

SUFFOLK UNIVERSITY LAW SCHOOL CLINICAL PROGRAMS
SUITE 190, TEL: 617/573-8100

2009-2010 CLINICAL PROGRAMS INFORMATION AND APPLICATION

I. Suffolk University Law School Clinical Programs

Suffolk University Law School's Clinical Programs are comprised of seven "in-house" clinics in which students are taught by Clinical Faculty and represent individual clients under the direct supervision of a member of the Clinical Faculty; the Prosecutors Program, in which students are taught by Clinical Faculty and supervised by Assistant District Attorneys in several counties; the Battered Women's Advocacy Project, in which students are taught by Clinical Faculty and supervised by attorneys at various non-profits; and the Civil and Judicial Internship Program, in which students are taught by Clinical Faculty and supervised by attorneys at a wide range of placements. The goal of all of these programs is to immerse students in the practice of law under close supervision in a manner that allows them to develop the lawyering skills and professional values necessary to become a successful, ethical attorney.

The seven in-house clinics are:

- A. Suffolk Defenders (adult criminal defense)
- B. Education Advocacy
- C. Family Advocacy
- D. Housing
- E. Immigration
- F. Juvenile Defense
- G. Evening Landlord-Tenant

The majority of what follows refers to these 7 in-house clinics. For a specific description of each of these clinics as well as more information regarding the Prosecutors Program and Battered Women's Advocacy Project, please see the individual descriptions in Part V below. For specific information on the Civil and Judicial Internship Program, please see the Civil and Judicial Internship Program Student Guide available in Suite 165.

A. Why should I enroll in a clinic?

A clinic is an opportunity to put theory into practice. Clinics offer a student the opportunity to perform all the tasks of a lawyer under the direct and intensive supervision of a member of the law school faculty. Clinic students represent clients and grapple with the substantive legal issues, strategies, and ethical and interpersonal issues inherent to lawyering. In working on their cases as the lead "lawyer" but with close supervision, students learn in a guided but self-directed manner that allows greater reflection on aspects of representation, how to improve their skills, and how to tackle new legal problems. The skills students learn and practice – such as interviewing and counseling clients, negotiating with opposing counsel and other parties, legal research and writing, navigating complex systems to further their clients' interests, and courtroom advocacy – are transferable to any legal environment. Finally, students will represent clients who otherwise would not have access to the legal system.

B. In addition to representing clients, what will I do in a clinic?

All of the clinics hold weekly seminars taught by a member of the Clinical Faculty. Although class content varies, generally the curriculum focuses on the lawyering skills and ethical framework necessary to effectively represent each clinic's clients. Weekly seminar attendance and active participation are required.

In addition to the weekly seminars, students will have regular individual meetings with their Clinical Professor to obtain feedback and supervision on their cases. Students will be expected to take initiative in seeking answers to their clients' legal problems. This process of the student first finding the relevant information, thinking through its implications, and then bringing it to the professor for feedback intended to guide the student towards a better understanding of the law is known as "self-directed" or "active" learning.

Students should expect to work a minimum total of 15 hours per week including the seminar and weekly supervision meetings. The type of work varies from clinic to clinic but generally this involves work on cases, preparation and execution of out of class simulations, and class preparation. Students should be aware that the 15 hours a week is a minimum and workloads can be quite intense throughout the academic year. Also, the requisite hours often cannot be scheduled in advance (for example, 5 hours on Thursdays, the rest over the weekend) because the timing of the work is client and court driven. Because of the intense and uncertain demands of a clinic, students engaged in outside employment should speak with the relevant Clinical Professor before enrolling to discuss whether they will have the necessary time and flexibility to participate. (*Please note: The Evening Landlord-Tenant Clinic has different time requirements.)

C. How will I be graded?

Students will receive a detailed set of written Grading Guidelines describing the criteria that will be used to assess their performance throughout the year and on which their grade will be based at the end of the year. They also will receive both mid-year and end-of-year evaluations from their Clinical Professor.

II. Eligibility

Only students who will be in their final year of law school are eligible for the Defenders and the Prosecutors Program. Students who are finishing law school in December 2010 must confirm their eligibility with Lorraine Cove, Assistant Dean and Registrar, before applying for a criminal clinic. Students in their last two years of law school are eligible for all other in-house clinics, the Battered Women's Advocacy Project, and most Internships. Third-year day students and fourth-year evening students will be given preference in admission if they have not yet taken a full-year clinical program.

Students must be in good academic standing both at the time of application and at the start of the clinic and must either have successfully completed or be concurrently enrolled in Evidence to participate.

Participation in a clinic is subject to an employment conflict check. This is reviewed at the time of application and at the start of the fall semester. The seven in-house clinics function as a unitary law firm with seven practice areas. Because of this law firm model, students in an in-house clinic will not be able to engage in employment that may conflict with *any* of the in-house clinics. For example, no student in

an in-house clinic may work at a district attorney's office because of the inherent conflict with Suffolk Defenders.

Inquiries regarding eligibility for specific independent Internships for credit should be directed to Bernadette Feeley, Associate Clinical Professor, Civil and Judicial Legal Internship Program. Professor Feeley's office is located in Suite 165 (tel. 617/573-8049).

III. General Clinic Requirements

1. Admission to a clinic is through a lottery selection process, although individual clinics may give preference to students with relevant foreign language fluency or those who have completed other relevant courses. In order to drop a clinic once a student has registered, the student must obtain the permission of the Clinical Professor teaching the clinic. After add/drop ends, the names of enrolled students are submitted to the Dean's Office by the Clinical Programs Office to be certified for student practice under S.J.C. Rule 3:03.
2. Students must commit themselves to serve in the full-year clinics for both semesters; partial credit is not available for a student who withdraws after one semester. A grade and credit are given at the end of the academic year.
3. No student may be enrolled in more than one clinical program in any semester or receive more than 12 clinical credits (which includes credits for an internship) during his or her law school career. A student with questions about this limitation, or who seeks to obtain a waiver, should write the Director of Clinical Programs.
4. Students should not take more than 15 total credits (an overload) during any semester in which they participate in a clinic. The Deans' Office will presumptively reject overload petitions of clinical students.

Please review the additional requirements applicable to specific clinics below.

IV. Application Deadline

Applications are due in hard copy **by 5:00 p.m. on Monday, March 9, 2009**, at the Clinical Programs Office (Suite 190) or at the Registrar's Office. Applications will be accepted late but will not be part of the selection process until all applications submitted on time have been considered. E-mailed and/or faxed applications will not be accepted. The results of the selection process will be mailed the week of March 16th.

V. **Specific Clinic Descriptions and Requirements**

- a. **Battered Women's Advocacy Program (BWAP):** BWAP is a one semester program. **This clinic is offered for 4 credits/semester and is graded Pass/Fail.** Students attend class in addition to being placed at a local District Court, Legal Services, shelter-based or hospital-based office one day each week. Placements are in Suffolk, Middlesex and Norfolk Counties and most are accessible by public transportation. Students assigned to a District Court work with the victim-witness advocate of the Norfolk County District Attorney's Office. These student attorneys primarily assist and/or represent in court anyone being victimized by a partner or spouse who is deciding whether or not to request civil abuse prevention orders or whether or not to press criminal charges for domestic violence-related crimes, including violation of protective orders. Students placed at a Legal Services office primarily work with survivors of abuse within the context of family law or abuse prevention cases; they assist in the representation of indigent clients primarily in local Probate and Family Courts all under the supervision of a family law attorney. The hospital-based programs and shelter-based programs work in a variety of ways with survivors of domestic abuse and sexual assault. In addition to the above-described responsibilities, students are required to attend at least monthly supervisory meetings once their placement has begun, to keep a journal on their placement and to maintain case files for all cases handled.

If you have any questions contact Christine Butler at cbutler@suffolk.edu.

- b. **Suffolk Defenders:** The Suffolk Defenders program is a year-long criminal defense practice course available to final year law students. **This clinic is offered for 8 credits (4 credits/semester) and students will receive a letter grade.**

The Suffolk Defenders represent clients charged with misdemeanors and felonies in the Boston Municipal Court. The Defenders provide their clients representation in all phases of the court process, including arraignment, bail hearings, suppression and discovery hearings, pretrial conferences, trials, sentencing and occasionally post conviction hearings. The program has a classroom component and a field work component.

The class, which meets two hours per week, covers the multiple aspects of criminal representation, including the role of defense counsel, establishment of the attorney-client relationship, investigation of cases, negotiation, and trial preparation. Students develop trial skills through role playing exercises and mock motions against students in the Prosecutors program. Class also focuses on a critique of the criminal justice system, discussion of ongoing cases and reflection on your experience in that system.

The field work component involves the conscientious and thorough representation of clients. To prepare for such representation, students will, in addition to their classes, have weekly interviews and small section meetings with their supervisor. In these meetings, students develop theories and strategies for defending their cases. The Suffolk Defenders Program presents the motivated student with an opportunity for intense one-on-one supervision in a highly structured, real life environment.

You must be available at least one day per week (8:30 am until 4:00 pm), either Mondays or Tuesdays for court appearances. **That obligation commences before the clinic starts accepting cases, beginning the first week of class.** Every effort will be made to accommodate students' preferences for a Monday or Tuesday, however, some students may have to arrange their academic schedule to accommodate their in-court day because the two "teams" need to be divided equally. On occasion, students will be required to appear in court on other days of the week, for emergencies, to accommodate the Court and for bail appeals to the Superior Court. In addition, you will be expected to spend significant time on case preparation, client meetings, investigation and meetings with your supervisor.

The students accepted to the Defenders Clinic **must also be available for intensive orientation training the week before classes start.** During the course of the academic year, students will be responsible for accommodating the Court's calendar and the needs of their clients. Therefore, students may have to work on their cases during school vacations, and on very rare occasions, be available to attend court during the same time frames.

Evidence is a prerequisite. Preference will be given to students who have completed a trial practice course. Students accepted to the clinic who have not taken a trial practice course are required to register for one in the fall.

If you have any questions contact Professor Chris Dearborn at cdearborn@suffolk.edu.

- c. **Education Advocacy Clinic: This is a full-year clinic offered for 8 credits (4 credits/semester) and students will receive a letter grade.** Students will provide individual legal representation to children facing school exclusions to ensure that schools are providing children with all the substantive and procedural due process rights to which they are entitled. Students will advocate on behalf of indigent and low income children and their parents in school suspensions, expulsions and special education cases from Boston and outlying communities. The urgency of addressing the impact of school discipline laws is best reflected in the fact that exclusion from school for even short amounts of time is one of the top three reasons students give for dropping out of school. High school dropouts are more likely as adults to end up unemployed, on government assistance, or incarcerated than those who receive a high school diploma or go on to college. The goal of this clinic is keeping our clients in school and making sure schools are providing the needed educational services to ensure the clients' successful completion of high school. Students will advocate on behalf of their clients at school meetings, school hearings, administrative special education hearings and mediation and resolution sessions. In addition to individual casework, students may work on larger projects such as legislative advocacy, policy reports, or community education and outreach. The weekly seminar will focus on lawyering skills including client counseling, interviewing skills, factual investigation, applicable substantive law, professionalism and professional responsibility.

If you have any questions please contact Isabel Raskin at iraskin@suffolk.edu.

- d. **Family Advocacy Clinic: This is a full-year clinic offered for 8 credits (4 credits/semester) and students will receive a letter grade.** Students represent individuals in contested family

matters in Suffolk and Middlesex County Probate Courts including divorce, paternity, custody, visitation, child support, guardianship of minors, and other family dissolution cases, and perform all tasks necessary to the representation from client interviews to trial. Case selection priority is given to clients suffering from the consequences of domestic violence, sexual abuse and sexual assault. The Clinic works in collaboration with HarborCOV, a domestic violence social service agency, representing HarborCOV clients and offering legal consultation to HarborCOV staff on site at their Chelsea office. The weekly seminar covers the development of lawyering skills such as interviewing, counseling, case theory development, negotiation, oral advocacy and the application of ethical rules to practice in the complex arena of families in crisis. The goal of the clinic is for students to learn and develop insight into the process of lawyering, using family and poverty law as the paradigm for this learning. Clinic obligations cannot be confined to particular days and must be met as needed on a per case basis. Weekly journals encouraging self reflective learning are required. Students must have completed or be concurrently enrolled in Family Law. Spanish-speaking students are strongly encouraged to apply.

If you have any questions please contact Professor Ilene Seidman at iseidman@suffolk.edu.

- e. **Housing Clinic: This clinic is a full-year clinic offered for 8 credits (4 credits/semester) and students will receive a letter grade.** Student attorneys will primarily represent clients in housing cases, but the clinic offers an opportunity to develop consumer protection matters related to housing as well. Students will have significant live client contact, and will interview and counsel clients, prepare pleadings, discovery, and memoranda, prepare and argue motions, and conduct negotiations, administrative hearings and trials. Students handle administrative matters before various housing authorities, housing discrimination matters before the Massachusetts Commission Against Discrimination, and housing cases in Boston Housing Court and Chelsea District Court. Students may also have the opportunity to participate in giving presentations regarding tenants' rights to local community groups, and to work on behalf of tenants in foreclosed properties. Preference may be given to students who have relevant foreign language skills or who have taken or will enroll in trial advocacy as of the fall 2009. Students must be available for Thursday morning court appearances on housing cases.

If you have any questions, contact Professor William Berman at wberman@suffolk.edu.

- f. **Immigration Clinic: This is a full-year clinic offered for 8 credits (4 credits/semester) and students will receive a letter grade.** Students will represent non-citizens facing deportation from the United States and seeking to redress misconduct by Immigration Customs and Enforcement ("ICE") agents during arrest. Individual representation will include deportation defense before the Immigration Court in the clinic's on-going cases (political asylum, cancellation of removal, U-Visas, etc) as well as intake and representation of persons seeking release from civil detention and relief from deportation. Through individual representation, students will be exposed to all aspects of litigation including fact development (in-depth client interviewing), legal research and writing, witness preparation, oral arguments and direct and cross-examinations in court in a closely supervised setting. Students will also work on a range of legislative and advocacy projects that will include collaborations with nationally recognized co-counsel, community organizations and the media.

The class will focus on preparation for interviewing clients as well as preparation for oral and written arguments to the Immigration Court. This includes heavy emphasis on the Immigration and Nationality Act, its accompanying regulations and interpretive case law and agency memoranda.

In order to prepare for the rigorous advocacy these cases require, students will participate in an intensive out of class simulation first semester which consists of interviewing and counseling a client, preparing motions to the Immigration Court and arguing those motions in a Mock Hearing at the end of first semester. At the same time that students are engaged in the simulation, they will also be conducting intake and working on the Clinic's on-going cases. Thus, the time commitment for first semester is substantial and it is recommended that students take an otherwise light load.

Students also must be available for visits to the Suffolk County Jail on Wednesday mornings from 8:30 am – 1:00 pm. Every student will not visit the jail every week, but it is best if students do not have classes scheduled during this time. Each student will also need to set aside an hour a week for supervision with Professor Shah, days and times to be determined.

Students are required to have taken or be currently enrolled in Immigration Law and Criminal Procedure. Fluency in relevant languages other than English (particularly Spanish and Portuguese) is preferred. Students who have already taken Immigration Law and Criminal Procedure or are fluent in a relevant second language will be given preference.

If you have any questions contact Professor Ragini Shah at rnsah@suffolk.edu

- g. **Juvenile Defenders Clinic: This is a full-year clinic offered for 8 credits (4 credits/semester) and students will receive a letter grade.** Students in the Juvenile Defender Clinic will represent children charged with delinquency offenses in Juvenile Court. Clinic students will handle all aspects of delinquency cases from arraignment through trial. Students may also represent clients in related proceedings, such as probation revocation hearings, CHINS cases, and administrative proceedings with the Department of Youth Services or the Department of Children and Families.

Students in this clinic will learn a wide range of lawyering skills, with a heavy focus on developing and maintaining a professional relationship with adolescent clients and their families. Students will develop a variety of litigation skills, including interviewing clients and witnesses, conducting full investigations, motion and discovery practice, and plea negotiating. Additionally, students will appear on the record in court and may represent clients in bail hearings, pre-trial suppression hearings, probation violation hearings, and jury and bench trials.

In working on the cases, students will learn about the social work, mental health, and medical fields and how to collaborate effectively with professionals from these disciplines. Students will work closely with the clinic's Social Work Supervisor and with social work students from Bridgewater State College. JDC students may also work with students from the Education Advocacy Clinic on suspension/expulsion or special education cases involving shared clients. The clinic also employs two post-graduate fellows who will work with students on a number of juvenile justice policy issues and on their cases in court.

Students will submit reflective journal entries on a weekly basis.

JDC students will also be required to keep at least one day per week free for court appearances. Dependent upon case demands more time may be necessary; therefore, students are encouraged to keep as many mornings free as possible.

Although Evidence is the only prerequisite course, completion of Trial Practice, Children and the Law, and Criminal Procedure are recommended.

All inquiries should be directed to Professor Erik Pitchal (epitchal@suffolk.edu) or Professor Kim McLaurin (kmclaurin@suffolk.edu). Both of their offices are in Suite 190 and both may be reached at (617) 573-8100.

- h. **Evening Landlord-Tenant Clinic:** This is a full-year, 6 credit offering designed to provide evening students with a full clinical opportunity. Only evening students in their last two years of law school are eligible to apply. This clinic is graded pass/fail. The students will be certified for student practice and will represent indigent tenants in housing cases, such as summary process evictions in the Chelsea District Court and administrative hearings before local housing authorities. Student attorneys will spend two hours one evening per week at the clinic offices in Chelsea to meet with clients and work on cases. They will also meet for a one-hour class weekly at the law school. The clinical supervisor will oversee all aspects of their representation of clients. There will be instruction on landlord-tenant law, but the focus of the course will be on the development of lawyering skills such as interviewing and counseling; development of case theory and strategy; negotiation; problem-solving; and trial tactics. Because of the nature of our client community, students fluent in Spanish will be given preference in the selection process. If you have any questions contact Professor Stephen Callahan at scallaha@suffolk.edu.
- i. **Prosecutors Program:** This is a full-year program offered for 8 credits (4 credits/semester), comprised of 3 classroom credits (for which students receive a letter grade) and 5 fieldwork credits (graded pass/fail). The Prosecutors Program is open only to students in their final year of law school. The fieldwork placement is in a District Court where students represent the Commonwealth in criminal cases under the supervision of an Assistant District Attorney. As student prosecutors, participants learn the multi-faceted role of the District Attorney in the prosecution of criminal cases including handling arraignments and bail/detention hearings, interviewing witnesses, providing discovery, handling pre-trial motions, engaging in plea negotiations, preparing for trial, and arguing disposition. Students are likely to handle evidentiary hearings on Motions to Suppress and may also handle bench or jury trials during the year. The classroom component consists of lectures, discussions, and simulations focusing on criminal procedure, evidence, search and seizure, courtroom advocacy, prosecutorial ethics, case preparation, and the exercise of discretion by prosecutors. Students are required to submit reflective journals periodically and, at the end of the year, a short paper. Students must have available one full day per week in the fall semester (8:30 a.m. until 4:30 p.m.) and two full days per week in the spring semester for court appearances and case preparation. Preference for court assignments will be solicited, and court assignments will be made at the beginning of the fall semester.

Evidence is a prerequisite. Preference will be given to those students who have completed a trial practice course or the equivalent. Any student accepted into the clinic who has not completed a trial practice course is required to register for one in the fall semester. Students will not be able to engage in employment in which they handle criminal defense matters during the academic year in which they are enrolled in the clinic.

If you have any questions, contact Professor Diane Juliar at djuliar@suffolk.edu.