

Notre Dame Legal Aid Clinic

**MANUAL**

2008-2009 Academic Year

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## **INTRODUCTION**

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This Manual is intended to assist in the integration of new legal interns into the Notre Dame Legal Aid Clinic's active law practice. The Manual will familiarize Clinic students with important Clinic policies and procedures in order to ensure high quality client representation, adherence to ethical requirements, and the best possible educational experience.

Each of the policies and procedures discussed in the Manual has been designed for a reason. Even seemingly trivial procedures may be important to prevent violations of the Rules of Professional Responsibility or to prevent common mistakes that may harm clients. Students are expected to learn the contents of this Manual and to follow the policies and procedures it sets forth.

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## **MISSION STATEMENT**

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The Notre Dame Legal Aid Clinic's mission is to provide effective learning opportunities for law students in the basic skills of law practice through (1) client representation; (2) classroom instruction; and (3) individual mentoring. In fulfilling this mission, the Clinic will strive to serve unmet legal needs of the poor and under-represented in keeping with the Judaeo-Christian tradition of working for social justice.

In keeping with the Clinic's mission, and with the aspirations and ideals of the Notre Dame Law School, the clinical faculty will endeavor –

1. To inculcate high standards of ethical practice by reflecting with students on their legal obligations as attorneys and the moral dimensions of law practice;
2. To encourage students to become leaders in improving the administration of justice and to incorporate public service as an integral component of their legal careers; and
3. To contribute to the development of the law and the improvement of legal education through scholarly and other professional activities.

## **STUDENT INTERN RESPONSIBILITIES AND ATTORNEY SUPERVISION**

### The Student Practice Rule

The Indiana Supreme Court allows a qualifying law student with proper supervision to serve as a client's primary representative in a case.

All Clinic students who have reached at least the second semester of their second year will be certified as Legal Interns under Rule 2.1 of the Indiana Rules for Admission to the Bar and the Discipline of Attorneys. The rule is attached as Appendix A. Rule 2.1 allows students who have completed half of their law school curriculum and who have completed or are currently enrolled in two hours of ethics to "interview, advise, negotiate for, and represent parties in any judicial or administrative proceeding" in Indiana. Certified legal interns may therefore act as a client's primary attorney, including conducting hearings in open court, as long as "all activities" are supervised by a licensed attorney. Rule 2.1 also directs certified legal interns to inform their clients that they are not attorneys. Legal interns may not interview potential clients who are already represented by another attorney.

Certified Legal Interns may represent clients only in the office where they have been certified. Certification through the Legal Aid Clinic does not authorize a law student to represent clients through any other firm or entity in Indiana.

Students in the Immigrant Rights Project practice before a federal agency, the United States Citizenship and Immigration Services, rather than the state courts of Indiana. The USCIS allows student interns at the Clinic to represent clients even if they are not certified under a state student practice rule.

### Roles of Student Interns and Supervisors

The intern(s) to whom a case has been assigned is primarily responsible for accomplishing all tasks on a case. The intern is responsible for conducting all interviews and conferences with a client, as well as court or administrative proceedings, under the supervision of a clinical faculty member. While supervision is given to interns through weekly conferences and during interviews and hearings, interns may and should meet with the supervising attorney at any time that additional assistance is needed.

Even though some Clinic students may not be certified under the student practice rule, every student's conduct must comply with the Indiana Rules of Professional Conduct. Every student must become familiar with the requirements of those Rules.

The Clinic has strict rules, applicable to all student interns, to ensure proper supervision and compliance with Rule 2.1:

- **Any written communication sent out of the Clinic office in connection with a case or client MUST be reviewed and approved by a supervising attorney BEFORE it is sent. This includes pleadings, forms, correspondence, and even e-mail messages. No exceptions.** Because of this, interns should keep in mind that all documents which have filing deadlines **must be submitted to the clinical faculty at least 48 hours before the deadline** so that there is sufficient time to make revisions.
- **A supervising attorney must sign all pleadings filed in court.**
- **A supervising attorney must accompany any student appearing in court or an administrative proceeding.**

A Special Note on E-mail. E-mail is now a popular form of communication. Clients, judges and attorneys have e-mail accounts. The university does not currently have a secure server. Therefore, e-mail is not confidential. Interns should never e-mail confidential information without the expressed permission of their clients. E-mail correspondence is still correspondence. There is a tendency to be less formal with e-mail because it has the feel of conversation. However, any written correspondence relating to a case should be written in a professional manner. All correspondence-including electronic mail must be approved by a member of the clinical faculty and printed and retained in the client's file.

All case-related e-mail messages must include the following confidentiality notice at the bottom:

“CONFIDENTIALITY NOTICE: This message is from the Notre Dame Legal Aid Clinic. This message and any attachments may contain legally privileged or confidential information, and are intended only for the individual or entity identified above as the addressee. If you are not the addressee, or if this message has been addressed to you in error, you are not authorized to read, copy, or distribute this message or any attachments, and we ask that you please delete this message and attachments (including all copies) and notify the sender by return e-mail or telephone at 574-631-7795). Delivery of this message and any attachments to any person other than the intended recipient(s) is not intended in any way to waive confidentiality or a privilege.”

### The Role of Non-Clinical Faculty Members

It is appropriate and desirable for Clinic interns to bring the perspectives they gain through the Clinic into the classroom and other academic work. Interns must be careful, however, to avoid discussing specific cases with non-Clinical professors or students, either privately or in the classroom. Those faculty members and students are not

members of the Clinic “firm” for purposes of the Rules of Professional Conduct. Moreover, some faculty members are judges in courts where the Clinic practices. Therefore, an intern who discusses the facts of a particular case with a non-Clinical faculty member risks violating the duty of confidentiality or making an ex parte communication with a judge who may be involved in the case.

Faculty members may agree to serve as consultants or experts in particular Clinic cases touching on their areas of expertise. The Client Retainer Agreement expressly empowers the Clinic to consult with attorneys or experts outside the Clinic. Before consulting with a non-Clinic faculty member about a specific case, an intern **must** obtain the approval of his or her supervising attorney. The intern must then make clear to the non-Clinic faculty member that the intern is consulting him or her in a confidential capacity.

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## EXPECTATIONS OF INTERNS

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All Clinic interns are expected to conduct themselves professionally with respect to all Clinic matters. Participation in the Clinic requires that interns:

- 1) attend all classroom instruction;
- 2) prepare for and attend a weekly conference with a supervising attorney;
- 3) carry out all assignments regarding case management;
- 5) maintain regular contact with clients via telephone calls and letters;
- 6) record all contact and activity in a case in *Needles*;
- 7) calendar all hearings and meetings in *Needles*;
- 8) be prompt and prepared for all client meetings and court hearings;
- 9) check voice mail on a daily basis;
- 10) follow all Clinic procedures as outlined in this manual.

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## EVALUATION OF INTERNS

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Interns should expect regular feedback from their supervising attorneys. Interns normally meet with their supervising attorney weekly. Interns are also evaluated orally by the supervising attorney after each major activity, such as a court appearance or client interview.

Specific grading and evaluation practices have been developed for each division of the Clinic. At the beginning of the semester, the supervising attorney will inform his or her students of the practices applicable to them.

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## **POLICY REGARDING WORK IN OTHER LAW OFFICES**

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Under the Indiana Rules of Professional Responsibility, if one lawyer in a firm has a conflict of interest preventing him or her from representing a particular client, every other attorney in the firm is deemed to have the same conflict of interest. Consequently, a law student who works at the Clinic and at another local law office, either simultaneously or consecutively, could potentially transfer all of the conflicts of interest of one office to the other office or thereby limit the work that either could accept.

In order to avoid such conflicts problems, it is imperative that Clinic interns inform their supervising attorneys of any work they have done or plan to do in another local law office. Each situation will be evaluated individually. As a general matter, however, a student should not work simultaneously at the Clinic and another local law office. Moreover, a student who has worked at the Clinic may not subsequently work at another local office on the same matter or a related matter, or vice versa.

# **CASE MANAGEMENT**

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## **INTAKE**

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The Clinic accepts cases either directly or by referral from Indiana Legal Services and numerous other agencies. In most cases, the supervising attorney conducts preliminary screening to determine whether the case is appropriate for the Clinic. In such cases, the supervisor will open a case file (in hard copy and in Needles) before assigning a case to an intern.

The intern's initial responsibility is to set up a client meeting to explore the facts in depth. After that interview, the intern and the supervising attorney make a final decision whether to proceed with the case.

## THE INITIAL INTERVIEW

Interns typically call clients to set up an initial interview. Interns should always send an introductory letter to the client at the same time that they place a telephone call. The introductory letter will save time if the client proves difficult to contact by telephone. It also ensures that the client has the intern's name and phone number if the client needs to get in touch with the intern before the meeting.

The purpose of the initial interview is to explore the client's case and to formalize the attorney-client relationship, if appropriate. Before the meeting, the intern should meet with the supervising attorney to discuss what information should be gathered and how a decision will be made concerning whether to proceed with the representation. At the interview, the intern should get the facts regarding the case, copy any relevant documents, double check contact information, and check for any possible conflicts of interest.

While the initial interview is being conducted the intern should confer with the supervising attorney about whether to accept the case. If so, the intern should review with the client the Client Retainer Agreement, including the scope of services the Clinic will provide. [NOTE: All forms referred to in this Manual may be found on the Z: drive in the folder named "Clinic Manual and Forms."] The client should sign the Client Retainer Agreement, any release of information forms necessary for the Clinic's fact investigation, and any forms required by an administrative agency to appoint the Clinic as the client's representative, such as the G-28 form in immigration matters or the Social Security Administration's Appointment of Representative form.

After the initial client interview, the intern should **copy all documents** a client brings in to the initial interview and give them to Becky along with any retainer agreement. Becky will then make a complete file that includes all of those documents and place it in the active file drawers.

The intern should also write a detailed account of the meeting and post it in Needles. Often, a Needles file will have been opened before the initial interview. If not, the intern should request that Becky open a Needles file.

## MAINTAINING CLIENT FILES

### Paper Files

All open client case files are kept in the file cabinets, arranged alphabetically in the basement on the wall between the student work space and the kitchen. Each file drawer is marked clearly on the front as to its contents.

Each client has his or her own space on the “Z:” drive. All work done on a client’s case should be kept in their folder on the Z: drive.

Case files **should never be removed from the Clinic offices.** Moreover, case files should never be left out on tables or in offices unless you plan on returning shortly to continue your work. If you do leave a case file out then you should leave a note on top of it stating that you in the middle of work and when you will return to the clinic. Please note that our space is limited so this should only be done in unusual circumstances. You should also put a place holder in the cabinet stating that you have the file and where it could be found. When someone is finished working with a file for the day, the file should be returned to the filing cabinet. Clinic faculty and staff often need to find files to add documents or review case progress or to answer questions for clients. Files left around the office may be difficult to find and may be viewed by other clients or visitors who should not see them.

*Keeping Client Files Up-to-Date* — Every case file as at **least** 3 folders:

- (1) Correspondence folder – Letters or e-mails that are not part of the official court file or administrative record, such as letters to clients and correspondence with opposing counsel.
- (2) Pleadings folder — The court file. Includes all documents filed in court or with an administrative agency by any party. This includes all documents with a court caption. In an administrative proceeding, pleadings include all official records of the proceeding, including the agency’s official forms and any submissions that the Clinic may have made to the administrative law judge or agency for inclusion in the administrative record, even if those submissions are in the form of a letter.
- (3) Intra Office folder -- All forms (Intake, Case Plan, Reassignment Summary and Closing Summary) should be in reverse chronological order on the right hand side of the intra office file, along with notes, research materials, and other miscellaneous materials.

The intern may add additional folders to the client file as needed. For example, in a Social Security disability case with voluminous medical records, the intern may want to create a separate folder for medical records. Likewise, in a case involving substantial discovery, the intern may want to create a separate folder for discovery.

All documents are filed in chronological order with the latest document on top. **All documents should be two-hole punched and securely fastened in the file folders EXCEPT that documents which may be used as exhibits in an upcoming hearing should not be hole punched or written upon; keep potential exhibits loose and**

**undefiled in their own, separately marked folder or in a clear plastic sleeve that can be attached in a file.**

### Paper Pleadings

Interns must ensure that all pleadings filed in a case by any party are included in the case file. **Please make sure that the copy of the pleading you place in the file clearly reflects whether or not it was filed (either by placing a file stamped copy from the court or marking it if it was electronically filed).** That is the only way that someone looking in the file later can be sure that the pleading was filed, and that the copy in the file is identical to the version in the court's file.

### Electronically Filed Pleadings

Federal court and many Probate Court pleadings are now filed electronically. The Clinic is required to keep a signed, original hard copy of such pleadings in our files. Becky maintains a special file drawer on the first floor for such originals. Whenever a pleading is filed electronically, the signed original should be given to Becky for her file. A photocopy of the original should be placed in the case file. Because such pleadings will not have a clerk's date stamp, the intern should note in handwriting on the first page of the pleading that it was electronically filed, and on what date.

### Judgments and Orders

Interns are responsible to ensure that copies of all judgments and orders entered by a court are included in the case file. Courts (especially Small Claims) and administrative agencies (such as Social Security) may not always send copies of judgments and orders to the Clinic. Interns are responsible to follow up with courts after they have made decisions to ensure that we have copies.

### Correspondence

Any correspondence going out of our Clinic must be reviewed by a clinical faculty member and then photocopied after it is signed. The copy is then immediately filed in the client's correspondence file. **(It is not sufficient to print a second, unsigned copy of a letter off the computer.** The outlined procedure is our assurance that the document was actually sent.) Any correspondence or other information regarding a client's case should be copied and sent to the client as well.

Interns are responsible for filing all material in their clients' files. Each day, the incoming mail is sorted and any mail relating to your case will be placed in your mailbox. **This mail should be immediately placed in the client's file and not left to pile up in your box.** The file should always reflect the most current information on the case. If the case file becomes overcrowded, the intern should make additional folders and extra hanging file folders.

### Electronic Files on *Needles*

In addition to traditional paper files, the Clinic maintains an electronic file for each client in the *Needles* software. The electronic files are critical to allow the Clinic to track cases, access information more easily, conduct conflicts checks, and maintain a permanent record after the destruction of paper files.

**It is the intern's responsibility to also keep any information having to do with a client's case up-to-date in *Needles*.** Everything that takes place with respect to a case must be recorded on the Notes section of *Needles*. This includes all telephone conversations, interviews with clients or other persons involved in the case, court appearances, and any other work on the case. When it would be helpful, Notes from *Needles* may be printed and placed in the Intra Office folder of the paper file.

Interns are responsible for **ensuring that *Needles* contains the names of all parties to a case** that should be in the *Needles* database for future conflicts checks. This may include, in addition to the formal parties to a lawsuit, family members such as spouses. All such relevant persons/entities should be entered as Parties and not merely added to the notes section of *Needles*.

**Interns should always add the case name and docket number under the "Case" tab in *Needles*.** That will allow interns, staff, and faculty to call the clerk's office regarding a case without having to pull the paper file to find the case number.

### Reassignment of a Client File

At the end of the semester, if an intern is not continuing in the Clinic, the intern should meet with the supervising clinical faculty member to determine whether the case should be reassigned to a new intern for the following semester. The intern must complete a Case Transfer Memo for all cases which are to be reassigned. Case Transfer Memos are due on the last class day of the semester. Before turning a file over to another intern, **it must be neat and in order.** The intern must send each client a reassignment letter informing them that their case has been (or will be) assigned to a new intern.



### Shredding Confidential Materials

There is a paper shredder on the main floor next to the women's restroom. Documents containing client information must be shredded rather than placed in a recycling bin or garbage can.

### Closing a Client File

A client file can be closed only after approval by the supervising attorney.

Send an appropriate letter to the client notifying him or her that the Clinic's work on the case is finished. Do not close a file until all final orders have been received and sent to the client.

Prepare a Client Closing Form to be signed by the clinical faculty member supervising the case. Give the file, along with the signed Client Closing Form to Becky, who will

close the case in *Needles*. Be sure to circle the reason for closing the file on the closing form.

Add a *Needles* note explaining that the case is being closed and why. Make sure that the *Needles* notes are sufficiently explanatory that an intern or attorney re-opening the file three years later would be able to understand what happened in the case. Clean up the paper file. Make sure all papers are hole-punched and clipped in order into the appropriate file folder. Discard extraneous items such as duplicates of pleadings. Retain research and cases on a specific topic that may be useful in the future, but use your judgment and discard miscellaneous cases, basic statutory sections or other materials that will unnecessarily bulk up the stored file and will not be particularly useful to someone picking up the file in the future.

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## COMMUNICATING WITH CLIENTS

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The Clinic – and therefore each intern -- has a fundamental ethical obligation to communicate regularly with clients about their cases. Clients have a right to know about every development in their cases. They have a right to see every piece of paper sent or received on their behalf. They must be kept sufficiently informed about their cases so that they may participate intelligently in decision making. Interns must therefore comply with the following rules:

1. Check voice mail daily.
2. Return to a client's call as quickly as possible, but in any event within 24 hours. If it is not possible for you to call the client back within a reasonable amount of time, you must contact the clinic to let us know.
3. Immediately inform a client about any significant development in his or her case, including the filing of a pleading, a court decision, or the scheduling of a hearing.
4. Promptly send the client a copy of any court order or any correspondence or pleading, whether generated by the Clinic or received from an opposing party.

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## THE DOCKET CALENDAR IN NEEDLES

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*Needles* contains an electronic calendar for every intern and attorney. Any person with access to *Needles* may view any other person's calendar and make entries in that calendar. Students, for example, may enter court hearing dates or client meetings in a supervising attorney's calendar. The Clinic relies exclusively on the *Needles* calendar to track hearings, meetings and all other events. The following are some rules for using the *Needles* calendar:

- All interns are required to enter their class schedules in the computer calendar no later than Friday of the first week of classes. This helps Clinic

faculty and staff determine students' availability for meetings. It also helps in locating students when something occurs in a case that requires immediate attention.

- All students are required to enter any court dates, client meetings, and other important events, including due dates for memoranda and briefs, into the calendar system. The intern should use the "calendar for case" function to enter case-related events. Jennifer, who opens all mail, may have already recorded a hearing date in *Needles*. However, when an intern receives a hearing notice, he or she should double-check that the entry was made. The supervisor may not have any other way to find out about these events; if a student fails to calendar them, the Clinic may blow a deadline or a case.
- After entering the relevant information, print the screen and place the entry in the supervising attorney's mailbox.
- All entries should be recorded twice, once in the intern's calendar and once in the supervisor's calendar.
- Make sure you clear the date and time with your supervising attorney before scheduling anything which requires his or her presence.
- Interns should notify the supervising attorney when matters already on the docket calendar have been canceled or continued.

**An intern may fail the course if his or her failure to enter a court hearing in the calendar in *Needles* results in the Clinic missing that hearing.**

#### **EXCUSED ABSENCES FROM CLASS TO ATTEND HEARINGS**

Sometimes court hearings are scheduled at the same time as one or more of an intern's classes. This is an excused absence according to the Hoynes Code. However, the intern must fill out an Excused Absence From Class form before missing the class. A copy should be given to Jennifer and the original should be given to the Associate Dean for Academic Affairs. The Dean will send a memo to the intern's professor(s) and ask that the student be excused from class that day. **Students will not be excused from classes to do routine work on cases.** Non-emergency client meetings are considered routine case work. If a student has a compelling reason why he or she cannot miss a class to be present at a hearing, the intern must meet with the clinical faculty member prior to the hearing to be excused. Failure to appear for a hearing without prior permission will be considered an unexcused absence.

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## PREPARATION OF LEGAL DOCUMENTS

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All student interns do their own typing of legal documents and client correspondence. The Clinic's computers use Word and Word Perfect software. All documents should be saved on the client's file folder on the Z drive. Documents should never be saved on the local hard drive of one of the Clinic's computers. Work done on a client's case is confidential. Therefore, documents should also never be saved on any computer outside the Clinic.

All letters must be sent on Clinic letterhead. Any letter, document or form going out of the Clinic must first be reviewed by a clinical faculty member. **The client must receive copies of all documents and letters sent out on his or her behalf.** All letters and documents, specific to a client, are to be put on that clients' file folder on the Z: drive and placed in hard copy form in the client's file.

## OFFICE PROCEDURES

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### OFFICE SPACES AND THEIR USES

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The Clinic offices are a combination of public and private spaces used simultaneously by clients, interns, faculty, staff and volunteers. Interns should always keep in mind which are public spaces (reception area, meeting rooms, bathrooms) and which are private (file rooms, student work areas, faculty/staff offices) and use those spaces accordingly. The following guidelines were developed to help convey a sense of professionalism to clients, to ensure the protection of client confidences, and to enable many people to work in the same space harmoniously.

*The First Floor* – The Clinic's first floor is the only true public space in the building. It contains a reception area, three intake offices for small client meetings, a larger conference room, and men's and women's bathrooms. Whenever possible, client meetings should be held in one of the offices or the conference room on the first floor. If those rooms are in use, interns may meet with clients in one of the student offices on the west side of the second floor. Interns should not meet with clients in the reception area because of its lack of privacy.

The intake offices should be used primarily for meeting with clients. Therefore, they must be kept clear of clutter. Students who are working on briefs, pleadings, master exhibits and other clinic work which will require a long period of time and many files should use the basement or second-floor work areas. Case files and books are not to be left in the intake offices when they are not in use. Case files must be returned to the file cabinets and books to the bookcases when students have completed their work.

Professionalism should always be practiced in the Clinic office—especially when there are clients in the waiting area. The main area should be kept neat; it is the client's first contact with the Clinic. Clients and their cases should not be discussed in public areas.

The microwave oven and refrigerator in the first floor kitchen are available for student use. Interns are free to use this area to have lunch or dinner, provided that they clean up their dishes when they are done. This space is not to be used for client interviews.

Interns should not use Becky's desk (even after hours).

The files in the reception area are administrative files and are not for student use. There is a copy machine in the main area and three supply cabinets. If you cannot find what you want, ask Becky and she will help you with your needs.

*The Second Floor Offices* -- The supervising attorneys' offices are located on the second floor, along with a conference room.

Two additional offices for intern use are located on the second floor of the "townhouse" side of the Clinic. These offices should be used for client interviews only when there are no available offices on the first floor.

*The Basement Offices* – The basement is the primary student work area. It is also the meeting space for the Poverty Law Seminar. Because of the large number of people using this space, everyone needs to take special care to keep it as clean as possible. Files should be put away in cabinets, books should be reshelved, and loose papers should be recycled or filed.

Because of the proliferation of client files and regular conversations about cases, clients and visitors should not be invited into the basement.

Interns should feel free to make full use of the basement kitchen, provided they clean their dishes.

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## **WHEELCHAIR ACCESSIBILITY**

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Both the first floor and the basement of the Clinic are wheelchair accessible. The first floor bathrooms have been converted to make them fully accessible. The only private meeting space that is readily accessible is the first floor conference room.

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## **GENERAL OFFICE POLICIES**

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Appropriate lawyer-like decorum is important, not only because interns and attorneys need quiet in order to carry out the business of the Clinic, but also because our clients expect and are entitled to such conduct.

Interns should be conscious of the impression their dress makes on clients. Clients want to feel that they are being professionally represented. Interns meeting with clients in the office should dress accordingly. Suits should always be worn to court.

To ensure client confidentiality, clients and their cases should only be discussed between interns and faculty in the privacy of an office, not in the reception area, hallways or stairways.

The Clinic has a limited budget with which it needs to do many things; therefore, it cannot provide interns with supplies for personal use or for use in their other classes.

**The use of the telephones and the copy machines is limited strictly to Clinic work.**

Clients, visitors and faculty members expect the facility to look like a law office. All offices in the Clinic must be kept neat. Anything that is taken out, must be put away. Please make sure that all papers relating to cases are put in the files, that files are returned to their appropriate file drawers, that trash is picked up and put in the waste baskets, and, if you have used the kitchen facilities, that you wash and put away any dishes and utensils before you leave. If you need to leave files or discovery materials out for several days while preparing a master exhibit or a trial, please do so in a student area which will not be needed for client meetings, such as the basement. Leave a conspicuous note, for example "DO NOT DISTURB—TRIAL PREP," so everyone knows the material is important and should not be rearranged.

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## **BUILDING ACCESS AND SECURITY**

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The Clinic is open to the public from 9:00 a.m. to 5:00 p.m., Monday through Friday. If there is a need to be in the Clinic before or after these hours or on the weekend, interns can gain access in much the same way they enter the law school after hours. A security box is mounted on the front door of the Clinic. Students must swipe their student ID and enter their month and date of their birth. The Clinic also has a security system. The control box is next to the side door behind the Receptionist's desk. Immediately upon entering the building you must enter the 4-digit security code (usually the last 4 digits of your social security number) which will be assigned to you at the beginning of each semester.

The last person to leave the Clinic each day must set the alarm. Please be certain that you are the last person in the building before you set the alarm. If another intern is in the building, he or she will set off the motion detectors and therefore, the alarm.

If you set off the alarm by mistake, do not panic. Notre Dame Security will receive that alarm in their office and will investigate immediately. Call security at 1-5555 and explain what happened. Wait by the door for the police to arrive. Show them your student ID.

## **CLINIC FINANCES**

### Filing fees and Court Costs

Clients often will be unable to afford to pay filing fees. They will often proceed by filing an Affidavit of Poverty and seeking a fee waiver. Occasionally, in the local courts, the Clinic will advance the filing fees and allow the client to repay them over time. Any such arrangement must be approved by the supervising attorney. Payment arrangements must then be made with Jennifer, who manages the Clinic's checking accounts and other financial arrangements.

### Client Trust Account

Any client funds held by the Clinic for any period of time longer than 24 hours **must** be deposited in the Clinic's Client Trust Account. This includes cash, checks, and money orders. Any such funds must be given immediately to Jennifer so that they may be deposited the day they were received from the client. A receipt must be issued immediately to the client and a copy kept for the Clinic's records. A client's funds must be strictly accounted for and may never be mingled with the Clinic's other funds. A client's check must clear before the Clinic is allowed to write a check out of the account that is drawing on those funds.

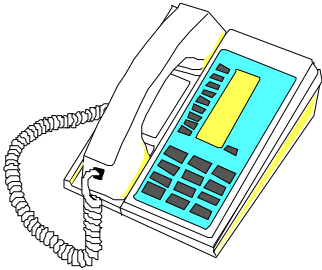
The Clinic should not hold a client's money unless there is no feasible alternative. Not only do such transactions create accounting responsibilities for the Clinic, but they may also pose disadvantages for clients. For example, if the Clinic deposits a check in the Client Trust Account, the Clinic may not write a check against those funds until the client's check has cleared. Therefore, the client's funds become unavailable for a week. Moreover, the Client Trust Account pays no interest to the client. An intern should not agree to have the Clinic hold client funds without consulting with the supervising attorney or Jennifer.

The Clinic cannot hold money orders for clients. The Clinic has no secure place to hold them. Moreover, money orders expire after a period of time. If a money order is the only vehicle by which a client can transfer funds, the client should have a money order made payable to the "Notre Dame Legal Aid Clinic" so that the Clinic can cash it and deposit it in the Client Trust Account.

### Reimbursement of Out-Of-Pocket Expenses

The Clinic reimburses incidental expenses incurred by interns only when prior approval has been given and upon presentation of a receipt. Such expenses may include transportation costs, photocopying costs or other out-of-pocket expenses related to a Clinic case. Interns requesting reimbursement must present a receipt verifying expenses. All disbursements must be approved by a supervising attorney.

## TELEPHONE AND FAX PROCEDURES



### Clinic Address and Telephone & Fax Numbers –

Notre Dame Legal Aid Clinic  
725 Howard Street  
South Bend, IN 46617  
Phone: (574) 631-7795  
FAX: (574) 631-6725

Answering Phones. Becky, a volunteer or a work study student will answer all telephone calls. Student interns need not answer the telephones unless requested to do so in extraordinary circumstances.

Phone Numbers and Procedures. A list of the Clinic telephone and intercom numbers are posted on each telephone in the Clinic. Also, posted in the intake offices are instructions on "how to intercom" and "how to transfer."

Intern Voice Mail. Each intern has a personal voice mail box at the Clinic, accessible from any telephone. All telephone calls from clients, opposing attorneys or others involved in an intern's case will be put into the intern's voice mail. **Interns should check their voice mail at least daily.** All calls from clients should be returned within 24 hours. If for some reason an intern is unable to return the call, it is necessary to inform the supervising attorney. All attempts to reach a client by telephone (even unsuccessful attempts) should be noted in the Notes section in *Needles*. If you have made several attempts to reach a client by phone and have been unsuccessful, make sure you follow up with a letter.

Telephone Contact with Clients. Interns should not provide home telephone numbers or cell phone numbers to clients. Because many clients have caller ID, interns should call clients only from telephones at the Clinic.

Long Distance Calls. The Clinic has a limited budget for long distance calls and, therefore, a supervising attorney or Jennifer must approve all such calls. Students should not use Clinic phones for personal long distance calls.

Sending a FAX. When it is necessary to send a FAX for a client, make out a FAX cover sheet and follow the instructions posted on the wall in the room where the FAX machine is located. If you need assistance, please see the Receptionist. Remember that you must dial 8 before the outside telephone number.

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## PHOTOCOPYING

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Copy machines are located on the main floor of the Clinic office, in the student area, and on the second floor near the attorney offices. The Clinic bears the cost of copying for the client; therefore, copying should be done judiciously.

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## CLINIC MAIL

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Incoming mail. Jennifer sorts all incoming mail. Mail relating to cases will be put into the appropriate intern's mailbox. **Mail should be immediately filed in client files and not remain in the intern's mailbox.**



Outgoing mail. All outgoing mail must first be approved by a supervising attorney. The "outgoing mail" box is located on top of the administrative file cabinet to the right of the first floor copy machine. Becky meters the mail and takes it to the post office at 4:00 p.m. daily. Make sure your mail is ready to go at that time. If you have mail which must go out, but is not ready at 4:00, you are responsible for getting it to the post office. **DO NOT** ask Becky to wait for your mail.

All Applications to the USCIS must be sent out by **certified mail, return receipt requested**. On the green postcard note the name of the client, so that the card, when it is returned, is filed in the client's file. DHL or any other extraordinary means of delivery must first be approved by a supervising attorney.

Outgoing campus mail should be placed in the box marked for that purpose on the desk closest to the front door.

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## BUSINESS CARDS

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The Clinic has generic business cards with a space where an intern can write his or her name. There is normally a supply of cards on one of the desks in the reception area. Students should feel free to use the cards and write their own name on them.

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## TRANSPORTATION

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The South Bend TRANSPRO bus #7 now runs between the Library

Circle in front of the law school and the Clinic twice an hour. The bus is free to anyone showing a Notre Dame ID. This is a quick and cost-free way to get back and forth from the Clinic.

## **APPENDICES**

Appendix A	Rule 2.1 of the Indiana Rules For Admission To The Bar And The Discipline Of Attorneys
Appendix B	Indiana Court System
Appendix C	Ten Commandments for Legal Aid Clinic Interns

# Indiana Rules of Court

## Rules for Admission to the Bar and the Discipline of Attorneys

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### **Rule 2.1 Legal Interns**

#### ***Section 1.*** Requirements.

- (a) A law student may serve as a legal intern when the following requirements are met:
1. The law student is enrolled in a school accredited pursuant to Admission and Discipline Rule 13V(A);
  2. The law student has satisfactorily completed one-half of the academic requisite for a first professional degree in law;
  3. The law student has received permission of the Dean of the law school to participate in a legal intern program determined to be beneficial to the law student's training pursuant to the guidelines jointly developed by the law schools of this State; and
  4. The law student has completed or is enrolled in a legal ethics or professional responsibility course as set forth in Ind.Admission and Discipline Rule 13(V)(C).
- (b) A law school graduate may serve as a legal intern when the following requirements are met:
1. The law graduate has received a first professional degree in law from a school accredited pursuant to Admission and Discipline Rule 13(V)(A);
  2. The law graduate is eligible to take the Bar examination under Admission and Discipline Rule 13V; and
  3. The law graduate has received permission from an attorney who is a member of the Bar of this State to serve as a legal intern under that attorney's direct supervision.

#### ***Section 2.*** Length of Intern Status.

- (a) A law student may serve as a legal intern until graduation from law school or for a lesser period if so designated by the Dean of the law school.
- (b) A law school graduate may serve as a legal intern from the date of graduation until the graduate has taken and has been notified of the results of the first examination for which the graduate is eligible under Admission and Discipline Rule 13V, or if successful on that examination, until the first opportunity thereafter for formal admission to the Bar of Indiana.

#### ***Section 3.*** Certification.

- (a) The Dean of a law school sponsoring a legal intern program shall advise the Indiana Supreme Court Board of Law Examiners of those students who qualify to be legal interns and the length of that internship.
- (b) An Attorney, who is a member of the Bar of this State and who wishes to sponsor and supervise a graduate as a legal intern, shall so advise the Indiana Supreme Court Board of Law Examiners; and also, the Dean of the law school from which the graduate received the first professional degree in law shall advise the Indiana Supreme Court Board of Law Examiners of the date of graduation and the

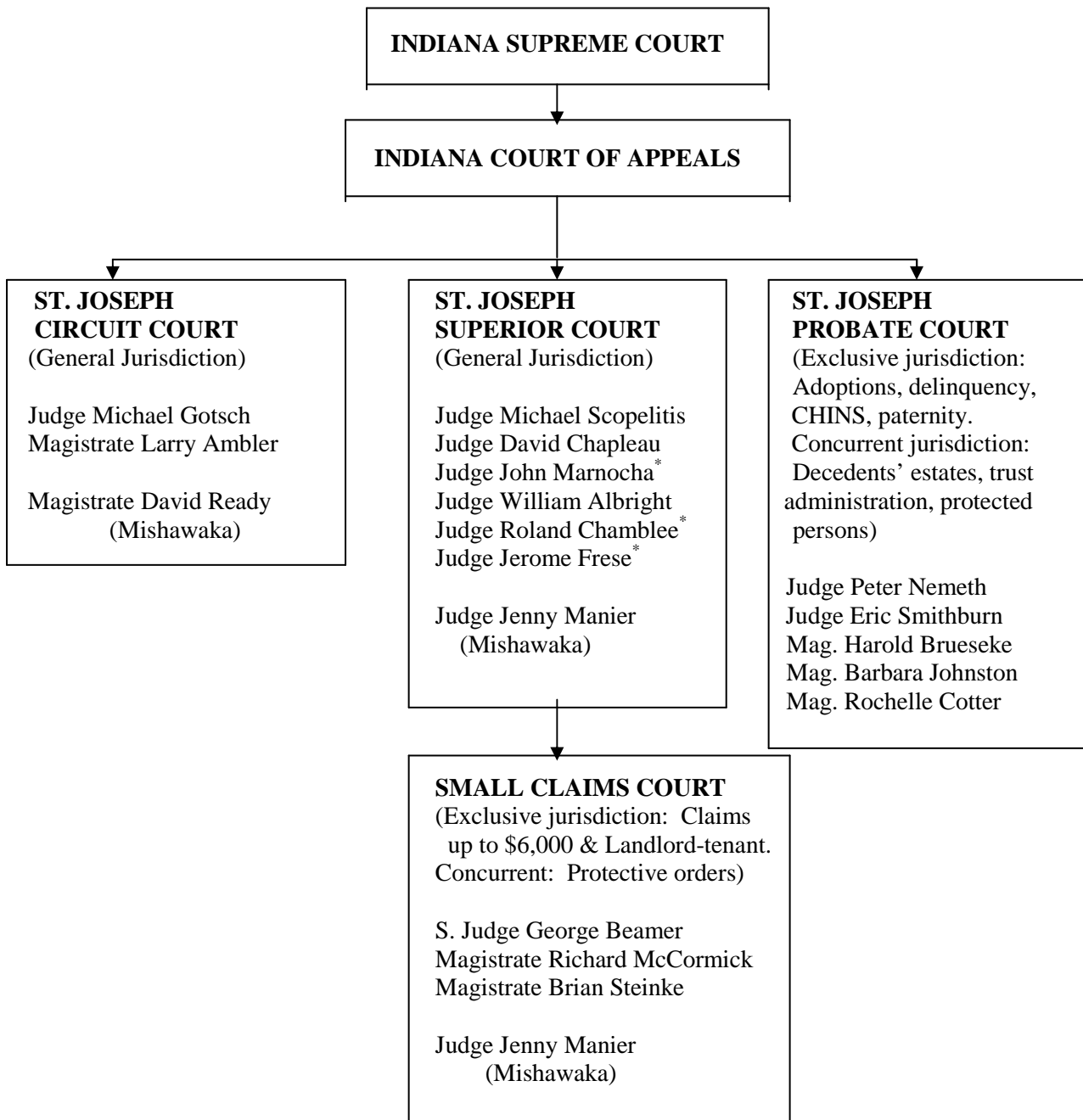
date at which such graduate will be first eligible for examination under Admission and Discipline Rule 13V.

**Section 4.** Scope of Conduct.

A legal intern may interview, advise, negotiate for, and represent parties in any judicial or administrative proceeding in this State, provided all activities undertaken are supervised and approved by an attorney who is a member of the Bar of this State. A legal intern shall inform each client of his or her intern status, and that the intern is not a licensed attorney. A legal intern shall not interview any person represented by an attorney without the express permission of such attorney. In no event may a person (including private corporations) be charged for the services of a legal intern acting in a representative capacity. The personal presence of a supervising attorney is required in any proceeding in open court.

*Amended effective Feb. 16, 1972; amended Nov. 24, 1975, effective Jan. 31, 1976; amended Dec. 23, 1976, effective Jan. 1, 1977; amended Nov. 1, 1982, effective Jan. 1, 1983; amended Nov. 16, 1984, effective Jan. 1, 1985; amended Oct. 30, 1992, effective Jan. 1, 1993; amended Dec. 18, 1995, effective Feb. 1, 1996.*

## INDIANA COURT SYSTEM



### Small Claims Schedule:

Mishawaka: All small claims heard Monday

South Bend: Evictions – Monday and Thursday A.M.

Damages – Friday P.M.

## TEN COMMANDMENTS FOR LEGAL AID CLINIC INTERNS



(Violation is a Mortal Sin)

1. Check voice mail daily for messages from clients.
2. Return client calls within 24 hours.
3. Copy your client on all communications and pleadings sent on your client's behalf or received from a tribunal or opposing attorney.
4. Place copies of all pleadings, correspondence, and remotely relevant documents in the client's file immediately – hole punched, in reverse chronological order, and in the proper folder.
5. Make a note in Needles whenever anything happens in your case (phone call, meeting, court or agency appearance, etc.)
6. Put all important dates (including meetings and hearings) in the Needles calendar for both you and your supervising attorney.
7. Never remove a file from the Clinic. Return all files to the active file drawers when you are finished.
8. Never leave pleadings, correspondence or other case documents in your mailbox.
9. Protect confidential client information.
10. Keep all client documents on the Z:drive – never on a PC.