

SUFFOLK UNIVERSITY LAW SCHOOL JUVENILE DEFENDER CLINIC

GENERAL CLINIC INFORMATION, POLICIES, AND PROCEDURES 2018-2019

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Introduction

Welcome to the Juvenile Defender Clinic! In this clinic, you will serve a very needy population while learning the necessary skills to effectively practice law in any setting. In just a few short weeks, you will be appearing in court on behalf of clients, arguing for their very liberty.

Our goals for the Clinic are for you, by representing young people, to:

- Develop a sense of professionalism as a lawyer, which is to say, to learn the values of the profession and your own identity as a member of this profession;
- Gain the confidence and ability to exercise professional judgment on behalf of clients, i.e., learn to make good decisions and give good advice;
- Learn critical lawyering skills, including self-knowledge about your own learning style; and
- Learn something about the juvenile justice system and the particular struggles of young people who are involved in the juvenile justice system.

One of the primary pedagogical devices that we will use to achieve these goals is called *critical reflection*. In critical reflection, we will ask you to look back on a decision you made or action you took and to “unpack it” from a variety of different angles. (We do

not use critical in the sense of finding fault but rather in the sense of being analytical.) The purpose of this questioning is to help you consider alternatives that perhaps you had not seen before and to constantly find new and better ways of practicing law, both in the particular case at hand and generalized more broadly. We hope to inculcate in you a habit of *self-reflection* so that, in time, you will be able to practice critical reflection on your own, whether it is in an internship or a job in the future.

The cases you will work on are critical and very important. As we will discuss often in class and in private conversations, your young clients and their families may not always engage as if “your case” is the single most important thing happening in their lives. Indeed, while all JDC cases are serious, “yours” may not be the most important event occurring in the lives of your clients and their families. Nevertheless, it is vital that you place clinic work in an appropriately important role in your life, too. In terms of your academic work and extracurricular activities at the law school this year, your clinic cases must be your top priority.

Following the policies and procedures that we outline in this memo and in other documents you will be provided are absolute requirements of the clinic. We have designed these policies and procedures to ensure that you provide the best level of representation possible to your clients and to ensure that we are able to effectively supervise you and your classmates.

General Clinic Orientation

Office Space: The Juvenile Defender Clinic is part of the law school’s Clinical Programs. (You may also hear reference to the “Juvenile Justice Center” or the “JJC.” The clinics that serve child clients have historically been referred to collectively as the JJC.) The clinic offices are located in Suites 150 and 160 on the first floor of Sargent Hall. The JDC and the Suffolk Defenders Clinic are located in Suite 160 in Sargent Hall. You may work in either of these spaces. In Sargent Hall there is a Clinical Library on the first floor. Additional desks, computers, and PC portals are available for your use in that space. All of these spaces have individual rooms available for client interviewing. You may sign up for those spaces by using the calendar located outside each room. Also in Suite 160 you will find your professors’ offices; the student work area; and office supplies, copy machine, fax machine, etc.

Geraldin Batista is the administrative assistant for Suite 160. She will be very helpful to you all year. Treat her with the professionalism she deserves and she will return the favor! As you enter Suite 160, you will notice a large board with the names of all clinical students. As you build up a case load, your clients and collateral sources will call you often. So that Geraldin may easily find you, it is imperative that you indicate on this board your work location. Geraldin cannot cover three locations where up to 90 clinical students may be working, so you **must** keep her informed about where you are.

Client Visits: As you know, in the main entranceway of the law school, there is a large sign indicating that only people with Suffolk ID's may enter, and guests are directed to check in at the security window. In our clients' experience, if they seek to enter the building without stopping at the security desk, the security officers typically stop them and ask them their identity and business. Thus, it is good practice to tell clients that when they come for their appointment, they should stop at security so as to avoid any problems. Additionally, you should write a memo for the security desk the day before any client meeting, explaining that you are expecting Mr. So-and-So at Such-and-Such Time on Such-and-Such Day for an appointment. This will ease their entry.

The front desks in Suites 150 and 160 are generally staffed from 9:00 to 4:30, during which time the doors are unlocked. When the front desks are unstaffed, the door is locked. You will be provided a code to unlock this door. There is a sign on the doors directing visitors to ring the doorbell when it is locked, so if you are expecting a client after hours, please keep an ear out for the doorbell. Sometimes people don't notice the sign, and they either knock or they stand there and wait for someone to come by. If your client is late, you might want to come out front and check if they are there but locked out.

If you are in the clinic past the time the front door is locked and you see someone waiting, please ask them if you can be of assistance. They may have an appointment, or they may be walk-ins looking for legal help. If they have an appointment, please take a moment to find the person that the client is there to see. If they do not have an appointment, please take down their information and be sure to pass it on to an appropriate person ASAP. **Please do not let people who do not have current clinic business into the clinic after hours.**

Other Visitors: The Clinical Programs are, together, one large law firm. The JDC is one department within the firm. In Suites 150 and 160, and the Clinical Library, the file cabinets are unlocked, clients come through, discussions about client matters are freely had, and other clinical students are working on laptops and PCs. Thus, these are confidential areas and must be kept secure. **Do not allow non-clinic friends to come into these areas to hang out.** Joan will provide you a code for entry to the Suites during off hours. This code also works to open the clinic library. Needless to say, you should not give this code to non-clinic students.

Clinic Staff: The Clinical Programs are managed by Joan Luke, whose office is in Suite 150 (in the entrance area). Questions about the clinic offices, including any financial issues, requests for interpreters or transcripts, problems with the computers or Clio functionality, or unusual requests should be directed to Joan. Please be mindful that there are over 100 students and faculty involved in the clinics and Joan is responsible for everything related to the program's administration—please give her the patience and consideration that her position deserves.

Questions about Suite 160 – including routine matters concerning office supplies, the copy and fax machines, and the like – should be directed to Geraldine. Geraldine will

also be responsible for uploading your case information into Clio. You will be working very closely with Geraldin this year!

In addition to Prof. McLaurin, the JDC includes Attorneys Josh Reuling (Fall Semester) and Vanessa F. Hernandez (Spring Semester), who will be your in-court supervisor throughout the year. You will meet weekly with Attorney Reuling in the Fall Semester and Attorney Hernandez in the Spring Semester and will keep them apprised of all case developments.

Voicemail and Mail: All students will be provided a mailbox (in Suite 160) and a voicemail box. Please set up your voicemail box immediately. **You must check your mail and voicemail on a daily basis** in order to keep on top of your cases and respond to urgent matters with your clients and the courts.

The main number for the JDC is 617-305-3200. When people call in for you, Geraldin will determine if you are in the clinic at that moment (via checking the board in front), and if so, he will transfer the call to the phone nearest where you are working. If you are not in, he will transfer the call to your voicemail box. When calls come in after business hours, callers are only able to leave a message in the general clinic box. Geraldin will forward these messages to the appropriate voicemail box the next business morning.

During school breaks, Joan and/or Geraldin check the general clinic voicemail box daily, forwarding messages onto the appropriate voicemail box. You must check your voicemail daily even during school breaks. (I will discuss vacation issues in more depth later in the semester.)

E-mail and Cell Phones: **ALL CLINIC BUSINESS MUST BE CONDUCTED WITH YOUR CLINICAL PROGRAMS E-MAIL ACCOUNT.** This is the same as your existing Suffolk University e-mail address, except the alias will begin with “cl.” Simply add “cl.” Before your existing email address. Under no circumstances may you communicate about clinic cases with a non-Clinical Programs e-mail account. You will conduct **ALL of your Clinical work** through this new email account - and it will be linked to our case management system (Clio), our virtual desktop system that you will use for your clinical work (VMware Horizon), the clinical printers, etc. **Clinical Programs, including your Clinical Professors, will communicate with you exclusively through your Clinical email address – we will not send emails to or respond to emails from your regular University email address.** You must check your Clinical Programs e-mail account on a daily basis.

Correspondence: All correspondence you send to clients, attorneys, or other people involved in your cases must include a signature line indicating that you are a **student attorney**, whether it is an e-mail or a regular letter. Regular letters should be sent using Juvenile Defender Clinic letterhead, available in the student work area.

Your supervising professor must review **all** outgoing correspondence before you send it. This goes for e-mail, faxes, or letters. The only exception is if you are sending a short e-mail confirming something, such as an e-mail to a DYS social worker stating, “Dear Maria, I am writing to confirm the treatment planning meeting tomorrow at 10 at the Park Street area office. See you then.” Or: “This is to let you know that we received the case records you sent.” Do not leave correspondence to the last minute. In general, your supervisor will need a minimum of **24 hours** to review outgoing correspondence, so plan accordingly.

A copy of all outgoing correspondence must be kept in the hard file and scanned into Clio. That means a copy of the actual letter or fax that you sent – on letterhead, with your signature. An unsigned copy on plain paper does not suffice. Emails should be printed out (including any attachments) and placed into the hard copy file and Clio.

Everyone has had an experience with e-mail in which we inadvertently sent an item to the wrong person, or we hit “send” too soon. If you are going to correspond on cases by e-mail, we strongly suggest that you draft whatever it is you are writing in Word format first. Once you are satisfied that you have the final version (and it has been approved by your professor), cut and paste it into a blank e-mail. Then fill out the “To” field and double check that it is the right person/address. Blind copy yourself on all outgoing e-mails so that you can quickly print a hard copy for the client’s yellow Correspondence File. Don’t forget to create a Note in Clio indicating that you sent the correspondence and to put copies in the paper and electronic files.

Communicating With Your Professors: If we need you to respond to something related to a case or the Clinic within a day, we will send you an e-mail or a text to your cell phone. If we need to reach you urgently, we will call your cell phone. You should reply promptly to all communications. If you change your cell number during the year, notify us right away.

More details about our work together is below in the section on Your Professors Availability, but for now just note that if you want to get in touch with us, the same principles apply: for a response within a day, send an e-mail; for an immediate need, call or text the cell. We do not do Gchat or Instant Messenger (in fact, Prof. McLaurin is not even sure what Gchat is...).

Communicating With Fellow Students: During the first week or two of classes, we will distribute a list of everyone’s e-mail and cell phone numbers. Please save this information in your e-mail address book and your cell phone so that if you ever need to contact a classmate, you can do so easily.

Business Cards: Student attorney business cards will be available in the student work area. These cards list the clinic and our contact information and have a blank line for you to fill out with your name. You should place several of these cards in your wallet, briefcase, or other thing that you know you will bring with you to any Clinic-related meeting or appointment.

Hours Expectation: Students are expected to work approximately **13 hours per week** on clinic-related work outside of the seminar. This typically does not include completing the readings and preparation for the seminar. Some weeks you will find that you may work far more than 13 hours—if your cases demand it, you have to put the time in. Other weeks, especially early in the semester, you will probably put in fewer than 13 hours.

You must document all of your time spent on cases in Clio. More details on how this works are below.

Acknowledgement of Student Responsibilities

All clinic students are certified by the Supreme Judicial Court as student attorneys under Rule 3:03. Massachusetts has a very liberal rule regarding the practice of law by students, and we are fortunate to be able to take advantage of this opportunity.

All students are closely supervised by clinical faculty. We have an obligation to the SJC to make sure that we know what you are doing and that you are practicing in accordance with the Rules of Professional Conduct of this state.

You are required to read and sign the Acknowledgement of Student Responsibilities form. You will see that the form includes a representation by you that you have read and are familiar with the Massachusetts Rules of Professional Conduct. Thus, if you have not read the Rules, or if it's been a while and you are not currently familiar with them, you should set aside the time to get up to speed so that you can sign the form by the deadline.

Supervision

All students are required to meet with Attorneys Reuling or Hernandez for an hour once a week to discuss your cases. Attorneys Reuling and Hernandez will work with you to assemble a schedule for these weekly meetings.

By 5 p.m. the day ***before*** your regularly scheduled supervision meeting, you should provide Attorney Reuling or Hernandez with a short e-mail. The e-mail should summarize briefly the work that you did on your cases in the past week; highlight the issues that you believe are priorities in the cases currently; and identify the particular question(s) you have on the cases that you wish to discuss during supervision. Keep in mind that we will have access to Clio, including your Case Notes, so that we can get the very detailed information about your work there. The point of the e-mail is for you to be

able to focus your supervisors' attention on those things that you believe to be most important.

At supervision, you should bring your case files so that you can take full advantage of the information you have created and documented.

By 5 p.m. the day *after* your supervision meeting, you should enter a Note on Clio labeled "Supervision" for each of your cases, summarizing your supervision meeting and including a To-Do List with the major tasks that you will do in the coming week, based on what was discussed at the meeting. You should flag those items that you think are particularly challenging or that you anticipate being difficult. For these items, you should jot down the strategies you plan to employ to overcome the challenge.

In addition to your regularly scheduled hour each week, we are available to provide you additional supervision and guidance at other times. (See below, "Your Professors Availability.")

Seminar

The seminar portion of the clinic meets on Wednesdays from 10:00-11:50AM. A syllabus with the course materials and schedule of readings will be provided separately. We will give you a separate syllabus for the spring semester when we come back to school in January.

The seminar is designed to do a number of different things: to provide an academic setting in which to study the substantive legal and policy issues that you will confront in your cases; to study and consider the ethical issues attendant to the practice of law; to allow for you to learn from your classmates, as you discuss your cases and the challenges they present; to practice new lawyering skills; and to meet experts in the field who will visit the class to share their perspectives on the issues relevant to your cases. Because the goals are many and the cases you will handle are so varied, it is likely that we will make some changes to the syllabus as the semester unfolds.

Preparation for seminar is essential, and attendance is mandatory. If you have an emergency that prevents you from attending a class session, please let me know as soon as you know.

Journals

From time to time, we may ask you to complete short "journal" assignments on particular topics that have arisen in the seminar or in court. Journal assignments are meant to be your reflections on, and observations about your work. Journal assignments are not graded per se, but good journals tend to demonstrate several of the qualities that are relevant to the grading of the course. (See the separate memo on the grading policy.)

Journal assignments are confidential. We will not share your journals with anyone else without your explicit permission, though we may share common topics of interest with the whole class. We will not make specific reference to any particular student's work.

Grading

The clinic is offered for a grade. There is no curve. For more information about the grading policy for the clinic, see the separate memo.

Your Professors Availability

While you are the lead person on your cases (or, in some cases, your partner is the lead and you are the backup), you are not alone, and as your professors it is our obligation and professional responsibility to supervise you as closely as required in any given case. When you need help, we will be here. In addition to scheduled class or supervision times, you should feel free to drop by and/or send an e-mail to set up a specific appointment with either of us.

That said, in this day and age, it is easy to make oneself available 24/7 and therefore tempting to do so. That is a temptation we urge you to resist. What we mean by that is: you should not expect us to read e-mails in the evenings or on weekends with any particular urgency. Some weekends we might be in the office or checking e-mail from home; others, we might not. Do not assume that because we responded to an e-mail one Saturday that we will *always* respond to e-mails on Saturdays. In cases requiring an urgent response, call your supervisor's cell phone.

Of course, the cases that we are working on involve clients who are dealing with trauma and with crisis. It is reasonable to expect that at certain points during the year, one or more of your cases will "blow up," as we say. When this happens, if you need us, you should feel comfortable calling either of our cell phones. If your case demands immediate action and attention, that is what you must give it, and we will be there to help you. Making discernments about what requires immediate action and what does not is something that comes with experience. Do not feel badly about erring on the side of caution and reaching out for help if you are not sure about what to do, or whether to do anything at all, during nights or weekends.

However, there is a very big difference between externally created emergencies and self-caused agitation. If you suddenly remember that you have a memo due in two days, when you got the project a month ago, that is not an externally created emergency—that is self-caused agitation. Advanced planning is a hallmark of professionalism and effective advocacy—not to mention a positive experience with your supervisor. So: if you have a deadline for written work, you should speak with us in advance to work out a schedule for us to go back and forth on your drafts and for us to

otherwise be available for supervision. We can make arrangements to be available at all kinds of odd times and places—but will only do this (a) for genuine emergencies or (b) when we together discuss the need for it, well in advance.

Things You Must Do in Every Case

One of the things you will discover early in the semester is that there will be very few times where we will tell you exactly what to do on your cases. This is because under our practice model, you are the primary (student) attorney on your case, and the decisions are for you to make, after consideration, planning, and discussion with your professors.

However, there are some things that are ministerial in nature (though quite important) that simply have to be done on every case. For efficiency, we note them here. (Details on Clio and Files can be found later in this document.)

1. Conduct an initial client interview, during which you must:
 - a. Have the client sign these forms:
 - i. 3:03 Disclosure/Notice of Appearance (NAC)- Must be FILED
 - ii. Authorization for Representation
 - iii. Authorization to Disclose Protected Health and Other Information (HIPAA)
 - b. Collect the basic demographic information necessary to complete the Case Opening Form [it is advised that you *not* work with the form in front of the client]
 - c. Give your client your business card.
2. File the NAC form and your 3:03 Disclosure/Notice of Appearance form.
3. RUN A CONFLICT CHECK pursuant to the Clinic Policy to be sure there are no conflicts with your representation of this juvenile in this matter.
4. Complete the Case Opening Form by Thursday at 4 p.m. after you have picked up a new case; provide a copy to your professor, a copy to Geraldine, and place a copy in the paper and electronic files.
5. Provide copies for your client of all forms that s/he has signed.
6. Create the hard file and insert the documents you have from the initial court appearance.
7. Once Geraldine has opened the case in Clio:
 - a. Print out the Notes and Contacts from Clio and place them in the hard file; and;

- b. Input your Notes and upload any Documents into Clio and place copies in the hard file.
8. Create an Initial Case Assessment Memo and provide it to your supervisor between the first appearance and your next supervision meeting. This memo should address the basic legal issues in the case and contain your investigation/discovery plan and your preliminary case strategy.
9. Enter Notes and Documents on Clio into the system on a contemporaneous or, at worst, daily basis.
10. Update Clio with all contact information for new people involved in your case as they come up.
11. Place hard copies of memos, correspondence, and discovery in the hard file on a contemporaneous or, at worst, daily basis.

Print out Notes from Clio on a weekly basis and place in the hard file. This will allow you, your professors, or anyone else in the clinic to immediately see what has been going on in the case. We recommend that you do this before your weekly supervision meetings. In any week in which you have updated the Notes, print out a new Note Report and place in the hard file. In any week in which you have updated names/contact information for Contacts, you should print out a new Contacts Report and place in the hard file.

12. Clean up/organize the hard file on a weekly basis.
13. Write a pre-supervision memo to your professor **by 5pm** the day before your weekly supervision meeting, explaining what you want to discuss in the case. A short e-mail will suffice, and no record needs to be made in the file or Clio.
14. Write a post-supervision memo/to do list **by 5pm** the day after your weekly supervision meeting. This should be in the form of a Note in Clio with the subject "Supervision and the date". This must be completed for every case discussed in supervision.
15. Enter "events" on the calendar function of Clio whenever they come up. These include court dates, client meetings, other meetings, filing deadlines, and our internal deadlines for completing written work.
16. Before each court appearance, bring a Court Appearance Notes form to court. You will take notes on the form while in court and can then place this form in the file when you are done.

Clio

We also use case management software. We recently switched from our old software, “Time Matters,” to “Clio,” a cloud based system. You will be required to keep a hard copy of your files, as well as an electronic copy in Clio. This will ensure that we always have back-up information if either the online or the hard copy case file is lost. Because Clio is relatively new, you will play an integral role in assisting us in learning how to optimize our use of Clio. This will require you to take initiative in learning the system and exploring its capabilities.

1. Opening Matters

To open a matter, complete the “Clinical Programs Case Opening Form” and submit it to Geraldin Batista. **Only a member of the administrative staff is permitted to create a new matter in Clio.** After a matter is created, there will be additional client-specific information **you** need to input such as the “charges” or “scope of representation”. To do this, go to the “Info” tab in the case matter, click on the “Edit” button toward the top of the page, and input any case-specific information in the “Custom Fields” section.

2. Adding and Relating Contacts

Geraldin Batista will enter clients and opposing parties **when she opens a matter**, however, you are responsible for adding all other contacts related to the matter going forward. First, you must add the contact to the Clio system by clicking on the **main** “Contacts” tab at the top of the page. Choose “New Company” or “New Person” depending on the nature of the contact. After you input the contact’s information, click on the “Select to add Custom Field” button in the Custom Fields box and choose the appropriate contact field from the first four categories in the dropdown menu e.g., “Clinic Clients”, “IPEC Clients”, “Opposing Parties” or “Other”.

After you have added the contact to the system, you must relate the contact to the case matter. To do this, go to the **case matter** and click on the **case matter’s** “Contacts” tab. Next find the contact by typing the name of the person or company into the required “Contact” field. In the “Relationship” field, input the appropriate relationship between the contact and the matter from the following labels: mother, father, other family member, witness, ADA, probation, clerk, alleged victim, DCF, co-juvenile or investigator

3. Documents

Every document contained in the physical file must be uploaded to Clio. In the **case matter’s** “Documents” tab, label your documents using the document categories listed below:

- Administrative Filing
- Clinic Form or Document
- Contract/Agreement
- Correspondence

- Court Filing (Pleading, Motion, Court Form)
- Court Order/Judgment
- Discovery/Fact Investigation/Evidence
- Governing Document
- Memo to file (Intake, Transfer, Closing, Strategy, etc.)
- Other
- Project Draft
- Research
- Transcript/Record

When drafting a document to be reviewed by a supervisor, upload the document to the “Drafts” folder in the case matter and send a “message” through Clio notifying the supervisor that a draft of the document is ready to be reviewed. Use “Track Changes” when editing, and upload subsequent drafts as a “New Version” of the document in Clio. To save a new version of the document, click the “View Details” button below the document’s “Description” and then click “Add New Version”. This will replace the document while still allowing you to view older versions. Once the document is finalized, move it to the appropriate folder in the case matter.

When working with documents, you must adhere to the “Clinical Programs Policies Regarding Document Security and Use of Technology,” which prohibits you from downloading case documents **directly** onto your personal devices. As outlined in the Clinical Programs Policies, you can securely download, edit, and upload documents on your personal computer from Clio using our Virtual Desktop Interface (VDI) through the S-Drive. Each JDC student has a designated folder in the “housing S-Drive” where you can save documents **temporarily** until they are uploaded back to Clio.

4. Notes and Time Entries

All clinic-related work must be documented in Clio. You must record a summary of every conversation, filing, drafting, supervision meeting, strategy decision, court appearance, etc., in the case matter’s “Notes” tab. It is also essential that you input a corresponding entry under the case matter’s “Time” tab that memorializes the amount of time you spent on each activity.

5. Closing Matters

When your case is ready to be closed, you must complete the “Clinical Programs Case Closing Memorandum”, including all of the tasks specified on the case file closing checklist, and submit it to Geraldine Batista.

Files

A lawyer hopelessly fumbling through his or her case file in court, searching for an important or relevant document, pleading, or piece of correspondence, does not inspire the confidence or trust of a client or judge. It is critical not to fall into this trap.

These requirements must be met on every file for every client. There can be no exceptions. Knowing where documents and information are stored is vitally important in your representation of your clients. You simply cannot be an effective advocate without being organized.

In general, all hard copy files must be kept in the designated cabinets in Suite 160. When you remove files to retrieve information, to work on them, or to take them to court, they must be returned to the file cabinet and not taken home or left out in any clinic area overnight or for many hours unsupervised or elsewhere. Be aware of where you have your files open. These files contain information that is confidential and must be protected.

In general, each client will have a separate accordion file (known as a “Redweld” for the name of the manufacturer). Inside the Redweld you will place several PURPLE file folders (see below). From time to time we will go through your files together to ensure that they are well maintained.

Because space is limited in all clinical areas, you may find it necessary to work on your files elsewhere. If you do find it necessary to work with a file outside of these spaces, please make a copy of only the minimum paperwork necessary to do your work (e.g., when working on an affidavit, you may only need your purple Memos file and not the whole Redweld). *Do not remove confidential case files from the law school buildings unless you are going to court or to a meeting in the field involving that client.*

What Every Case File Must Have

The Redweld: As noted above, every case file will have at least one Redweld (the accordion file). On the front of the Redweld, on the left side, write the name of the client in the LAST NAME, FIRST NAME format, in all caps with the first letters on both names larger than the others. On the right side, write the Suffolk Clinical Programs case number that will be provided to you after the case has been entered into Clio by Geraldine.

The Purple Files: Every case file will begin with four purple folders. More may be added as your case develops, but at first you will only need four purple folders.

Punch holes in the top of three of the four purple folders, using the two-hole punch. Punch holes in the top of both the left and right sides. Place a two-prong clip at the top of both the left and right side. All documents that are filed in these folders will also get two-hole punched so that they can be attached to the top of these folders.

Get four file folder labels. Try to use the one with the purple borders (this is not critical). On each of the labels, on the top left write your client’s name in Last Name, First Name

format. On the bottom right of the labels, in ALL CAPS, write or type one of each of the following:

MAIN
ORIGINALS/DISCOVERY
COURT FILE
RESEARCH

What follows is a description of what goes in these folders and how they should be organized.

THE MAIN FILE

- Left:
1. Notes Report (printed from the Notes of Clio);
 2. Contact Report (printed from the Contacts Tab of Clio);
 3. Client Report (printed from the Info Tab of Clio);
 4. Completed Case Opening Booklet (see attached);
 5. *Copy* of the Client Authorization for Representation Form; and
 6. *Copy* of Authorization to Disclose Protected Health and Other Information
 7. Client Interview Notes – they MUST BE DATED and updated if necessary. Please file them in reverse chronological order with the last on the top.

- Right:
1. Coverage Memo (if another student is required to cover your case;
 2. The Record of the Case – this is a very important, ever growing document. It must be regularly updated via Clio (using the Notes Tab) or typed separately. Each time you do anything on your case, you must update the Case Record. This will be your written description of the progress of the case. All meetings, conversations, court appearances, filings, drafting, supervision meetings must be recorded here. Correspondence can be attached here as well and need not be entered separately.
**Supervision entries must stand out from the other entries in this section. Please record them clearly by beginning those entries with SUPERVISION ENTRY in caps. Within a supervision entry you must include the name of the instructor, date, type of contact (phone call or in person), a description of what took place including advice, strategies (both those accepted and those rejected during the supervisory session), and a list of tasks assigned, the reasons for them and the deadlines for their completion.

THE ORIGINALS/DISCOVERY FILE

This is the file with no holes punched in the top. This is where you put the originals of all documents – anything that should not be drilled with holes or marked up in any way. For example, discovery, court orders, records from agencies, court reports, the original signed the Client Authorization for Representation and Authorization to Disclose Protected Health and Other Information forms.

THE COURT FILE

- Left:
1. Court Pleadings and Complaints – any new pleadings or petitions that are filed against your client while one case is pending will require a new case to be entered in Clio and a separate file to be created.
 2. CARI Sheets – filed in reverse chronological order so that the last one you received in court from Probation is on the top.
- Right:
- Court Appearance Notes (the sheets you print from Clio to take notes on) in reverse chronological order. These notes must include the name of the covering student attorney, the instructor, date, Judge, ADA, Probation, name of adult who appeared with your client, next court date and what that date is scheduled for, and any other events that occurred in court.
- Middle:
- All motions, memos, or affidavits that you have either filed or received should be clipped and placed in the center of the Court File. They do not have to be attached to the top of the folder. Organize these documents in reverse chronological order with the last motion, etc. received or filed on top.

THE RESEARCH FILE

- Left:
1. Copies of applicable statutes, regulations, etc.
 2. Raw research materials
- Right:
1. Substantive Research Memos – if your case proceeds to trial you may need to expand this into carefully marked categories.

What Some Case Files May Have

As noted throughout, each case presents its own unique set of circumstances. A prepared lawyer must adapt his or her file keeping to deal with these often changing circumstances.

The following are some additional folders that you may need to use.

1. Medical Records File – If your client has been seen by a few different providers it will more helpful to create a separate folder for all medical records. If you are in possession of an original medical record for your client, that should be placed in your Originals folder and not marked up. Make a copy and put the copy in your Medical Records folder if necessary.
2. Agency Records File – many clients will also be involved in other matters that will generate a host of records. For example, a client may be in the care of DFCS, or s/he may have a school expulsion/suspension or special education matter that is ongoing. Many records will be generated in each of these situations. Use an Agency Records File for these records.
3. Correspondence File – If you send letters to, or receive letters from, the prosecution, your client, DYS, or others, they should go in this separate file.
4. Trial Notebook - if your case proceeds to trial, you should speak with your clinical professor about creating a trial notebook to use to hold copies of all relevant information and records. This notebook (often a three-ring binder) allows for easier access than the file system described here. When not in use, the notebook should be stored with the rest of the file and should be disassembled and added to the Redweld at the conclusion of the trial as a separate file (i.e. remove the binder and place the documents in a separate folder).

In addition to the contents of the files already described, you may have cause to create additional types of documents. The following is a non-exhaustive list. You should discuss with your supervisor where in your file would be the best place to keep these types of documents:

5. Memos to the File – if you find that your record of the case is becoming too lengthy this file can be useful. Instead of recording a full entry in your Record of the Case, you can simply indicate that the event occurred (i.e. “interviewed client – 1/17/2009”) in the Record of the Case, add a reference to your Memos to the File for a more detailed description (i.e. “see Memos to the File for full descript.”), and then place the full description in your Memos to the File. Make sure that the entries are in reverse chronological order.
6. Calendar for the Case – timelines and/or calendars noting future tasks and events are important tools in managing a case. Supervision sessions will almost always include discussion of upcoming events and deadlines and this can be another useful way to stay on top of things.

7. Goals/Strategy Memos – Periodically in the handling of the case, goals or strategy memos may be helpful for taking the time to reflect on the big picture of the case and to assess whether actions taken or planned are in line with those goals. Issues for investigation or legal research might be identified as well as ideas for alternative action.
8. Investigation Memos – Your goals and strategy for undertaking a fact investigation and the results and nature of the investigation should be documented with reference to documents or material evidence obtained or witnesses interviewed. This will be a helpful way to organize this information.
9. Transfer or Coverage Memos – whenever a case is transferred from one student to another, there must be a detailed strategic and procedural memorandum setting out what has occurred during the course of the case, what the next steps are, what the time or case sensitive issues are, and must include a letter to your client informing him/her that his/her case will be transferred to another student. Your clinical instructor will go over this memo with you before a transfer occurs. On occasion you may find it necessary to ask a colleague to cover a case for you. When you do so, a coverage memo must be included in your file. A coverage memo must include what the case is scheduled for, what you believe is going to happen, what actions you want taken on behalf of your client, a phone number where you can be reached in the event of an emergency, and what occurred on the last court dates. All relevant documents must also be provided.
10. Case Closing Letter and Memo – As part of the case closing procedure, there must be a letter to your client summarizing what happened at the end of his/her case and any special terms of probation or agreements that the client must follow. You should also prepare a brief case closing memo to the file that outlines the legal issues in the case, the court rulings and the rationale for any resolution of the case that may have occurred.