

NOTRE DAME LEGAL AID CLINIC

FALL 2008 REGISTRATION INFORMATION

Dear Students,

This memorandum sets out the Fall 2008 course offerings and registration procedures for the Notre Dame Legal Aid Clinic. The Clinic course combines classroom training with the representation of real clients. In our law office, located a few blocks south of campus at 725 Howard Street, students take primary responsibility for representing clients under the close supervision of faculty members. In the simultaneous classroom component, students receive training in the practical and ethical dimensions of client representation. We hope you will consider enhancing your legal education with one of these enriching clinical offerings.

Please read these materials carefully. Clinical course offerings vary from semester to semester. Moreover, eligibility and registration details vary among the courses. I strongly urge you to read the information for prospective Clinic students on the Clinic's web page at <http://law.nd.edu/legal-aid-clinic/for-prospective-interns>

There will be a **general informational meeting** on Fall 2008 clinical offerings on **Friday, April 4th in Room 101 at 12:15**. Pizza will be served.

Feel free to contact me for further information.

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Course Offerings

Students in the Legal Aid Clinic represent clients in state and federal courts and administrative agencies in a variety of poverty law-related matters, including landlord-tenant, immigration/asylum, mortgage fraud and foreclosures, mental health and disability, consumer protection, and certain public benefits. Students may also represent clients in a non-litigation context by preparing wills and other end-of-life planning documents.

Students who have not previously participated in a Clinic course must enroll in either Legal Aid I & Ethics or Poverty Law Topics. Legal Aid II is offered to students who have already completed at least one semester in the Clinic.

Please note that Legal Aid I and Ethics satisfies the Law School's upper level ethics requirement. There are three sections of Legal Aid I and Ethics, each with its own distinct mix of cases. Please read the course descriptions carefully and be sure to choose the appropriate section.

A complete listing and description of clinical courses is set forth below.

Eligibility

All second and third year students are eligible for clinical courses. Students in the first semester of their second year will not be able to obtain a student practice certification allowing them to speak in Indiana state courts, but they can perform all other duties of clinic interns including working with clients, drafting pleadings, conducting discovery, preparing for hearings and attending hearings. First semester 2Ls can also conduct administrative hearings such as Social Security disability hearings.

Working in Other Law Offices/Public Defender Externship

Due to potential conflicts of interest that may be difficult to identify in a timely manner and that may significantly inhibit the Legal Aid Clinic's work, students may not work in another law office or participate in the Public Defender Externship program at the same time they are enrolled in the Legal Aid Clinic. In addition, before beginning their work in the Legal Aid Clinic, students are required to disclose the names of law offices where they have worked in the past or have offers to work in the future. Although conflicts of interest based on past or future work are not common, there have been instances in which they have prevented students from participating in the Legal Aid Clinic. Any prospective student who is concerned about such a potential conflict should feel free to discuss the matter in advance with the Legal Aid Clinic faculty.

Time Demands

Each week, student interns are expected to attend class meetings, attend a regular one-on-one supervision meeting with a faculty member, and devote approximately 6-10 hours to their cases outside of class time. Demands may vary from week to week as the intensity of particular cases ebbs and flows. Students are expected to be flexible and ready to meet the needs of their clients. For example, students may have to put in extra time during final preparation for a hearing or while finalizing a brief.

Pre-Requisites and Recommended Courses

There are NO course pre-requisites for Legal Aid I & Ethics or Poverty Law Topics.

Although the following courses are NOT required, they provide useful training and background for Clinic students:

Trial Advocacy (We particularly recommend Intensive Trial Advocacy)
Evidence
Administrative Law
Dispute Resolution

Registration Procedure

Registration for Legal Aid I & Ethics and Poverty Law Topics will be conducted through the normal InsideND process. Registration for Legal Aid II is through instructor permission.

LEGAL AID CLINIC COURSE DESCRIPTIONS – FALL 2008

LEGAL AID I AND ETHICS (Law 75721): Legal Aid I and Ethics is a 5-credit, graded course providing training in basic lawyering skills, including interviewing and counseling, as well as ethics, substantive law and procedural law relevant to the representation of low income clients in the courts and administrative agencies. Students represent clients under the close supervision of a clinical faculty member. Students typically represent 2-5 clients during the course of a semester. The case types vary somewhat among the sections, as described below. The classroom component of the course uses a combined lecture and mock exercise format. Students are typically required to participate in at least one community education presentation. This course satisfies the upper level ethics requirement. Students register for Legal Aid I & Ethics by section, as described below. (M, W 3:00-5:00)

LEGAL AID I AND ETHICS: LANDLORD-TENANT/SOCIAL SECURITY DISABILITY (Law 75721, Sec. 01, JONES). Students in this section may handle landlord-tenant cases, Social Security disability cases, or other poverty law matters. Many cases handled in this section can be completed in the course of a semester, allowing students an opportunity to see a matter through from beginning to end.

LEGAL AID I AND ETHICS: CONSUMER LAW (75721, Sec. 02, FOX): This section focuses on consumer protection issues. The particular substantive law issues vary by semester, depending on client needs. Cases involve the Fair Debt Collection Practices Act, common law fraud, and Indiana's small loan statute, among other issues. Students often engage in discovery activities and can expect to draft and answer interrogatories, conduct and defend depositions, and participate in settlement efforts. Court appearances tend to be motion hearings, with an occasional trial.

LEGAL AID I AND ETHICS: MENTAL HEALTH LAW (Law 75721, Sec. 03, JENUWINE): This section trains students to advocate on behalf of individuals with mental illnesses and disabilities. Students will participate in cases involving clients who are mental health consumers and clients with disabilities. Case types may include civil court proceedings such as guardianships, criminal hearings involving mentally ill or mentally retarded defendants, and administrative proceedings involving denial of benefits such as Social Security disability, Medicaid, or Vocational Rehabilitation.

LEGAL AID II (Law 75723, JONES, FOX, JENUWINE, CARR): Legal Aid II is a 3-credit, graded course open to students who have satisfactorily completed Legal Aid I and Ethics. Legal Aid II allows students to progress to more advanced lawyering skills. Enrollment is by permission of the instructor. (F 11:00-12:00).

POVERTY LAW TOPICS: PLANNING FOR THE CARE OF DEPENDENTS (LAW 73727, SHAFFER) is a two credit clinical seminar in which students will represent clients who need help with estate planning, health care powers and other arrangements for themselves and their families. This seminar will not involve litigation. Students will engage in client interviewing and counseling and will draft and execute appropriate planning documents. Each student will be expected to represent at least two clients in such estate planning matters. The seminar will meet weekly in the Legal Aid Clinic at a mutually-agreed-upon time. Students with questions about the seminar may contact Professor Shaffer by e-mail (tshaffer0404@aol.com) or by telephone (1-7250 or 269-683-5040).