instructions from a professor specific to a particular clinic may, at times, supercede certain aspects of the procedures in this manual.

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CASE MANAGEMENT

Time Matters Software

The Clinical Law Office uses Time Matters as its case management system. This is a comprehensive computer based system designed to address all aspects of case management including client and matter information, contacts, conflicts checks, time keeping, document and data storage and retrieval. Because we have only recently converted to this system we are still in the process of customizing the program to our specific needs and it is likely that some additional changes may be needed as the semester progresses. Protocols have been developed to assist you with the programs most frequently used functions. As you work with the program please note any areas where protocols need to be added, revised, or clarified and bring them to the attention of your clinical professor or the administrative assistant. We welcome any suggestions for changes.

In addition to the Time Matters system the office maintains hardcopy files on all cases. Much of the material in this manual was developed prior to our adoption of the case management software, thus it is geared toward various aspects of the hardcopy file; we have attempted to relate this information to the equivalent functions in Time Matters throughout, though you may get different instructions from your clinical professor during the semester.

Getting Started on New Cases/Client Interviews

A. In General:

The clinical professor in charge of each clinic is responsible for providing instructions on how to prepare for and conduct initial and subsequent client interviews and other meetings related to the case work. These instructions may, at times, supercede certain aspects of these common rules.

B. Common Rules for Interviews Conducted at the Law School:

NOTE: ALL INTERVIEWS ARE TO BE VIDEOTAPED OR AUDIOTAPED UNLESS THE CLIENT OBJECTS. A tape is to be signed out from the administrative assistant before each interview. (There are portable audiotape recorders available for meetings away from the office.)

- a. As soon as the date and time for the interview are known log it on the

Time Matters Calendar with appropriate reminders for all involved and schedule interview room (See TM Protocols).

- b. Check interview room for availability and neatness immediately before interview.
- c. Meet client in reception area and introduce yourself.
- d. During initial interviews, please remember to do the following:
 - 1. Explain operation of the office;
 - 2. Explain your status and role and that of the supervisors;
 - 3. Explain purpose of the interview;
 - 4. Get the necessary paperwork completed.
 - Consent to Representation form
 - Release and Authorization
- e. Let the person know what to expect next and give your name and our office phone number (business cards are available).
- f. Receipts--Anytime you receive papers or property from clients or someone else, that person should be given a receipt. The receipt should list the materials received and a copy should be placed in the file.
- g. Escort the person out.

In addition to these instructions, a few additional steps are required in order to videotape meetings with clients. When signing out a videotape from the administrative assistant before each interview, you are expected to make sure that the equipment is operating properly and is turned on before the client has arrived.

Be sure to let each client know that they are being videotaped and seek their permission to do so. If a client objects to the meeting being videotaped, check with your supervising before beginning the interview. If this is not practical, conduct the interview without taping the meeting.

After the interview is over, be sure to turn off all equipment and to take the tape with you until the interview memorandum has been completed. You may use the equipment in the interview rooms to review the tape and to help prepare the memo.

Also, if the interview was being watched on television by the supervising attorney, try to check with the attorney while the client is still in the office to see if the attorney has any immediate questions or problems to be addressed before the client leaves.

RETAINER AGREEMENT:

The following "agreement of legal representation" will be used when representation of new clients is undertaken.

Students are responsible for discussing with the responsible attorney on each case the following matters, before agreeing to undertake representation of any client:

1. The scope of the work which the office is agreeing to undertake and the description of this work to be inserted in paragraph 3. (Although a general description is anticipated, it should be clear when the office's obligations will be completed. It is safer to limit the scope of representation narrowly at first than to leave it vague or open-ended. We can always agree to do more than originally promised, but it is hard to take it back once we have signed a contract.)

2. At what point should the agreement be executed? In most cases, the agreement will not be signed at the initial client interview. It is probably a good idea to give clients a copy of the form at that meeting to enable them to review it and ask questions before they are asked to sign it.

3. Are there any special clauses which should be inserted in the agreement before it is executed due to the particular circumstances of the new case?

IMPORTANT: Only professors are authorized to sign the Agreement on behalf of the Clinical Law Offices.

CRIMINAL PRACTICE and JUVENILE JUSTICE CLINICS - A retainer agreement will normally not be necessary in Criminal Practice and Juvenile Justice Clinic cases since we are appointed by the courts. Instead, a letter will be sent informing the client that we have been appointed and outlining the scope of our representation.

BANKRUPTCY CLINIC - A special retainer agreement is necessary for the Bankruptcy Clinic to address specific requirements imposed by the Rules of the United States Bankruptcy Court.

AGREEMENT OF LEGAL REPRESENTATION

This is an agreement of retention between _____ (the client) and the Clinical Law Office of the University of South Carolina School of Law.

1. The client agrees to be counseled and represented by law students certified to practice law in the State of South Carolina. The client specifically consents to the appearance of such certified law students in any court or before any tribunal on the client's behalf. The client will be given access to the undersigned attorney upon request, but the lawyer, not the client, will decide which law students will represent the client and the extent of responsibility they will be allowed to exercise.

2. The client consents to having the client's legal problem discussed with those law students and attorneys working in the Clinical Law Office who are not engaged in representing the client.

3. The Clinical Law Office agrees to represent the client in respect to the following matter only:

a. nature of problem:

b. scope of representation:

The client understands that the Clinical Law Office will not represent the client in any other matter unless specifically agreed to in writing by the client and the Clinical Law Offices.

4. The client will pay all costs and expenses reasonably incurred in the above matter. Such costs include, but are not limited to, filing and service fees, appeal bonds, fees to the sheriff, fees for expert witnesses, and expenses for stenographic transcripts. The client agrees to pay these costs and expenses regardless of the outcome of the client's case. The client further understands that he/she may be required to deposit money with the Clinical Law Office to pay such costs and expenses as they are incurred. At the conclusion of the client's case, the Clinical Law Office will make all reasonable efforts to refund any funds remaining on deposit and unexpended.

5. The Clinical Law Office will make no settlement without first consulting the client

and obtaining approval of the client. The client authorizes the Clinical Law Office to receive the proceeds of any settlement or judgment, to retain any attorney's fee designated as such in the settlement agreement or court order, to deduct from such proceeds any costs and expenses which have been advanced on the client's behalf, and to give the balance of such proceeds to the client.

6. The client agrees to cooperate with the Clinical Law Office and to keep the Clinical Law Office informed of the client's correct address and telephone number. The client agrees to notify the Clinical Law Office promptly of any changes which might be relevant to the subject of the representation. Failure to comply with these obligations will constitute a breach of this Agreement which may result in withdrawal from representation by the Clinical Law Office.

7. The client acknowledges receipt of a copy of this Agreement.

Date

Client

Date

Attorney, on behalf of The
Clinical Law Office

RECORDING WORK AND TIME/WEEKLY REPORTS

Time is money. Although keeping track of time and recording it is a disagreeable habit to develop, sooner or later all lawyers do it. You cannot bill clients by the hour unless you keep time, nor can you request payment from public funds on appointed cases unless you can document the time you spent.

Although many law firms require full day accounting from the firm members in order to manage their offices effectively, you are required to account only for the time you spend working on cases. The forms in the clinical law office have been designed to make this as easy for you to do as possible.

The Time Matters case management software used by the clinic also includes a timekeeping/billing component that is easily accessed from all other aspects of the program. Time should be recorded for each activity in the case file. This can be done in one of two ways:

1. Contemporaneously while you are performing various tasks
 - a. From any activity "Form" [Events, To Dos, Notes, Documents, Phone] in which you are working,
 - b. click on the "clock" icon at the top to start the timer running,
 - c. Click the "Billable" box on the form,
 - d. When you have completed the task click the "clock" again to stop the timer,
 - e. Click the Send to Billing icon (the envelope with small green arrow) at the top, to bring up a Billing form,
 - f. Complete the areas of the form not automatically filled in and click Save &Close

2. Using a Billing form to record previously completed work.
 - a. From the Matter Form click on the "Billing" button (in the row of buttons just below the toolbar at the top),
 - b. Click on the "Add Record" icon (form with a green plus sign) located in the middle of the shaded area,
 - c. Complete the "Billing Form" and click "Save & Close".

Follow any specific instructions from your clinical professor regarding the method of timekeeping for your clinic.

The Work Record form in the casefile should contain concise, but descriptive notes about all work done on the case. You should include meetings with clients and

supervisors, research, drafting, telephone conversations, court appearances and anything else you spend time doing for your client. There are columns on the form for recording time (in tenths of hours, please). These columns refer to the amount of time spent on an activity, not the time of day at which it was done.

NOTE: Students are responsible for recording and reporting time spent consulting with a supervising attorney about a case as well as any other duplicated time, e.g., at trial. Be sure to indicate clearly the name of every attorney or student in the office who was involved for that time. **IMPORTANT:** Accurate and complete recording of work and time is not a habit that many of us could master by relying on our memories for very long. If you do not have a place to record daily activities (including a calendar or a palm pilot), you need to purchase a small pocket diary and carry it with you always so you can make notes in it when you do casework away from the office or do not have the file at hand.

Reminder System (Ticklers):

Most professional liability insurers require the establishment and use a perpetual calendar system to automatically remind attorneys and staff of important dates a number of times in advance so that you will not be surprised by a hearing date or deadline. A calendar system of this type is only as effective as the information that is recorded in it. It is the responsibility of faculty, students, and staff to make certain that all important deadlines and events are placed in the system. The central component of the clinic's reminder system is the Calendar function in Time Matters. You should record all time sensitive events (hearings, interviews, meetings, etc.) and deadlines through the Events or ToDo's functions of Time Matters and set reminder for at least 7 and 1 days prior to event. (See the TM protocols for specific instructions). Be sure to indicate dates, days, time, and locations when applicable, and to include the attorney's name and all student's names who are working on the case.

The system also includes the following safeguards to ensure that all important dates will be recorded. The administrative assistant will open all mail from courts or administrative agencies and enter all hearing dates and times on the central calendar. In addition to making the calendar entries noted above, you must notify the administrative assistant of all important dates for inclusion in the calendar system. You may do this by e-mail to the administrative assistant with a copy to your supervising attorney. The administrative assistant will set reminders on all calendar entries so that you will be notified 30, 14, 7, and 1 day in advance of the event.

You are expected to keep your ticklers current, and to notify the administrative assistant if appointments or other dates get changed.

You are also expected to check your Calendar and Alerts on Time Matters every day.

This is the only way the system will work and you will get the reminders.

File Security:

Reconstruction of a lost or damaged file will cost time and money, if reconstruction is possible at all. Client files often contain original papers or data that cannot be reproduced, therefore, protection of the file is essential. All active client files of the clinical law office are kept in file cabinets in Room 131- F or in the supervising attorney's office unless someone is doing work on a case that requires use of the client file. When any file is taken out of the cabinet, one of the green cards must be filled out and inserted in the file's place in the drawer. Files should not be stored in your message slots in the Clinic hall.

It is strongly recommended that no file be taken out of the clinical law office unless absolutely necessary. If you do remove a file from the office, promptly return it as soon as you have completed the necessary work. Obtain the supervising attorney's permission before taking a file. Never leave a client file in your car, your carrel, your home or anywhere else that it may be stolen or damaged.

Another important aspect of file security is our obligation to protect confidences and secrets of our clients. Be alert to possible conflicts. Students should not go into any file to which they are not assigned.

No other people are ever to be given privileged information or allowed access to client files (including clients). Electronic files are subject to the same level of protection as paper files, as appropriate.

File Organization and Subfiles:

As a case progresses, it will quickly become unwieldy unless it is divided into subfiles.

Most of the clinics' cases will require subfiles sooner or later; err on the side of sooner when in doubt. As soon as it is clear that we have undertaken representation, consider which subfiles are likely to be needed and submit a work approval form to have them prepared. (For cases in which judicial action is expected, subfiles will always be needed.)

The tabs on all subfiles in the clinical law offices have a standard format.

Doe, Jane
(client's name)

85-697
(office file number)

Pleadings
(description of files contents)

Whenever you believe it is appropriate to create additional subfiles, consult with the responsible attorney to decide how many are needed and to prepare a work slip to get it done.

Subfiles that are most commonly created include:

1. pleadings
2. planning documents/work records
3. case preparation and research notes and memos
4. discovery
5. documents/ exhibits
6. client's papers
7. appellate briefs and records.

(Note - originals of documents/exhibits should not be hole punched for inclusion in files)

The subfiles you should create will depend on the nature of each case and the stage it is in.

(Some clinics use different subfiles, be sure to check with the clinic professor regarding your specific clinics.)

Clients' Funds:

Whenever you anticipate that costs will be incurred by your clients, let your clients know the specific amount required and collect it from them at least far enough in advance that it can be processed through our account (several days). Always, give your clients a receipt. Coordinate with the supervising attorney to determine the exact procedures to be followed.

Let the supervising attorney know when you need the money out of the account and she/he will prepare a Trust Account Disbursement Authorization form to request that a check be issued. Try to give twenty-four hours notice of (1) exactly how much is needed; (2) what it's for; and (3) to whom the check should be made payable.

NOTICE: This is a courtesy service we offer our clients, not a requirement, and they have the option of paying by postal money order or cashier's check (clerks of court will not accept personal checks from clients).

If any unusual situations arise, verify the procedure to be followed with the responsible attorney.

Team Work/Collaboration

Lawyers today commonly work in teams or in organizations requiring cooperative work.

In the clinical program, law students work in collaboration with clinical professors and, in most clinics, with other law students. When more than one student is assigned to work on a case, the goal is not only to lighten each student's load but also to improve the quality of service to the client. Two heads are not better than one, however, unless they coordinate their thoughts and efforts.

The supervising attorney should usually not become involved until the students on a team have discussed the issues and have developed team proposals for work division, case strategy, or problems which require faculty guidance. Ordinarily, all written work should be reviewed by all team members before it is submitted for faculty review.

Before scheduling a meeting with the responsible attorney on any issue, consider whether the other members of the team should be present. Ordinarily, all meetings about case strategy and proposed action should be attended by **all** team members.

Pleadings Forms:

Please note that a number of old pleadings and other forms are available for you to use rather than drafting every pleading from scratch. This can be a tremendous time saver for you. Before attempting to draft a pleading from scratch, be sure to check with the supervising attorney to see whether a similar pleading or a form is available. It might also be wise to check before you rely on a form you have located on your own. You also may be able to find examples of pleadings and other documents useful to your case

through the computer network system.

Closing Cases:

Files should be closed as soon as our representation is completed and all necessary papers (such as final orders, releases, etc.) are in the file. Do not wait until the end of the semester.

A. Checklist for closing of cases:

1. Prepare a closing memorandum
 - a. If you have any question as to whether a closing memorandum is necessary in a particular case, check with the supervising attorney.
 - b. The closing memorandum should comply with the standard requirements for interoffice memoranda and should reflect the nature of the case, summary of the facts, the action taken, and the final disposition.
2. Double check the Work Record and your time records in Time Matters for completeness and for accuracy. (The time on the work record should equal the totals recorded in Time Matters.)
3. Return any papers which belong to the client.
 - a. No originals of client papers should be included in closed files. For originals that remain in the file have photocopies made and see that the originals are returned to the client).
 - b. As a general rule, original papers belonging to a client should not be kept unless it is necessary to the handling of the case. Photocopies ordinarily should be made as quickly as possible and the papers returned to the client.
4. Organize and purge the file.
 - a. If you have properly organized and maintained the file during the semester, this should pose very little

problem.

- b. Purge the file of any unnecessary papers, e.g. handwritten notes or research which have been incorporated in memoranda, duplicate photocopies, photocopies of cases or other research which has been cited in pleadings or memoranda, etc. There should be no loose papers when the file is submitted for closing.
5. Add up the time for each person on the case, including the responsible attorney, and indicate the totals in the work record.
 6. Submit the file to the supervising attorney by attaching a Work Approval Slip, and by placing it in his/her box. Schedule an appointment to discuss the case with him/her.
- B. The responsible attorney will then duplicate your review of the file.
 - C. When the review of the file has been completed, it will be turned over to the administrative assistant for physical transfer from open to closed files and completion of the necessary administrative paperwork.

WORK APPROVAL

This section is important because it tells you how to get things done in the office. Strict compliance with these procedures is required, and you will avoid a lot of frustration and wasted time if you become thoroughly acquainted with them at the outset. The instructions may not be clear since they are new to you, so don't hesitate to ask someone to explain those parts you don't understand. If you have a suggestion for improving either the procedures or the instructions, please pass it on to Professor Burke or the Administrative Assistant.

Work Approval:

All of the written work must be produced through the clinic office. If you prepared your draft on computer it should be saved as a TimeMatters document with "DRAFT" noted at the end of the Description on the Document form. The administrative assistant will prepare the final document, making necessary photocopies, and mailing. **No work product on client cases should be prepared at any other office.** If word processing

is done on a computer outside of the clinics it should be saved to a disk, not the hard drive of the computer. All such work should be deleted from the floppy once it has been transferred to the appropriate place on the clinic's server. See the section on Written Work below for a more detailed discussion.

Before the administrative assistant is allowed to prepare a final document or copy work for you, it must be approved by one of the clinical professors. The standard procedure for obtaining approval is to notify the supervising attorney that a draft document has been added to the client's TimeMatters file. He or she will review the draft and approve it or give you comments for revisions.

If the work is approved, the "DRAFT" notation will be removed and it will be finalized by the administrative assistant. The finished document will be placed in the slot assigned to you in the message rack. It is your responsibility to proofread your work before it leaves the office. Ask the administrative assistant to correct any typographical errors you find.

It is not uncommon for suggested changes to be made on first drafts and returned to you via the message rack or e-mail with instructions. If the instructions are not clear, you should not waste your time trying to follow them. Go see the person who wrote them and obtain clarification. The supervisors are not always right and if you disagree with someone's position don't hesitate to argue for yours.

THIS IS EXTREMELY IMPORTANT. The procedures are simple, but strict compliance is required for two reasons. 1) It insures that all documents will be included in the appropriate case files and in our back-up records system. 2) Should any of these documents ever need to be used in litigation we will have to lay a proper foundation for their admission into evidence (i.e. - Business Records Exception). If the procedures are not consistently followed it will be impossible (or at least extremely difficult) to lay the foundation for the admission of the documents. Students should not circumvent the procedures. Professors should authorize a deviation from the procedure only in exceptional circumstances.

Photocopying:

1. In general: Attach a Work Slip and submit work to be copied for approval by the supervising attorneys.

2. Documents obtained in client interviews: Because of staff limitations it may not always be possible to make immediate copies of all documents obtained from clients, when this occurs you should give your clients receipts for any documents we may need to copy, have copies made through the normal procedure, then mail the originals to the clients as

soon as possible (send short cover letters with them). Any documents received from clients or other sources concerning a case should also be scanned and linked to the appropriate Matter for inclusion in the Time Matters system. (See TM Protocols). In situations where there is a large volume of documents or where you have other questions about the appropriateness of scanning and linking documents check with your supervising attorney.

Caveat: There will be some cases in which we will need to retain originals during the course of our representation. Check with the supervising attorney. If we keep the original, send the client a copy to have until we finish with the original. Originals of clients' papers should be kept in a separate subfile.

3. Correspondence: Copies will be made of final drafts only. All correspondence will **automatically** be returned with the following: (a) final/original draft, (b) one copy for your file, ©) one copy for each carbon copy shown on letter. Blind carbon copies or other additional copies are the only copies you will need to request on the work slip.

WRITTEN WORK

Procedures for Use of Computers and Word Processing

Since most students are now using word processing software in the preparation of written work it is imperative that you comply with the following procedures for saving and storing all written work done on a client case/matter. This is necessary to ensure both accessibility of the work through Time Matters and maximum security of client information.

The clinics have a dedicated server for the storage of all client work and documents. Each clinic has a dedicated portion of this server that is accessible only by the faculty, the administrative assistant, and the students working in that clinic. Each student will have an assigned User Name and password. You must log on using this information in order to gain access to your assigned area of the server. All written work done on a computer in the clinics office should be saved to the appropriate clinic\casefile\ subpath on the clinics server. The easiest way to do this is by using the Save to TM icon on either WordPerfect or Word Toolbars on the clinics computers. These icons appear as a diskette on the Toolbars. By simply clicking on that icon when you are ready to save a document and then completing the Document Form the document will be automatically saved to the proper path and linked to the Matter file in Time Matters. No client work should be saved to any other drive, including the C: drive, on the computer, the Desktop, or to a floppy disk. All Documents saved to client Matter files can be accessed through the Documents List or the Documents Button on the Matter Form in Time Matters. When you have completed your

work on the computer be sure to log off of the system, failure to do so will allow unauthorized users access to confidential information and compromise the security of the client files.

Any written work produced on a computer outside of the clinic should be saved to a floppy disk, not the hard drive of that computer. The documents should then be transferred from the floppy to the appropriate clinic path on the clinics server. Any floppy disk used for transporting and transferring client documents or information should be maintained in the individual casefile until the case is closed. If you have any questions about how to save and store data under this procedure please ask your professor, the administrative assistant, or one of the clinics' clerks.

Format of Written Work

All written work done by you should conform to the rules set out below to give a uniform appearance to all written work produced by the clinical law office.

Letters:

A. Standard Paragraph

The Clinic has developed the following standard paragraph for use as an introductory paragraph in many of your letters.

The University of South Carolina Law School operates a clinical education program which provides free legal assistance to qualified clients. The Student Practice Rule of the South Carolina Supreme Court allows third year law students enrolled in the clinical program to provide legal services under the supervision of approved attorneys.

The object of the standard paragraph is to identify the Clinic Program and its purposes and should be used in your initial correspondence with individuals who may not be familiar with the Clinic. To include the standard paragraph in a letter, you need only note "Std. Para." in place of the first paragraph and the administrative assistant will include it in full.

B. Signature block:

Although you will sign letters you write, the name of the responsible supervisor should also appear so that anyone who calls the office after getting a letter will know who to ask for it you're not here. The appropriate signature block for letters

Sincerely,

John L. Doe
Law Student
Vance L. Cowden
Attorney at Law

C. Carbon/Photo Copies:

1. When a carbon/photo copy is desired, it should be noted at the bottom left of the letter with complete address. Example:

cc: John Doe
14 South Green Street
Cayce, South Carolina 29169

- a. It will appear on the typed original as "cc: John Doe". The full address will not be typed unless you say "type cc: address, too."

2. Blind carbons; a copy will be sent to the named individual, and it will be noted on the file copy, but it will not be noted on the original. Example:

bc: John Doe
14 South Green Street
Cayce, South Carolina 29169

- a. A blind carbon should be used only when there is some particular reason that you believe the carbon copy should not be noted on the original. You should check with the responsible attorney if you think a blind carbon is needed.

3. When and to whom

- a. As a general rule you should send copies of all correspondence to the client. This will keep the client informed of what is being done in his

case.

- b. Anytime a letter is sent to a court on a pending case, a copy should be sent to the opposing counsel.
- c. Again, there is no set rule establishing all situations in which carbon copies should be sent, and you must use your own judgment based upon considerations of professional responsibility, courtesy, and the effective representation of your client. When in doubt, consult the responsible attorney.

D. Enclosures:

- 1. If material is to be enclosed with the letter it should be noted at the bottom left of the letter by "Enc" as well as in the letter.
- 2. If photocopies must be made, the original should be attached to the rough draft of your letter when you submit it for approval.
- 3. Let the administrative assistant know if an enclosure will require a larger than standard size envelope.

Memoranda

The appropriate heading for a memo is:

TO: File, John Doe, 84-276
FROM: Vance L. Cowden
RE: Procedure for Withdrawal Due to Conflict
DATE: February 7, 1996

All file memos are to be routed through the supervising attorney. This may be done by placing a copy in his/her mail basket or sending him/her a Message in Time Matters indicating that it has been linked to the file and is available for review.

Most file memos will be composed and stored in Time Matters using the "Note Form." A hardcopy of the Note can be generated in Memo form for the casefile by clicking on the Printer icon at the top of the form and selecting "File Memo" from the Format options.

Email:

Email communication regarding client matters is subject to pre-approval by the clinic professor. All approved email should be copied to the clinic professor. All email regarding client matters should have the following footer:

YOUR NAME

Third Year Law Student, _____ Clinic

University of South Carolina School of Law

Main & Greene Streets

Columbia, SC 29208

Phone: 803/777-2278

Fax: 803/777-3401

YOUR EMAIL

Alternate Contact: Professor _____, PROFESSOR'S EMAIL

"This email is intended only for the person to whom it is addressed. Any review or other use of this information by persons or entities other than the intended recipient or any retransmission without the consent of the sender is prohibited. The views or opinions by the sender of this email are not necessarily those by the institution."

GENERAL POLICIES

Supervision:

Your place in the clinical law office is similar to that of an associate in a law firm in which the clinical teachers are the partners, and you are expected to assume full responsibility for the cases which are assigned to you. You are encouraged to exercise independent and creative thought in your position; but you will be working as a team with a clinical professor on every case, and you are required to coordinate and collaborate very closely with that person. During the first part of the semester, at least, you must obtain approval from the responsible attorney before taking any action that could affect the case of one of your clients.

Preparation:

The key to success in law practice is preparation. Any lawyer can interview clients, write briefs, conduct negotiations and try cases; but only lawyers who give proper attention to preparation prior to execution can consistently excel. This obvious point is too often neglected in the legal profession by lawyers who are either too lazy or too ignorant to prepare their cases properly. Although experience makes preparation easier, it does not make it less important.

One of the primary goals of this course is to teach good habits and methods of preparation, not just to give you an opportunity to practice some of the skills of your chosen profession. You should consider preparation as important for meetings with clinical professors, interviews with clients and letter writing, as it is for trials, negotiating sessions, and brief writing. If you give appropriate attention to preparation, you will feel more confident with all levels of work on your cases and this course (and law practice) will not only be painless, but enjoyable.

Appearance:

There is no dress code for the office, but this is a law office and everyone is expected to help it maintain an appropriate professional atmosphere.

For court appearances, conservative business attire is required. For other meetings and events, consult with your clinic professor.

Please be attentive to the appearance of the interview rooms and the workroom and be careful to avoid boisterous conduct and language while clients are present.

Books, etcetera, are not to be left in the reception area. Also, "camping out" in the reception area is discouraged. It distracts the administrative assistant and makes it more difficult for her to do her work.

Relations with clients:

It is suggested that you avoid dealing with clients on a first name basis unless you just find it too uncomfortable to do it any other way. If you become too personal, it may affect your independence of thought and the client may find it more difficult to relate to you as a lawyer. Try to be sensitive to your client as a person and be straight with your client at all times. Do not make unrealistic promises or predictions. It is better to be frank and firm rather than to let your sympathy govern your judgment.

Relations with judges:

As a general rule, only communicate with judges in open court or in legal pleadings. If a judge is written about a case, send a copy of the letter to the attorney handling the case for the other side. Never telephone or visit a judge about a case without prior approval from the responsible attorney (see Model Rules of Professional Conduct, 3.5).

Relations with others:

You will deal with many different types of people in law practice, and you each will develop your own style and approach to the situations you encounter. The cardinal rule for you to remember while in the clinical law office is to remain calm and civil no matter how much anger or frustration you experience.

Gifts:

Some clients will be quite appreciative of the work you do for them and may try to pay you or give you a gift to demonstrate their gratitude. The policy of this office is that no gifts will be accepted (the Student Practice Rule prohibits payment). If a problem arises in this regard, see the director, Professor Burke.

Seeking Advice from other Members of the Faculty or Lawyers:

It is widely accepted practice for a lawyer who doesn't know the answer to something to seek information from another member of the Bar. From time to time, you will find yourself in situations where it may be appropriate to seek information from other members of the faculty and from practicing attorneys.

However, there are some rules to be followed: **First, you should check with the supervising attorney before seeking outside advice.** There are quite a few reasons for this. The major ones are to avoid improper imposition upon the time of others, and to ensure that you have given sufficient independent thought to the question before attempting to rely on someone else.

The second rule is to be especially sensitive to the need to maintain client confidences and secrets. Only the clinical professors are considered members of our law firm. There is no attorney/client relationship existing between our clients and any other member of the bar or the law faculty. In fact, actual conflicts may exist.

Recordings of Student Performances:

From time to time, your meetings with some of the clinical faculty will be videotaped or audiotaped. It is possible that these tapes or segments of them will be shown to other law teachers or, perhaps, used in class during this or subsequent semesters. If you object to the use of any particular tape, it will not be saved or used. (This objection may be raised before, during or after the tape has been made).

INFORMATION ABOUT OFFICE

Facilities:

Our office space and equipment is limited. You are encouraged to work on cases in the workrooms (131 E & F), and rooms 131-B and 131-J are reserved for your client interviews and phone calls requiring confidentiality. Please don't occupy the interview room unless necessary since others may need to use it. Computer terminals are available in rooms 131- E & F and in room 134 for word processing, Time Matters, and access to Westlaw and Lexis for clinics cases only.

We have had a problem with thefts so be forewarned that some of us are a bit edgy and you may find yourself in an uncomfortable dilemma if you are found in any of the other offices without permission. Also, be careful about leaving your personal belongings where someone might pick them up.

The official office hours are 9:00 a.m. to 5:30 p.m. You may obtain after hours access through the following procedure on an as needed basis.

Key Policy

Because of the need for security of files and of equipment (due to the previous thefts) the following policy and procedures will apply to the handling of keys to clinical offices:

1. No key to the outside doors to the clinical offices may be given out by a faculty member to any student.
2. Since all faculty offices are keyed the same no faculty members may not give out keys to their individual offices. If a faculty member wants students or a research assistant to have access to his/her office he/she must leave the door unlocked.
3. The Administrative Assistant will be the only person who can give out

a key to the clinics office and she will maintain a log of all such transactions.

4. Students needing access to the clinics office for casework outside of normal office hours must get approval from their supervising attorney and check out a key from the Administrative Assistant.
5. No student who has obtained a key to the clinics offices may give that key to another student.

Personnel:

The faculty and their locations are:

	<u>Home #:</u>	<u>P-Mail:</u>
Lewis Burke, Director, Rm. 131-I	750-5876	Lewis@law.law.sc.edu
Vance Cowden, Rm. 131-H	254-3778	Cowden@law.law.sc.edu
Patrick Flynn, Rm. 134	788-7164	Patf@law.law.sc.edu
Kenneth Gaines, Rm. 134	699-5918	Ken@law.law.sc.edu
Roy Stuckey, Rm. 131-G	788-6177	Roy@law.law.sc.edu

The administrative assistant is Lisa Hines. Lisa@law.law.sc.edu

Coffee:

Coffee is available until 11:00 a.m. in the storage room. Please do not drain the pot without making a new pot. Coffee is available for your clients. You are welcome to store your cups in the storage room but please try to keep the area clean.

Messages, mail, etc.:

Each student will be assigned a slot in the message racks in the hallway in which your messages, mail, etc., will be placed. Emergency notices will be posted on the bulletin board outside of Room 131 and posted to your e-mail. You are expected to check each of these places at least once a day.

In addition, all students are expected to check the bulletin board in the Clinic's hallway on a daily basis.

Supplies:

You will have to provide your own pens, pencils, legal pads, etc. Should you need

them, certain special supplies may be available in some circumstances, but you will need to consult with your clinic professor regarding such circumstances.

Travel:

We cannot reimburse you for local trips. If an out of town trip is necessary and you will be using your car, reimbursement may be available on a limited basis if you obtain permission in advance to make the trip. Check with your supervisor in advance concerning the possibility of reimbursement and the necessary procedures. Usually, out of town trips will be made in a professor's car.

Business cards:

Clinical Law Office cards will be provided for you to carry and give to your clients. Do not use these cards for any purpose other than clinic business.

Telephones:

1. The central telephone number for the office is 777-2278. No other clinic office phone number should be given out. With caller id. becoming more and more common clients will have access to the numbers for other phones from which you call them. It is important you stress that they use the 777-2278 number in contacting us. This will ensure that all calls come through the main number where the Administrative Assistant can make a record of any messages and voice mail is available. **Do not give out the number of or receive calls on clinic cases at law offices where you clerk.**

2. There are telephones for student use in Rooms 131-B, J, E, F and in Room 134. You may use them for local personal calls while you are enrolled in a clinic but do not tie them up. Punch 9 to get an outside line.

3. Any long distance call must be approved in advance by a clinical faculty member.

4. Every telephone call related to a case should be recorded on a Time Matters Phone Call form and should contain a detailed summary of the conversation. A hardcopy of this record should be printed and placed in the client's file. From the Phone Call Form click on the printer icon, under Format select "Phone Record," and click the "Printer" button.