Hofstra University School of Law
Criminal Justice Clinic
Student Manual Fall 2014

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Attorney-in-Charge, Criminal Justice Clinic
# TABLE OF CONTENTS

1) Contact Information and Schedule ........................................... 4

2) Part I: Introduction ............................................................ 5

3) Part II: A Bit of History of the Clinic ..................................... 6

4) Part III: Criminal Justice Clinic Background ........................... 9
   A. Course Description ....................................................... 9
   B. Course Goals ........................................................... 9
   C. Course Materials ....................................................... 9
   D. Class Environment ..................................................... 9
   E. Attendance and Preparation .......................................... 9
   F. Clinic Hour Requirements ............................................ 9

5) Part IV: Professional Responsibility ...................................... 14
   A. General Requirements ................................................ 14
   B. Student Practice Requirements ..................................... 14
   C. Personal Calendar ..................................................... 14
   D. Master Calendar ........................................................ 14
   E. Maintenance of Files ................................................... 14

6) Part V: Office Procedures ................................................... 23
   A. Office Hours ............................................................ 23
   B. Card Swipe Access ..................................................... 23
   C. Telephones .............................................................. 23
   D. Carrels and Computers ............................................... 23
   E. Photocopying .......................................................... 23
   F. Email ................................................................. 23
   G. Mail ................................................................. 23
H. Money Matters
I. Attire
J. Fax
K. Interpreters
L. Restroom Lock
M. Clinic Conference Room and Interview Rooms
N. Notary
O. Financial Eligibility
P. Supplies

7) APPENDICES

APPENDIX A … STUDENT PRACTICE ORDER
APPENDIX B … STANDARDS OF CIVILITY
APPENDIX C … SAMPLE RETAINER FORM
APPENDIX D … LOG FORMS
APPENDIX E … CONTACT MEMO
APPENDIX F … COURT APPEARANCE FORMS
APPENDIX G … INITIAL INTERVIEW FORM
APPENDIX H … CJC OPEN FILE FORM
APPENDIX I … CLOSING MEMO/TRANSFER MEMO COVER SHEET
APPENDIX J … CLINIC EXPENSE REIMBURSEMENT FORM
APPENDIX K … FINANCIAL ELIGIBILITY CHART
APPENDIX L … DIRECTIONS TO COURTHOUSE
APPENDIX M… CONTACT INFORMATION FORM
APPENDIX N… RULES OF PROFESSIONAL CONDUCT
CONTACT INFORMATION

Professor Elizabeth Nevins-Saunders  
Elizabeth.Nevins@hofstra.edu
463-5934 (general clinic line/front desk); 463-4735 (direct clinic line with voice mail)
202-486-9092 (cell) (in general, use your discretion here wisely; calls 8 am to 8 pm only or by appointment)

Clinic Office Manager, Yvonne Atkinson  
yvonne.v.atkinson@hofstra.edu; 463-4734

Administrative Assistant, Margot Rivera  
eudofina.m.rivera@hofstra.edu; 463-5934

SCHEDULE INFORMATION

Seminar/Grand Rounds Schedule:*  
Mondays Clinic Office Conf. Room 2.10 to 4 pm (Generally Rounds)
Wednesdays Clinic Office Conf. Room 2.10 to 6 pm

Team Meetings:†  
Monday 10.30 am – 12.00 noon
Tuesday 2.00 pm – 3.30 pm
Wednesday 12.00 noon – 1.30 pm
Thursday 2.00 pm – 3.30 pm

Court Blocks:  
Tuesday and Thursdays 9 am to 1 pm, unless otherwise scheduled. Other than court visits (described below), you are only expected to go to court when you have a matter scheduled on a particular date. Whenever possible, you should schedule matters during these two court times. Often, but not always, we will finish before (or well before) 1 pm.

* In general, rounds are an opportunity for us to focus on issues that you raise from your ongoing cases, and they are typically less formal than seminar sessions. At times during the semester, however, particularly early on, these periods will be more like additional seminar sessions.
† This schedule is subject to change, based on student schedules. You and your partner will be assigned to one of these timeslots, and you will meet weekly together with Professor Nevins during that time.
I. INTRODUCTION

Welcome to the Hofstra Clinics. Participation in a clinic is a unique educational opportunity. Your experiences may well be the only occasion during your law school career for you literally to “practice” law. Here you will represent actual people and work on actual cases. You will advocate in court, counsel clients, conduct fact investigations, and litigate legal issues. You will be asked not only to think like a lawyer, as you are asked to do in most law school classes, but also to act like a lawyer. The experience is both deeply challenging and immensely rewarding.

The first major goal of the Clinical Program is to teach you lawyering skills through your work on actual cases. Under the supervision of experienced lawyers you may have the opportunity, depending on your clinic, to develop practical skills in areas such as interviewing and counseling, fact investigation, mediation, strategic case planning, discovery technique, direct and cross examination, jury selection and oral advocacy; and you may be exposed to many different types of legal writing, including research memoranda, strategy memos, pleadings, motions, trial briefs and appellate briefs. Whether or not your cases will enable you to participate in each of these aspects of the lawyering process, the depth to which you will immerse yourself in some of them will be an intense and memorable educational experience.

Our second major goal is to teach you the analytic methods necessary to prepare you to use your lawyering skills responsibly and thoroughly. Our aim is not to teach you merely how to perform certain litigation techniques – the "wiles, stratagems, dodges and histrionics" of advocacy. Rather, we believe that the same critical processes that are used in non-clinical law school classes should be brought to bear on the subject of trial preparation.

We will therefore ask you to be reflective about each decision in the planning of a particular case and to consider how the doctrine you have learned in your other law school classes is applied in the actual practice of law. We also want you to examine the "sociology" of the litigation process: the interaction of the parties, the bureaucrats, and the decision-makers in each of your cases. You will be required to write analytic plans for every aspect of each case, even routine matters. We will discuss the plans and collaboratively work on ways to improve them. We will regularly be asking you to “read the rules,” “examine the professional responsibility issues” or “investigate a fact situation further.” We do not want you to rely simply on forms books or Clinic lore or, heaven forbid, imitating local practice. Our goal is to teach you that good lawyering is not a matter of genetics, luck, or experience, but rather the result of reflective thinking and preparation.

Our final goal is to introduce you to the legal problems of the poor and under-served, and our profession’s obligation to address these problems. See New York State Bar Association Code of Professional Responsibility EC 2-25 (“A lawyer has an obligation to render public interest and pro bono legal service.”) Over the course of the semester, you may work with indigent criminal defendants, impoverished tenant populations that have been mistreated or discriminated against, abused and neglected children, seekers of political asylum, families in conflict, or low-income individuals and communities involved in disputes. We will regularly examine the issues of access of these populations to the legal system, and consider methods of providing system-wide relief.
If this sounds like a lot of work – it is. But most students who do a clinic look upon their participation as the highlight of their legal education. We hope your semester here will be such an experience for you, and will enable you to approach the practice of law with confidence and sensitivity. Work hard, reflect thoughtfully, and enjoy.

II. A BIT OF HISTORY ON THE CLINICS

A. The Clinical Movement

Clinical legal education is a relative newcomer to the legal academy. Until the 1960s, most law school curricula focused exclusively on the case-study method with a small smattering of courses on social policy. “Skills training” was a subject to be handled after graduation, not in the ivory tower of the law school.

All this changed, however, with the social movements of the late 1960s. Many law students and some legal educators felt the need for law schools to assist those disadvantaged members of society who could not afford legal services. Law school clinics were created to address this need. Students received no credit for their participation in clinics; supervisors were, for the most part, not members of the faculty, but volunteer attorneys; and no “clinical curriculum” or court student practice rules existed. Students merely served as clerks to the attorneys. But clinical education gave them the opportunity to actually begin their practice in law school.

As clinics became more established and student interest in skills education increased, the nature of clinical education changed dramatically. Courts began adopting student practice rules; law schools – at times reluctantly – began to give course credit for participation in clinical courses and to recognize clinical teachers as faculty members; and clinicians began to develop curricula and publish scholarship on the theory of lawyering and different methods for teaching practice skills.

Over forty years after its birth, clinical education is now an accepted and essential part of most law school curricula. Some law schools now require participation in a clinic for all students. And the legal academy finally recognizes that the case-study method is only a small part of training prospective lawyers.

B. Hofstra’s Clinical History

Hofstra’s clinical program began over 35 years ago in a second floor walk-up above a fish store in the center of Hempstead. Hofstra was one of the first law schools in the country to open a clinic, and by the late 1970’s had one of the largest clinical programs in the country. Some of the first supporters and leaders of the program included professors John Gregory and Malachy Mahon. At first, Hofstra faced resistance and skepticism among practicing attorneys who were concerned that students would take cases away from them. Even after the clinic won the right to appear in court through a Student Practice Order in 1972, some judges would not allow students to appear before them. Over the years, however, the clinic has become a well-known, at times notorious, presence in legal circles in Nassau and Queens. The clinic has also moved from the fish store to a trailer, and then in 1997, to its current site in Joan Axinn Hall. The clinical mission, however, has stayed the same – teaching students lawyering skills and analytic methods through the provision of quality legal representation to clients in need.
C. **The Current Clinics at Hofstra**

While the vast majority of your energy here will be spent working on the cases you are assigned for your specific clinic, we hope you will take some time to talk with students from other clinics to hear about some of their challenges, frustrations, and victories. There is a range of clinics here at Hofstra, although not all clinics are offered every semester:

1. **Child Advocacy Clinic**

   Child Advocacy Clinic students learn the facets of client advocacy through the challenging experience of representing youth in special immigrant juvenile matters and child maltreatment cases. Students advocate in Queens and Nassau Family Courts on behalf of youth in cases where the allegations range from physical and sexual abuse to educational neglect, abandonment and inadequate supervision. In addition, students often represent their clients on related issues such as delinquency, custody and school suspension matters. In court Clinic students are expected to advocate vigorously for their clients in all aspects of the practice, including picking up cases at arraignment, engaging in dynamic motion practice, conducting full trials and hearings, and formulating dispositional plans. Outside of court students must maintain regular contact with their clients, investigate the factual allegations of neglect or abuse involved in their court cases, formulate realistic and compassionate plans for clients and their families, and work closely with mental health professionals, caseworkers, teachers and foster parents to ensure their clients’ needs are being met.

2. **Community and Economic Development Clinic**

   Students in the Community and Economic Development Clinic provide transactional (non-litigation) assistance to nonprofits, community-based organizations and micro-enterprises in low-income communities in and around Nassau County, with a preference for clients that contribute to social and economic justice. Clients include newly-forming organizations requiring start-up assistance and more established entities that need help in connection with the more complex issues arising from organizational success and growth. The Clinic’s work includes: counseling concerning choice-of-entity decisions, incorporation, application for recognition of tax-exempt status, drafting/review of contracts, zoning matters, negotiations, support for community organizing, legal research, community education support for legislative advocacy efforts, and other needs of our clients. Students also examine the special ethical issues that are present in group and entity representation.

3. **Criminal Justice Clinic**

   Students in the Criminal Justice Clinic represent indigent clients charged with misdemeanors in Nassau County District Court. Clinic interns provide the entire range of legal representation, from initial interview to sentencing. Courtroom advocacy includes arraignments, bail arguments, bench conferences, evidentiary hearings, oral arguments on motions, bench and jury trials, plea dispositions and sentencings. Lawyering skills practiced outside the courtroom include interviewing, counseling, fact and crime scene investigation, negotiation with assistant district attorneys, and researching and drafting, motions and other
memoranda. Students may also represent clients in related proceedings including parole revocation, school suspension, and Department of Motor Vehicle hearings where these hearings arise from the facts of the criminal case.

4. **Law Reform Advocacy Clinic**

   Students in the Law Reform Advocacy Clinic will be preparing for a jury trial in a major civil rights case in federal district court. They will prepare cross examinations of witnesses; craft the opening statement and closing argument; draft pre-trial motions and briefs; interview and counsel clients in the case; and negotiate with opposing counsel in preparation for the trial. Depending on the court’s schedule, this case will likely go to trial this semester. Attorneys and technical support staff at Nixon Peabody, LLC, the law firm co-counseling the case with the clinic, will be working with the students to moot examinations and prepare persuasive presentations to the jury.

5. **Asylum Clinic**

   In the Asylum Clinic, students represent political asylum applicants in immigration proceedings before Asylum Officers, Immigration Judges, and the Board of Immigration Appeals. Our clients fled their countries because of torture or other persecution, based on race, religion, nationality, political opinion, or membership in a particular social group. If they are granted political asylum, our clients will be able to remain in the United States, to bring their immediate family here, and in the Political Asylum Clinic, students represent political asylum applicants in immigration proceedings before Asylum Officers, Immigration Judges, and the Board of Immigration Appeals. Our clients fled their countries because of torture or other persecution, based on race, religion, nationality, political opinion, or membership in a particular social group. If they are granted political asylum, our clients will be able to remain in the United States, to bring their immediate family here.

6. **Disaster Recovery**

   Students in the Disaster Recovery Independent Study will be given the opportunity to provide transactional (non-litigation) legal assistance to local small businesses as they try to recover after Sandy. Students in this independent study will do some or all of the following: counsel businesses on how to effectively file insurance claims and on the availability of special government programs for businesses affected by Sandy; counsel businesses on options for raising capital; represent businesses seeking capital in debt and equity finance transactions; review and negotiate the terms of new commercial leases for businesses displaced by the storm; represent businesses purchasing commercial spaces, from negotiating contract terms to representing them at title and finance closings; and represent businesses seeking to rebuild their facilities by drafting, reviewing, and negotiating architect and construction contracts.
III. CRIMINAL JUSTICE CLINIC BACKGROUND

A. Course Description

In the Criminal Justice Clinic, you will represent clients charged with misdemeanors and violations in Nassau County District Court. Under the Second Department of the Appellate Division’s student practice order for the law school, the clinic handles all aspects of the client’s case, including arraignment, client and witness interviews, investigation, pretrial conferences, plea bargaining, client counseling, motion practice, suppression and other hearings, trial, and sentencing. Throughout the semester, but particularly early on, we will do a number of simulations so that you can practice a particular task before actually going into court for a pre-trial conference or picking up the phone to negotiate with a prosecutor. We will also do individual simulations (or, “moots”) for court or other events which occur before scheduled course simulations. Further, we will observe arraignments, pretrial conferences, dispositions, and other court events in Nassau County District Court on a group visit at the outset of the semester.

For every exercise and in every phase of each case, we will focus on three things: planning; execution; and critique. For example, you will plan extensively for your initial simulated client interview; then do the interview (here, as is often the case, the actual task will take far less time than the planning and critique); and finally, critique the strengths and weaknesses of each of your interviews with peers and with me. You will go through these same three phases when you meet your first actual client for an interview, appear in court or go out on an investigation.

On each case, you will work in teams of two and share equal responsibility for all aspects of client representation and file maintenance. Each team will work together on planning, executing, and critiquing all aspects of the case, and both student attorneys will be present for all actions taken on the case.

B. Course Goals

The overall goals of this course mirror many of those that are outlined above with regard to the clinic program as a whole. Nonetheless, it is important to understand the specific learning goals of the Criminal Justice Clinic:

1. Train you to be a zealous, conscientious, empathetic, and ethical practitioner of criminal law.

2. Teach you a variety of lawyering and professional skills (including, but certainly not limited to, interviewing, counseling, negotiating, uncovering and developing facts, strategic thinking/case planning, comprehensive legal research, understanding and making effective legal arguments, and drafting documents. That said, this clinic’s aim is not to teach you merely how to perform certain lawyering techniques. Rather, you should be bringing the same critical processes that are used in non-clinical law school classes to bear on all aspects of the practice of law, and using these skills in a professional context. This type of legal analysis will serve you in whatever type of practice you choose to pursue after law school.
3. Help you learn to work with your client to see beyond the immediate (and often narrow) criminal case issues in order to identify other legal and non-legal issues. This is often called “holistic lawyering,” and strives to treat the client as an individual rather than a case. It also helps to teach you a sort of creative problem solving which again can be useful in a host of legal settings.

4. Help you learn how to work collaboratively with other attorneys and non-attorneys. Collaboration is both a necessary skill in practice and a powerful tool to best serve your client’s goals and interests.

5. Help you learn to find and use various practice resources, including training materials, articles, websites, and colleagues to maximize the effectiveness of your representation.

6. Train you to find, interpret, and comply with the highest standards of ethics and professionalism in the law and in criminal justice practice in particular.

7. Teach you to be reflective about the process of legal work as you learn to identify lawyering decision points and as you plan, execute, and critique any lawyering interaction.

8. Train you to think critically about the criminal justice system and potential reforms.

C. Course Materials

The required books for the course, available at the bookstore, are:


Recommended trial advocacy text options:

1. Steven Lubet, Modern Trial Advocacy, Law School Edition§ or


Never come to class or go to court without at least one copy of the Criminal Law Handbook per team, which has New York’s Penal and Criminal Procedure Laws as well as some Vehicle and Traffic and other relevant statutes. There is a wealth of information inside.

During the course of the semester, you will be given additional readings and assignments for each class – primarily law journal articles, cases, book chapters, and code provisions. I will provide these as either electronic attachments or links to regular emails at least several days prior to class, or, if I get fancy, post them on TWEN.

*† Used copies of this text are fine – but you need the 2014 Criminal Law Handbook.

§ Sometimes this is available inexpensively, so keep your eye out for when the book drops in price, as this, or a similar book, will be critical to you in any post-law school trial practice.
D. **Class Environment**

All participants in this course must work to maintain a safe and respectful environment for discussion. This course will provide the opportunity for dialogue where we can learn from and respect each other’s perspectives regardless of whether there is agreement. We must all work to understand one another’s viewpoints and can agree to disagree if necessary. Any personal experiences that might be shared within the classroom are confidential and all students are expected to respect this confidence.

Please turn off all cell phones and pagers during class. You will not generally use a laptop during our class and should not plan on using one to take notes. I will notify you if we have need for computers at any of our seminars or rounds sessions.

E. **Attendance and Preparation**

You must attend all seminars, rounds, and team meetings. Accordingly, you need to plan your other activities (including job interviews) around class and meeting schedules. If there is an absolute emergency (severe illness or death), you must contact Margot and me ASAP and before a class or team meeting by email and phone. You must also advise your partner at the earliest possible moment. To reiterate:

- You must arrive at class on time.
- You must attend every class, supervision meeting, and other clinic obligation.
- You must be prepared for each and every clinical obligation (both client-specific and more academic/class-specific).

Specifics on attendance requirements are outlined below.

1. **Class Meetings and Rounds**

It is critical that you read all required materials before each class. Class discussions will be based on an assumption that you are familiar with the cases, statutes, or concepts that we will be discussing. Moreover, your ability to get up to speed on the variety of substantive issues you must learn before taking on real cases rests in large part on your ability to fully participate in both seminars and small group meetings. The ability to get to class – and to do so on time and having prepared – is part of the professionalism and class participation components of your grade.

2. **Weekly Team Supervision Meetings**

In addition to the seminar and rounds, each team will meet with me for up to 90 minutes each week to review your cases and prepare for court appearances (or, early in the semester, to review simulations or other exercises). Before this meeting, you and your partner will submit an agenda reviewing work done, indicating the issues that you want to address for each case, and listing expected action items for the coming week. The agenda should be submitted by 5 p.m. on the evening before the supervision meeting.
by email as a word document with your names at the top of the document. A model
framework for this document is on the I: drive. You may count these meetings toward
your weekly hours, divided according to the time spent on each client.

3. Court Appearances

Attendance is also mandatory at all of your court appearances. You have been
asked to keep Tuesday and Thursday mornings free for court appearances and clinic
business. Sometimes (though rarely) the court may adjourn a case for a day that is not a
Tuesday and Thursday. You are responsible for requesting dates when you have no other
conflicts. In the event that you have an unavoidable conflict with another course, I will
be happy to intervene with the professor to secure your presence in court, IF you have
taken all precautions to avoid such a situation from occurring. Because of these potential
conflicts, it is of the utmost importance that you attend all your other classes, so that if
the Clinic necessitates an absence, the Professor will grant leave to miss the class. You
should recognize that this might mean there will be a conflict with other courses. You
can do several things to minimize these conflicts:

a. Notify Margot of every court appearance as soon as a date is set
   by email and copy me on the email. You should also notify her regarding
   any filing deadlines.

b. Be aware of your schedule and let the judge know if s/he is about to
   schedule a conference on a date/time that creates a conflict. Most judges are
   willing to accommodate such requests, IF you jump in and let them know your
   schedule before the court appearance is over. It also helps to be prepared with
   proposed dates that are workable before your case gets called.

c. If you cannot avoid a conflict with another class, come to me to
   discuss the matter first. Then, if we find that you have a class conflict, you must
   let that other professor know as early as possible about it and discuss what you
   need to do to make up the class. Missing class for the clinic without prior
discussion with me is a very big deal and should not be taken lightly. It is not,
for instance, acceptable to miss class simply because you have a motions
deadline. Being in trial, on the other hand, may necessitate that you miss class if
the judge won’t accommodate you. Properly negotiating such calendar conflicts
is a part of professionalism and, accordingly, will be part of your grade.

d. If you know that you have an important upcoming event (i.e. a job
   interview or family event at a time when you do not have a court appearance or
   class), please let me know immediately so that we can avoid scheduling
   something for you during that time.

e. Also, please send both Margot and me an email any time you are going
to be out of town, including weekends. The reason for this: clients sometimes get
re-arrested, and sometimes the arraignment is on the weekend. We need to know
if we should be looking for you so we can go together to court or instead if we
should find your partner.
f. If there is a truly problematic conflict that you cannot work around, and you let me know ASAP, we can discuss having your partner cover for you with my prior permission.

F. Clinic Hour Requirements

Participation in the Criminal Justice Clinic imposes real-life lawyering demands. While this will often mean that you can do your work during predictable work hours, there will be times when – like any responsible lawyer – you will need to vary your schedule. For example, if an incident took place at night then you may need to visit the scene at that same time. Or you may need to meet with a client or a witness after their work hours or on the weekend (which is often the best time to find people at home). You may also find yourself working late or on weekends to revise a motion with an upcoming deadline.

Each student is expected to devote a minimum of 20-25 hours on clinic case work per week, for a total of no less than 300 attorney hours over the course of the semester. Please note that this is only a floor and not a ceiling. As a student attorney, you are making a professional commitment to protect and pursue your clients’ interests, and you must meet these obligations regardless of whether you have already completed your hourly work requirement for the week. You will be responsible for tracking your attorney hours and student hours via timesheets which must be submitted to Margot on a weekly basis without her having to nag you. If you fall short of the requisite hours, it will affect your grade.

You and your assigned partner for the semester must establish at least two days a week on which you will be in the office together, for a total of at least three hours on each of those days (other than the Tuesday and Thursday mornings when you will likely go to court). There are two main reasons for this requirement: (1) so that you have set hours during which you can tell clients and Assistant DAs to return your phone calls (for DA calls, I suggest including the court lunch hour – from around 12:30-2 p.m. – and particularly post-court hours – after 4 p.m. – in your schedule); and (2) so that you and your partner can collaborate on your cases. Simply splitting everything down the middle is not going to produce the best work, and I will frequently inquire whether you’ve both reviewed or worked on a document. Once again, this is a floor and not a ceiling: since you will be spending far more than six hours a week in the clinic, and being here at a set time for calls can be critical, feel free to coordinate some additional hours with your partner.

During these hours, as well as any other time that you are in the Clinic, please use the board in the reception area so that clinic staff knows that you are in the office to accept phone calls. Don’t forget to sign out when you leave.

** Seminar time and time spent preparing for seminar will be recorded and submitted as “student hours” along with your “attorney hours,” but this time will not go towards the 300-hour requirement. Time spent in team meetings or in case rounds will, however, count as “attorney hours,” as will any actual work you do on your cases. I will periodically review all of your submitted hours during the semester.
IV. PROFESSIONAL RESPONSIBILITY

A. General Requirements

You are authorized to practice under N.Y. Jud. § 478 (McKinney Supp. 2003) and by order of the Appellate Division, Second Judicial Department (Appendix “A”), which allow law students who have completed at least two semesters of law school to practice as an attorney under the supervision of the Community Legal Assistance Corporation.††

As a Supervised Law Student in your cases, you are bound by the Code of Professional Responsibility (see Appendix N). You must be familiar with the Code. You should pay special attention to the following requirements:

1. Under Rules 1.3 and 1.4, you are responsible for fulfilling all of your professional commitments to your client. You must act promptly on all cases and keep clients informed of all developments. Your clients should not have to telephone the Clinic to determine the status of their cases. You should check your box in the Clinic in the secretarial area at least once a day, and you should check voicemail and email at least twice. If you withdraw from the course during the semester, you must first fulfill all of your professional responsibilities to your clients. Rule 1.16. At the end of the semester, if you agree to perform work in a case, you are professionally obligated to complete that work even though you may have met the academic requirements for the course and received your grade.

2. Rule 1.6 requires that an attorney preserve the confidences and secrets of a client. Only the staff, supervisors and students of the clinic are covered by attorney-client privilege. Accordingly, you should never divulge – even to your relatives or close friends – your clients' confidences. You should never discuss your cases in public places where others may overhear.

3. Rules 1.7 through 1.12 prohibit the representation of clients in conflict-of-interest situations. The traditional conflict of interest is presented when the attorney is confronted with two or more clients who may have adverse interests. Conflicts must be avoided even where the two clients at issue are represented by different clinics (e.g., one is represented by the Criminal Justice Clinic, and the other is represented by the Housing Rights Clinic). To prevent such conflicts in Clinic cases, we maintain a computer client list to cross-check former and present clients.

Another area of conflict peculiar to our Clinic concerns University-related clients. Because of our funding, the Clinic cannot represent persons prosecuting or defending actions involving the University.

Finally, for those students clerking or formally seeking employment at a law firm or agency, please notify your supervisor so we can identify any potential conflicts. We will deal with any such conflicts on a case-by-case basis.

†† Students in the Political Asylum and Mediation Clinics have a different source of authorization to practice; students in these clinics should consult their respective manuals.
4. Rules 4.2 and 4.3 restrict communications with adverse parties. Rule 4.2(a) provides that “In representing a client, a lawyer shall not communicate or cause another to communicate on the subject of the representation with a party the lawyer knows to be represented by a lawyer in that matter unless the lawyer has the prior consent of the lawyer representing such other party or is authorized to do so by law.”

Most law students (and some ill-informed prosecutors and defense attorneys) erroneously believe that subdivision (a) prevents defense attorneys from speaking with complaining witnesses in criminal cases. However, it clearly does not (unless the complainant has actually hired a personal lawyer in connection with the criminal case, which is a very rare occurrence). The prosecutor does not represent the complainant. He or she represents the People. Thus, there is no ethical prohibition against defense attorneys speaking with the complainant(s) on their client’s cases. Indeed, failure to make diligent efforts to interview the complainant may well constitute a violation of the obligation to represent one’s client. How can the case be defended without even the most basic investigation? Immediately contacting complainants is standard operating procedure for any competent defense attorney.

If counsel discovers that a witness has been advised (by the prosecutor, a police officer, or another government official) not to talk to the defense, counsel should file a motion challenging this action on due process grounds and seeking appropriate relief (including, where appropriate, a court-ordered deposition of the witness), See, e.g. United States v. Carrigan, 804 F.2d 599, 350 N.Y.S.2d 718 (2d Dept. 1973).

In speaking with complainants, however, it is critical to keep the dictates of Rule 4.3, which states, *inter alia*, that when a lawyer “knows or reasonably should know” that an unrepresented person “misunderstands the lawyer’s role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding” and shall not give “legal advice to an unrepresented party. Being cautious when speaking with complainants or with witnesses generally is very important for a host of reasons. Most importantly for Clinical Students, the non-client complainant is not covered by our student practice order and therefore giving legal advice would be the unauthorized practice of law. For non-student defense attorneys generally, both appearances and malpractice considerations lead attorneys to refrain from providing legal advice to complainants and any other non-clients. Providing legal advice to complainants or other witnesses may also appear inappropriate to a juror and undercut a defense attorney’s credibility. Further if a non-client follows a lawyer’s legal advice and things go wrong there is the potential for a malpractice suit. When speaking to a complainant or a witness then, it is important to make it clear that you represent the defendant and that you cannot give legal advice.

5. Each student has complete responsibility for every one of his or her team’s cases, even though the workload is shared with a partner. Each student will be responsible for meeting deadlines, communicating with all the team’s clients and adversaries, and keeping every client file current. In other words, you and your teammate have joint and several responsibility for every matter assigned to your team. Excuses such as, “But my partner was supposed to answer that motion. That’s why it didn’t get done on time,” will not be acceptable. Conscientious collaboration is thus essential, and you will sink or swim in many respects as a team.

Since the Clinic is a functioning law office and your responsibilities are to actual clients, your professional obligations do not end during law firm “call-backs” or law
school breaks. If you are planning to be away from the Clinic during those periods, prior arrangements need to be made with a supervisor to make sure that you have completed all assigned work prior to your departure and that you have planned for coverage of your cases, so that representation of your clients does not suffer.

6. Finally, in your representation of your clients, you should always consider the Standards of Civility for the Legal Profession (Appendix “B”).

B. Student Practice Requirements

Because of the unique nature of student practice, we have some additional requirements for Clinic students.

1. Under the Appellate Division’s order, law students are restricted to representing clients in particular types of cases. Before accepting a case, you must carefully review the current Student Practice Order. Then you and the Clinic Professor must discuss whether or not student practice is allowed.

2. In every new case, students must obtain written consent in order to represent the client. A standard written retainer form is used for this purpose. (Appendix “C”). Representing a client as a law student without first having obtained written consent from client constitutes a violation of the student Practice Order. Thus, your representing such a client constitutes both an ethical violation and a crime: The Unauthorized Practice of Law.

3. Any document prepared by a student must be approved by a lawyer. Accordingly, all motions, discovery demands or other documentation that is served on an adversary and/or filed with the court must be signed by the Clinic Professor, as well as by you. Also, please have your supervisor initial the final copy of each piece of correspondence sent out from the Clinic. A photocopy of the initialed final copy of all correspondence should be placed in the case file. You should sign all correspondence with both your name and your title, which is “Legal Intern.”

4. Finally, because the Clinic Professor has the ultimate responsibility in each case, before you give any legal advice to a client, please consult me. As you obtain the necessary facts from your client, pursue appropriate investigation, research the applicable law, and develop a recommended course of action, we will discuss the case at length. Then you can provide appropriate legal counseling to your client.

C. Personal Calendar

Every Criminal Justice Clinic student must have – and use – some kind of date book or calendar. In other words, if you don’t already have one this should be an immediate purchase. Obviously, you need this to keep track of court dates. But there are also a number of other deadlines, such as: the due date for a discovery demand to the DA’s office; the seven days before the due date that you must send me a polished draft for any motion or other document you intend to file; a meeting with your client; the 45-day due date for motions after a case is filed; or your weekly meeting time with me and your partner.
Always bring your personal calendar to all court appearances – paper or electronic format works, just as long as you can know at a glance whether you can make a certain date that the court is asking for, or what date to suggest, without making the court wait while you click, swipe, open, etc. If you can get the information out and recorded quickly, how you get there is up to you.

D. **Master Calendar**

Margot Rivera, the Criminal Justice Clinic administrative assistant, maintains a master Criminal Justice Clinic calendar of court appearances. Every week – or more often, if necessary – Margot will print and distribute a copy of the master calendar to every student. After each court appearance, you must email Margot immediately and identify the client’s name, the specific court and court part, the adjourn date, the purpose of the adjourn date (hearing, trial, conference, motions, etc). This will allow Margot to update the master calendar. **YOU MUST PROVIDE MARGOT THE ADJOURNMENT INFORMATION NO LATER THAN THE CLOSE OF BUSINESS ON THE DAY OF THE COURT APPEARANCE. FAILURE TO DO SO WILL SERIOUSLY AFFECT YOUR GRADE.** It is not acceptable for me to have to ask you a week later, “Hey, didn’t you have that Reply and Submit date next week? When is it?” The Clinic’s failure to show up for a scheduled court date, because the students assigned did not immediately provide Margot with the new court date, is malpractice, plain and simple.

E. **Maintenance of Files**

1. **Location of Files**

   Files for opened and closed cases are kept in the Common area of the Clinic. The files are in alphabetical order by client’s last name from **left to right** (Z’s should be closest to my office). Please put files back in the proper location at the end of each day when you are finished working on them (more on file protection, below).

2. **Organization of Files**

   This is one of the longest sections in the manual because it is just so important. Maintaining a legible, organized, updated and complete file, both in the actual (hard copy) file and in the electronic subfolders set up for each new client on the I: drive is essential. There are a number of reasons for this, including my or your colleague’s or future colleague’s ability to handle a matter in your case during or after your representation. In motions practice, you’ll also often need to know precisely when certain things happened (or didn’t happen in the case) and if your records are not complete, accurate, and organized you will not be able to make the necessary record. Because these are very real issues in practice, file management is also a significant part of your grade.

   Please do not take the files you are receiving as examples of ideal file maintenance. I did not reorganize older files to match this new formatting, so older cases definitely won’t comply, and there may be cases with missing cover logs or misfield documents. One of your first jobs will be to make sure the logs are all current on each case and that the file is well organized.
Now, how’s it done?

Each clinic case file has partitions, which are divided into six sections. This year, we are trying a new system of dividers, so consider yourselves a focus group, and provide the Professor with any feedback you have‡‡:

a) Basic Court Documents (AI, Rap Sheet, Notice of Appearance etc.);
b) Client Information (Contact Info, Interview Form, Program Info., etc.);
c) Contact/Transfer Memoranda;
d) Discovery/DA Communication;
e) Investigation; and
f) Legal Research/Motions.**

At the top of each section you should keep a log sheet with a list of all documents in the section and the date the document was completed and placed in the file. Copies of all Log Forms are attached. (Appendix “D”). If the papers in a particular case are too big for the file, please ask an administrative assistant to transfer excess papers to additional folders marked with the case name and number.

A record of all factual and legal developments in each of your cases, as well as all research notes, must be maintained in the case files. All papers relating to the case, including all telephone messages and contact sheets, must stay in the files at all times. No papers or documents are to be released without the Clinic Professor’s approval.

Depending on the nature of your case, you can create additional folders (e.g., folders containing hearing prep documents, transcripts, or extensive documents provided by the client). It is critical that any item belonging in the file is properly secured. For instance, if the D.A. serves a 911 tape upon us in response to a discovery demand, you must arrange to have that tape appended into the file so that it will not fall out. In order to accomplish this, you could put the tape inside an envelope; mark the outside of the envelope “911 tape, People v. Smith, Docket number 2008NA005432” and then hole-punch the envelope so that it can be fastened into the file folder. But any effective, creative method will be acceptable. The bottom line is, ANYTIME PAPERS, DOCUMENTS OR ITEMS FALL OUT OF THE FILE WHEN THE FILE IS PICKED UP, THOSE PAPERS AND ITEMS ARE AT SERIOUS RISK OF BEING LOST. And that’s unacceptable.

As noted above, the sections of each partitioned folder are in the process of being changed, and all new files will be partitioned as follows (old files have a different system of partitioning). Unless otherwise noted, you should put the documents in each section in reverse chronological order (so that the most recently obtained information/document is on the top):

‡‡ For what it’s worth, note that every professor who has run this Clinic has had a different system, so there are lots of opinions on how this should be done. It may be that no method is particularly satisfactory!
** Copies of all of the forms that you will use for the Clinic are available in appendices of this Manual, in hard copies in the Clinic and on the shared I: drive under the “Forms” folder.
a. **Basic Court Documents**

The court papers we initially receive in all cases should be filed in this section. These documents generally contain the accusatory instrument(s) (criminal complaint, simplified traffic information, and supporting depositions from the People’s witnesses), as well as the client’s RAP sheet and possibly release/report to probation documents. You should also include the CJC Open File Form in this section (**Appendix “H”**), and a Notice of Appearance of counsel.

Court Appearance Forms should also be placed on the top of this section of your file (**Appendix “F”**). The Court Appearance Form memorializes the parties, the judge, the court reporter, and the substance of each appearance you make on the record in court. If you have important conversations in court, particularly if they are not on the record, you should include the substance of those conversations in a Court Appearance Form AND put it (in more detail) in the Contact Memo section of the file as well. The Court Appearance Forms should be completed while you are in court and separately record what happened in discussions with the DA, at Conference, and on the record.

b. **Client Information**

Over the course of your representation, you will receive a number of documents from or about your client. Your Initial Interview Form (**Appendix “G”**) will be in this section. You should also include a client release form, an initial interview form, materials from a program he or she may have attended, etc. On top of this section should be a new 1-page form with essential contact information, called, strangely enough, the “Contact Information Form” (**Appendix “M”**). The goal with this form is to make it very easy to reach out to the client, essential witnesses, the district attorney, etc. without having to dig through the whole file.

c. **Contact Memoranda**

For every single contact you make in connection with a case - - a telephone call, interview, meeting with client or witness, conversation with ADA, visit to the scene, court appearance - - you will detail the contact in a Contact Memorandum and keep track of the contact memos with a Contact Memo Log. (**Appendix “E”**). Each contact must be documented in a contact memo immediately after the particular event. It must also be sufficiently detailed so that the particulars of each event are thoroughly reported. The purpose of the Contact Memos is two-fold: 1) Contact Memos create a permanent record for the file of all the work Hofstra has done in any given case, which is particularly important as the cases often continue from one semester to the next and future students and the Clinic Professor will need to know precisely what has taken place; and 2) Contact Memos permit the Clinic Professor to review the appropriateness of your lawyering. For instance, in most cases, the Clinic Professor will not be standing next to you when you are negotiating with prosecutors, giving legal advice to clients, or interviewing witnesses. Thus, only by reviewing detailed Contact Memos can she provide constructive feedback to improve your lawyering skills.

All Contact Memos should be typed and saved on the computer I: drive
and sent to the Clinic Professor by e-mail for approval immediately after the event
being documented. You should label handwritten notes taken during contacts and
cross-reference them with the Contact Memo and include them in the file as well.
(During the first week of classes, you will receive training as to the method for
creating documents on the clinic computer and e-mailing them to me.) Always
indicate the name of the client and “contact memo” in the subject line of your
email.

You will receive an emailed response to each Contact Memo from the
Clinic Professor, either approving its content as-is, or requiring changes. As the
semester progresses, however, and things get busy, a delay may develop between
your submission of the contact memo and your receipt of the Clinical Professor’s
responsive approval or required changes. Thus, you must always append your
contact memoranda into the case file immediately after the event being
documented (so the case files are always current) and then be sure to replace each
contact memo with a corrected version, if and when the Clinical Professor
subsequently communicates specific changes that are required to any particular
memo.

It is your responsibility to create and file all Contact Memos immediately
(within 24 hours) after completing the contact in question. In other words, right
after calling your client to discuss a plea offer, you must write the Contact Memo,
e-mail it to the Clinical Professor, and append a copy of the Contact Memo in the
case file (which you will then replace if I subsequently require changes to the
memo). In this way, we will be absolutely assured of having a current, permanent
record of every contact in every case.

I cannot over-emphasize the importance of immediately documenting all
incidents and contacts that occur during the handling of a case. Not only is
proper file maintenance essential for competent client representation, but also
failure to properly document and maintain files constitutes an ethical violation. 

\[\text{§§}\]

\[\text{d. Discovery/DA Communication}\]

This section is for discovery, as well as communications with the district
attorney about discovery or other issues. You should put any Voluntary
Disclosure Forms (VDFs) served by the prosecutor here or police (including
tapes, photographs, maps, etc.) here. You should also include any demand letters
you have made or received in this regard. As with everything else, all incoming
correspondence and copies of outgoing correspondence on discovery (and you
should probably memorialize, in writing, every conversation you have with the
ADA in a case) should be filed in reverse chronological order (most recent on top)
in the file. Notably, the pending draft, and then the final draft should also be
saved on the I: drive.

\[\text{§§}\]

At this point in the memo, you may be wondering why I keep emphasizing things as essential or vitally important
or the failure to do certain things as unacceptable. I know it sounds harsh – but that’s the difference between
studying law and actually practicing it. It is a huge responsibility, and an incredible opportunity. Know, however,
that I’m never asking for something just for the sake of making work. It’s always, always because the case and
practice demand it or, less frequently, your training demands it (which gets back to your ability to do the work on a
case). If you’re ever not clear why I’m asking for something or why things are arranged a certain way, please just
ask – reflective lawyering is what it’s all about.
While we’re at it, you should know that all correspondence that is received in the Clinic, including discovery correspondence, is date-stamped and first given to the Clinical Professor, who then distributes the mail to the assigned team. Upon receipt, you should place your initials on the back of the document and append it in the case file immediately.

Copies of all final letterhead correspondence sent out by the Clinic (initialed by the Clinic Professor) should also be filed in this section (unless it relates to something other than discovery). Do not file drafts of letters in this section, only copies of the initialed final letterhead copy.

Keeping this stuff organized can help you greatly when it comes to filing Motions for a Bill of Particulars or Motions to Compel later in a case (to the extent there are relevant phone calls, they can be recorded as contact memos – and possibly cross filed under the discovery tab as well). To help keep things on track, you should maintain an index (aka Discovery Log) of all materials included in this section and the date the documents were obtained as a cover sheet to this section.

e. Investigation

Any documents you obtain relating to the facts of the case that are not discovery should be placed in this section of the file. This might include photographs you take, documents that your client provides in support of his case, witness statements, responses to subpoenas, investigative memos, etc. You must record the contents of this section in the Factual Investigation Log as you obtain each document.

f. Legal Research/Motions

In the legal research section, you should file all legal and strategy memoranda drafted in the case, all legal planning instruments, and copies of relevant statutes and cases. You should organize this section by research topic. In a complex case, you may want to create additional research folders. It does not help future students merely to throw copies of statutes and cases into the file. You should draft a cover memo for any such authority, explaining its application to the case. You should also keep copies of important cases that you rely on in this section so you can refer to the cases at oral arguments. A Legal Research Log should reflect the contents of this section.

Motions, Responses, Replies, and Judgments/Decisions should all be included here as well. Again, most recent on top.

One other important note regarding motions: just as with outgoing correspondence, I need to see and approve (and in this case, actually sign with my own signature line below yours) every motion you submit in a case. To that end, you should have a complete first draft of any pleading/motion to me no fewer than seven days before it is due. If you haven’t heard back from me on it within a couple of days, please check back with me to make sure that it’s still on my radar so that I can get you comments/edits promptly. Then you will likely need to
revise the motion and send it to me again. You are responsible for (1) keeping an up to date copy of the document on the I: drive (not just, e.g., on your hard drive at home during the drafting process; (2) keeping a copy of the final document on the I: drive, once we’ve arrived at a final version; and (3) filing the final, signed, and stamped (by both the DA’s office and the court clerk’s office) hard copy in this section of the paper file.

3. Closing/Transferring Files

When your involvement as a client’s representative comes to an end, either because the semester is over, or because the case is closed, you are responsible for completing a Closing Memo or a Transfer Memo (Appendix “I”). Although your responsibilities as clinic students continue to the end of exam period, transfer must be ready to be completed by the last day of classes, and it may be subject to modification after the Clinic Professor reviews it. Keep in mind that the person receiving this case has had no involvement in it to date – so be as thorough as you wished (or were pleased to find) the prior interns on cases you got at the start of the semester had been (or were). In addition, you must write a closing or transfer letter to each of your clients, unless you decide otherwise after consultation with your supervisor. All closing/transfer and letters should be given to your supervisor for review before being finalized and given to a secretary.

4. Backing Up Your Work

You MUST back up all your written work on the “I” Drive assigned to your clinic. Every case that is opened at the Clinic has a folder created under your Clinic I: Drive with the client’s name and case number. Written work to be saved includes all pleadings, legal memos, planning memos, and interview memos. Create folders to organize the I: drive and name all contact memos so that the date and nature of the contact are obvious. E.g. “2008-09-21 client call.doc.” (By using the year, month and date, the contact memos will automatically be organized in chronological order.)

5. Handling of Files

If you remove a file during the day, it must be returned at the end of the day. Do not leave files in your carrels or in the file drawers at your carrels (or, heaven forbid, at home or in your car). The case files may not be removed from the office, except to be brought to court appearances if you have the permission of a supervisor, and then they should be immediately returned to the clinic. If you do remove a file to bring it to court, know that you are taking a risk in doing so, and treat the file like you would a secret family heirloom. This is a matter both of organization and of client confidentiality. If you wish to work with any portion of the file outside the office, you may, within reason, duplicate those portions. The reasons for this policy, while obvious, cannot be overstated. The loss of a file is a disaster. Even the temporary unavailability of a file to a faculty member or other student can cause serious inconvenience, embarrassment, error, and malpractice.

V. OFFICE PROCEDURES

A. Office Hours
Clinic office hours are from 9:00 a.m. to 7:00 p.m. (5:00 p.m. on Fridays). Under no circumstances should you prop open the front or side doors to allow access to the building after office hours. The Clinic is a law office, and entrance must be limited to authorized personnel. For this same reason, never prop open the door to the restroom area (which is shared by Career Services). Career Services should only be entered from the separate entrance at the front of the building and never through the Clinic. Also, do not use the side entrance to the building from the student workstation area for entering or leaving the building. There is an alarm on this side entrance door that will sound if the door is opened and it not an emergency.

When you are the last person to leave the Clinic at night or on the weekends, please call Public Safety (463-6606) so they can turn on the security alarm. If you are the first person to arrive in the Clinic after hours or on the weekend, call Public Safety to turn off the alarm.

B. Card Swipe Access

The Clinic has a card swipe system in place for access to the building before and after hours. You can use your Hofstra ID Card in the card swipe system on the entrance doors. If you have a problem with your card please speak with Yvonne Atkinson, the Office Manager.

There is also a card swipe system on the hallway door to the interview rooms. That door will automatically lock at 5 p.m., so if you are in an interview room, you will need your Hofstra ID card to swipe and gain access to the main clinic office.

C. Telephones

1. Use of the Clinic telephones is restricted to Clinic business. Personal calls are not to be made except in the case of an emergency. Do not give out the Clinic number for personal business. Clients should be told to contact you at the Clinic number (463-5934). Do not provide clients with your workstation telephone number.

2. To make long distance calls see one of the secretaries for our long distance code. You can use the code to make a long distance call from any of the Clinic’s telephones.

3. When making a phone call, identify yourself by your name and the clinic in which you are enrolled. Do not give legal advice on the phone unless the caller is your client and you have first spoken with your supervisor. Should you answer the Clinic telephone, please answer as "Hofstra Law Clinic," and then identify yourself. Always inform the caller that you are prohibited from giving advice by phone and that the caller will have to talk to one of the administrative assistants about a possible interview.

If you take a message for a student or attorney after hours you must use the telephone message pad on the administrative assistants’ desks and clearly sign your name so we have a copy of all messages received.

4. Making Business Calls from Your Own Private Phone (home or cell phones):

Serious problems can occur if you provide your clients with a private phone number (e.g. a cell phone or home number). Client confidentiality can be breached for
example, if your client leaves a message on your voice mail and someone else in your
household has access to the phone. Also, after the end of the semester, the client may
still continue to try to contact you on this line even though you are not handling the case.
For these reasons, the Clinic has a policy of prohibiting the provision of private phone
numbers to clients except in emergency situations and with approval of your supervisor.
In some situations, for example, when your client has only limited access to a phone, is
only available after business hours, and a pressing issue arises, you may need to provide a
private phone number to your client. In those circumstances, you should first speak with
your supervisor, and you should advise your client not to leave substantive messages on
your voice mail and to use the number only for a limited period.

In other circumstances, if you use your cell or home phone to call your clients,
you should block “Caller ID” (*67) so clients cannot obtain your number.

The policy is only limited to giving clients a private number. You may give
opposing attorneys, witnesses or other third parties your phone number if you believe it is
necessary. But before giving your private phone number to opposing attorneys or other
third parties, you should consider whether or not you want to be contacted by those
parties at all hours of the day and you can handle calls in a confidential setting. If the
particular case is ongoing, when you leave the Clinic it is your obligation to contact any
people to whom you have given a private phone number and tell them you’re no longer
working on the case and your phone number can no longer be used.

As with all calls made or taken at the Clinic, all phone contacts on a private line
must be documented in a contact memo as soon as possible after they occur.

D. Carrels and Computers

In order to make best use of the computers, we have assigned computers to individual
clinics. You can sit at any desk and use the computers in your clinic area. You may use a
computer assigned to another clinic but, upon request, you must yield the computer to any
student from that other clinic. The desks are clearly labeled by Clinic.

You may use your own laptop. Each carrel is equipped with a computer port. To obtain
access to the network contact Akshay Tripathi.

Each clinic has a collection of forms that you will use regularly in the course of your
casework. These forms can be accessed on the “I:\[Your Clinic]\Forms” directory on the I: drive
on your computers. Hard copies of most forms are available in the form drawer.

There will be a computer aide assigned to the student area during the semester to help
with computer related problems. A schedule for the computer aide will be distributed early in
the semester. When there is not an aide in the office, please let Yvonne Atkinson know if you
have any computer problems and she will contact the Law School Computer Liaison office at
extension 35860 to advise them of the problems.

E. Email
Because of confidentiality requirements, you must use only your Hofstra e-mail address when sending or receiving Clinic documents or when exchanging any information about a case. Before the semester begins, please make sure your Hofstra e-mail account is activated. You should check your email multiple times each day for communication relating to Clinic matters.

F. Photocopying

All documents leaving the office must be photocopied. Students may do their own copying on the copier in the area outside the attorneys’ offices. This copier is limited to Clinic business.

G. Mail

1. Incoming Mail

All incoming mail goes directly to your supervisor. After review, your supervisor will give it to the intern(s) in charge of the case. In the event that you receive papers from an adverse party where immediate action is needed, promptly e-mail your supervisor to discuss the appropriate action to be taken. This will avoid the risk of possible default through failure to comply with a statutory time limit.

2. Outgoing Mail

   a. Mail may be placed in the tray marked "OUTGOING MAIL." Mail is picked up about 11:00 a.m. each day. Mail left after the 11:00 a.m. pickup will go out the next morning. If you need to mail an item after the last pickup, please see one of the administrative assistants (or use the mailbox on California Ave.).

   b. For all certified mail letters, type BY CERTIFIED MAIL on the letter. When the certified receipt and green cards are returned to you, staple them to the copy of the mailed document in the correspondence file.

   c. ALL LETTERS AND FILE COPIES OF LETTERS MUST BE APPROVED AND INITIALED BY YOUR SUPERVISOR BEFORE MAILING. COPIES OF THE SIGNED, INITIALED FINAL LETTER (ON LETTERHEAD) SHOULD BE LOGGED AND THEN FILED IN THE APPROPRIATE SECTION OF THE FILE (I.E, DISCOVERY/INVESTIGATION).

   d. Express Mail – If you need to send a letter via express mail, we have accounts with the following companies: United States Postal Service, UPS, Federal Express Mail and DHL. If you need to use any of these services, please speak with one of the secretaries.

H. Money Matters
For all receipts and disbursements, see Yvonne. Except in an emergency, if you need a check for court costs, subpoenas, etc., please give Yvonne one day's notice on requests to have a check issued. Make a copy of any check and place it in the correspondence section of the file.

You must fill out an Expense Reimbursement Form in order to be reimbursed for case-related expenditures (Appendix “J”). A supervisor must approve your expenditures. You will be reimbursed for case-related car travel at a rate of 50 cents per mile. Please note that for anything other than mileage, you will need a receipt, to be reimbursed.

If you order a transcript for an 18b case, please be sure to get the 18b rate. This requires you to draft an order for the judge’s signature. More details, and a model order, should be on the Nassau County18b website.

I. Attire

The Clinic is a law office, and you should dress appropriately whenever you are engaged in Clinic-related business. You must, however, wear business attire to court. You are entering a conservative profession, and that means dressing conservatively (by which I mean a suit) for professional interactions. Note that we sometimes receive a call and must report to court on short notice, so have appropriate attire available (not 45 minutes away) at all times.

J. Fax

The Clinic's fax number is 516-463-5937. The fax machine is located outside of the attorneys’ offices. Please type BY FAX on faxed correspondence. When a fax comes in, please place it in the maroon receiving tray next to the fax machine. Administrative assistants will regularly check the tray for faxes and then photocopy and distribute the faxes as necessary.

K. Interpreters

Because a number of the Clinic’s clients are exclusively Spanish speaking, we have hired two part-time interpreters to assist the Clinic. A schedule for the interpreters will be distributed early in the semester. If you need to meet with a Spanish-speaking client, make sure to set up the meeting when an interpreter will be available and schedule the meeting with the interpreter. If you need to have a document translated, put the English copy in the interpreters’ mailbox with instructions. If you have any questions about the use of the interpreters, see Yvonne.

In addition, if you have a client that needs an interpreter for another language, please see Yvonne, who will help to arrange an interpreter to assist you.

When having a telephone conversation with a Spanish-speaking client, make sure that both you and the interpreter are on the line. You can either make a conference call from your phone (call to the client; press the “Conf/Trans” button on the phone; call the interpreter; press the “Conf/Trans” button again) or use the speakerphone in the conference room. Your presence on the line will help you develop a relationship with the client; the client will consider that you, not the interpreter, are his or her representative. Moreover, many of these clients have limited English-speaking skills and, by participating in the call, you allow them to communicate with
you even in a small way. Finally, by taking part fully in the call, you can directly answer the clients’ questions without the awkwardness of the interpreter’s putting the client on hold.

L. Restroom Lock

We share the restrooms in the building with Career Services. To protect the confidentiality of our office, the door from the restroom area to the Clinic is locked. Before you re-enter the Clinic, you must punch four digits into the touch pad. Yvonne will tell you the code at the beginning of the semester.

M. Clinic Conference Room and Interview Rooms

The Clinic conference room and interview rooms are for your use. Please do not remove books and forms from the Clinic, or mark the books up. If you know you will need the use of an interview room, please see Yvonne to reserve it. There is also a schedule of room availability on Margot Rivera’s desk. Please feel free to use that to reserve a room.

N. Notary

Professors Liebmann, Haber, and Kreiger are notaries. If a client is coming to the Clinic to sign a document that must be notarized, please make sure that one of the notaries will be available. A notary must be present when a signatory signs a document.

O. Financial Eligibility

The clinics serve client populations that typically do not have the financial resources to afford their own lawyers, whether they are indigent criminal defendants, low-income housing residents, children, or asylum seekers. As a general rule, if a case is assigned to the Criminal Justice Clinic by the Court, the client will be eligible for our services. If you are concerned that a client has substantial resources that would render him or her ineligible for our services raise this issue with the Professor. The Financial Eligibility Chart is attached. (Appendix “K”)

P. Supplies

Supplies are available in the cabinets above the case files. The paper supplied in the Clinic is free, but its use is restricted to Clinic business.
## APPENDICES

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appendix A</td>
<td>STUDENT PRACTICE ORDER</td>
</tr>
<tr>
<td>Appendix B</td>
<td>STANDARDS OF CIVILITY</td>
</tr>
<tr>
<td>Appendix C</td>
<td>SAMPLE RETAINER FORM</td>
</tr>
<tr>
<td>Appendix D</td>
<td>LOG FORMS</td>
</tr>
<tr>
<td>Appendix E</td>
<td>CONTACT MEMO</td>
</tr>
<tr>
<td>Appendix F</td>
<td>COURT APPEARANCE FORMS</td>
</tr>
<tr>
<td>Appendix G</td>
<td>INITIAL INTERVIEW FORM</td>
</tr>
<tr>
<td>Appendix H</td>
<td>CJC OPEN FILE FORM</td>
</tr>
<tr>
<td>Appendix I</td>
<td>CLOSING MEMO/TRANSFER MEMO COVER SHEET</td>
</tr>
<tr>
<td>Appendix J</td>
<td>CLINIC EXPENSE REIMBURSEMENT FORM</td>
</tr>
<tr>
<td>Appendix K</td>
<td>FINANCIAL ELIGIBILITY CHART</td>
</tr>
<tr>
<td>Appendix L</td>
<td>DIRECTIONS TO COURTHOUSE</td>
</tr>
<tr>
<td>Appendix M</td>
<td>CONTACT INFORMATION FORM</td>
</tr>
<tr>
<td>Appendix N</td>
<td>RULES OF PROFESSIONAL CONDUCT</td>
</tr>
</tbody>
</table>