

## **NKU CHASE CHILDREN'S LAW CENTER CLINIC SPRING 2020**

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### **COURSE DESCRIPTION AND ANTICIPATED OUTCOMES**

The NKU Chase Children's Law Center Clinic (the "Clinic") is a course through which you will learn practice skills by serving as student attorneys in cases involving child and family law. These skills include interviewing and counseling, fact development, case planning, negotiation, oral and written advocacy, and trial skills. You will also have the opportunity to begin grappling with real-life ethical dilemmas and developing your identity as a competent, ethical attorney for children and teens.

In addition to practice skills, you will learn about working in an interdisciplinary fashion with professionals in other areas, including social work, medicine and education. You will have the opportunity to do research about community-based problems and learn about service providers and programs in the field. You will have the opportunity to become familiar with some of these organizations and their mission, and provide funding to a small number of them through a philanthropic research project.

### **COURSE MEETING TIMES**

Class will meet from 10:00 to 11:30 a.m. on Fridays. Classes meet in the Children's Law Center unless otherwise noted. New students must be available to observe court hearings at least once during the first two weeks of the semester. All students must be available to participate in regular office hours and in some court appearances throughout the semester.

### **WORKLOAD AND REQUIREMENTS**

The Clinic is a 3-credit or 4-credit class. The American Bar Association standards for accrediting law schools contain a formula for calculating the amount of work that constitutes one credit hour. According to ABA Standard 310(b)(1), "a "credit hour" is an amount of work that

reasonably approximates: (1) not less than one hour of classroom or direct faculty instruction and two hours of out-of-class student work per week for fifteen weeks, or the equivalent amount of work over a different amount of time.” Classroom hours are counted on the basis of a 50-minute class unit, and out-of-class hours are counted as 60 minutes per hour.

If you are taking 3 credit hours, you should plan on doing not less than 150 hours of clinic work per semester, including class time. If you are taking 4 credit hours, you should plan on doing not less than 200 hours of clinic work per semester, including class time.

You must have taken, or be concurrently enrolled in, Professional Responsibility in order to enroll in the Clinic. To avoid conflicts of interest, you may not participate in the Clinic while working as an employee or intern in any Campbell, Kenton or Boone County prosecutor’s office, court or agency handling juvenile or family court matters. If you have questions or concerns about this policy, contact the professors immediately.

### **STUDENTS WITH DISABILITIES**

The University is committed to making reasonable efforts to assist individuals with disabilities in their efforts to avail themselves of services and programs offered by the University. To this end, NKU will provide reasonable accommodations for persons with qualifying disabilities. If you have a disability and feel you need accommodations in this course, you are required to register with the Office of Disability Programs and Services (DPS). DPS is located in SU 303, and its contact information is [disability@nku.edu](mailto:disability@nku.edu) or 859-572-5401. Once you have received your accommodation letter from DPS, you must present the letter to me. Students should make every effort to meet with the DPS office and have the accommodation approval at least two weeks before the beginning of the exam period.

### **STUDENT EVALUATION OF FACULTY**

The Chase College of Law takes Instructor and Course Evaluations very seriously as an important means of gathering information for the enhancement of learning opportunities for its students. It is an important responsibility of Chase students as citizens of the College to participate in the instructor and course evaluation process. Students who complete an evaluation for a particular course (or opt out of doing so within the evaluation instrument) will be rewarded for their participation by having access to their course grade as soon as that grade is submitted by the instructor. Any student who does not complete the course evaluation (or opt out of doing so during the appropriate evaluation period posted on the Schedule page) should expect to incur a delay in access to his or her course grade. Students who experience extenuating circumstances in evaluating faculty or opting out may file a “Petition to Release Grade Access Restriction,” found on the webpage of the Chase Registrar, with the Associate Dean for Academics.

### **STUDENT RESPONSIBILITIES**

In order to make sure you are prepared to represent clients, you are required to participate in a

boot camp, court observations and scheduled Clinic classes. You will work on a variety of matters in the Clinic, including cases, research and community education.

**Limited Licenses:** In order to make the most of your Clinic experience, students who have completed 60 or more credit hours should obtain a limited license to practice in Kentucky. Judy Brun is the person at Chase who will help you coordinate the paperwork. If you have questions or need additional information, please contact Ms. Brun directly. Her office is in 521 Nunn Hall. Her phone number is 859.572.5904 and her e-mail address is brunj1@nku.edu.

**Clinic Class:** We will have a weekly seminar on Fridays from 10:00 – 11:30 a.m. in the Children’s Law Center. Class attendance is required, and participation in exercises and discussions are expected. If you are required to prepare a problem or present your case for group discussion, you will be notified the week before. **Attendance in the Clinic class is mandatory.** **If you miss more than two Clinic classes per semester, you will fail the course.** You are required to participate in case-related activities and other work related to clients, and must be available during some business hours to do so.

**Cases:** You will be assigned a minimum of 2 cases, depending on the amount of work each case requires. First cases will be assigned during the first week of the semester. Additional cases will be assigned to you in subsequent weeks. If you are assigned a case with a partner, you and your partner are jointly responsible for all of the work on the case. It is your responsibility to decide how work will be allocated. If you have a problem working with your partner on a case, notify the professors immediately.

**Research and Community Education:** Students will be conducting research on community services and meeting with 501(c)(3) service providers in order learn about supports available to children and families. This project will be a **Mayerson Student Philanthropy Project**, the goals of which are to:

- *enhance students' awareness of social problems and nonprofit organizations in the community;*
- *influence students' attitudes, interests, intentions and behaviors related to social responsibility and civic engagement;*
- *enhance students' understanding of the academic content of the course by integrating theory and practice; and*
- *improve students' critical thinking, communication, leadership and other work-life skills.*

The Mayerson project has granted our class \$2,000 to donate to nonprofit organizations in the Northern Kentucky/Greater Cincinnati area. Over the course of the semester, you will research and meet with organizations that serve youths and families in Northern Kentucky. You will have the opportunity to send a Request for Proposals for grants of \$1,000-\$2,000 to 4-6 of the agencies. You will evaluate the applications and ultimately determine which agency or agencies

will receive the grant(s) of up to \$2000. Additionally, the group may choose to fundraise so that additional funds may be awarded.

**Hours.** You must complete a minimum of 50 hours of work per enrolled credit hour. See Workload and Requirements section above.

**Time in the Clinic.** You are expected to perform the majority of your Clinic hours in the Clinic space during designated office hours. While your Clinic hours will include field work, court appearances, and other non-office tasks, you will get the most out of your Clinic experience if you primarily work in the Clinic space with your peers.

**Timekeeping.** You are expected to keep timesheets that reflect your time working on clinic matters and turn them in to Professor Bookser weekly.

## **EXPERIENTIAL LEARNING CREDIT**

This course will satisfy the experiential learning requirement contained in Chapter 3 of the ABA Standards for Legal Education. You will meet the following objectives in the following ways:

(i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302;

In this course, you will be exposed to substantive doctrine in the areas of family law, juvenile law, criminal law, and domestic violence and will demonstrate your ability to analyze legal questions and advocate for your clients in these areas through the following live-client experiences and/or exercises:

- Legal research, writing, and written analysis;
- Drafting legal documents;
- Exercise of proper professional and ethical responsibilities to a client;
- Client, witness, and/or attorney interviewing;
- Oral and written communication consistent with the practice of law;
- Organization and management of legal work, deadlines, and communication;
- Collaboration within a team setting;
- In-court activities; and
- Reflective learning and self-evaluation.

(ii) develop the concepts underlying the professional skills being taught;

You will develop your professional skills through written assignments reflecting the range of legal writing attorneys must perform, simulated in-class interviewing assignments and/or live-client hearings, self-assessment, and professor feedback.

- (iii) provide multiple opportunities for performance;

Each student will participate in multiple oral communication exercises and/or court appearances, and will have multiple opportunities to submit written work product.

- (iv) provide opportunities for self-evaluation.

Students will evaluate their strengths and weaknesses at mid-semester and conclusion of the course.

## **ASSESSMENT AND EVALUATION**

Instructor and self-evaluation is ongoing. Your performances on cases, during hearings, in simulations, and in written materials, will be reviewed by the professors. You will be asked to reflect on these experiences informally and will receive informal feedback after every significant Clinic experience. Your performance during supervision meetings, small-group preparation sessions, and class meetings will also be considered. This non-court experience is very important because we often cover more material in teaching sessions than is actually covered in court.

Student evaluation will focus primarily upon the three major categories: lawyering, professionalism, and class/group participation. You will complete a Mid-Semester Self Evaluation and an End-of-Semester Self Evaluation based on these categories. You will meet with and receive formal feedback from the professors based on these categories as well. The following list sets out the main criteria used for completing evaluations and assigning grades in the course:

### **LAWYERING SKILLS**

**Case planning & Problem-Solving.** Are you learning to develop sound and thoughtful strategies for solving clients' problems?

**Interviewing & Counseling.** Have you used interviewing opportunities to glean facts necessary to understand and plan cases and to establish rapport with clients? Have you been thoughtful and tactful in dealing with your client's situation?

**File Maintenance.** Have you saved all relevant documents in hard copy and electronically and organized your file so that your supervising attorney and/or another student can find necessary information?

**Fact Development.** Have you been creative, thoughtful and persistent in exploring all avenues for understanding and supporting your client's position?

**Negotiation.** Have you explored and/or used negotiation tools to secure results for your client?

**Oral Skills.** Have your verbal communication skills improved over the course of the semester?

**Written Skills.** Have you produced accurate written communication?

**Legal Analysis & Application.** Are you able to determine the applicable law, and to apply legal principles to clients' factual situations?

**Use of Other Resources.** Are you able to work with resources and experts from other professions and disciplines?

### **PROFESSIONALISM**

**Initiative.** Have you taken primary responsibility for case planning, including: preparing a schedule to ensure that all of the necessary work for a case is completed prior to a deadline or court appearance; informing the professors of the work that you are conducting; seeking guidance while allowing sufficient time for meaningful feedback; and ensuring that the professors are aware that you are thoroughly prepared prior to court?

**Dependability.** Do you pay sufficient attention to cases, deadlines, and promises? Do you keep clients and the professors informed of case progress?

**Maturity & Judgment.** Are you able to see and reflect on your own strengths and weaknesses, and take steps to address the weaknesses? Do you engage in prudent, thoughtful decision-making?

**Attention to Ethical Questions.** Are you able to identify, grapple with, and address ethical issues inherent in the practice of law?

**Relationship with Clients.** Are you able to develop supportive and professional relationships with clients?

**Relationship with Co-workers & Supervisor.** Are you able to establish good working relationships within the Clinic and the CLC?

**Reflection & Insight.** Are you willing and able to think about and learn from your experience in the Clinic?

### **SOCIAL JUSTICE AWARENESS**

**Awareness of Social Challenges and Community Needs.** Are you developing an awareness of the social challenges that affect children and families in the community?

**Awareness of Resources and Service Providers.** Are you developing familiarity with service providers in the community, the services they provide, and how clients may access those services?

**Reflection on Justice.** Are you willing and able to think and learn about the ways in which children, youth and families experience individual and systematic injustices?

**Reflection on Lawyer's Role in Promoting Social Justice.** Have you reflected on the lawyer's role in ensuring access to justice for children and youth?

### **CLASS PARTICIPATION**

**Attendance.** Have you had any attendance challenges?

**Preparation.** Have you completed any advance preparation necessary for in-class simulations or exercises?

**Participation.** Have you been actively engaged in class discussion, simulations and exercises?

### **PROFESSIONAL RESPONSIBILITY**

You must abide by the Kentucky Rules of Professional Conduct. In this light, please review the Rules of Professional Conduct, available at <http://www.kybar.org/237>. Our commitment to our clients and our professional responsibility obligations require that we provide competent, professional service.

As such, you will have the same obligations as every practicing attorney. Throughout the course of client representation -- from initial client interviews through trials and appeals -- you will grapple with ethical issues including the establishment of the attorney-client relationship, allocation of decision-making, representing clients with diminished capacity, duties of confidentiality and privilege, duties of competence and diligence, duties to advise and counsel, and the duty to communicate with clients.

Opportunities to reflect on ethical obligations will frequently arise during client intake interviews, client counseling sessions, client communications, case development and planning sessions, communication with attorneys and witnesses, negotiation and settlement sessions, oral and written advocacy, and hearing/trial preparation and appearances. We will attempt to grapple with and resolve any ethical issues before they arise through diligent review and case planning. In the event that ethical issues arise that cannot be anticipated, we will review and address the ethical issues, and reflect on their resolution within supervision meetings or larger group sessions.

## **MEETING WITH YOUR SUPERVISOR**

You are expected to meet with your supervisor regularly. It is up to you to set an appointment to meet with the professors well in advance of the next significant event in your case.

## **COURSE MATERIALS**

You will need a copy of the Federal Rules of Evidence With Objections, Twelfth Edition, by the National Institute for Trial Advocacy.

You will need a copy of The Glass Castle.

You are expected to be familiar with the Kentucky Rules of Professional Conduct, available at <http://www.kybar.org/237>.

All other necessary materials will be provided to you.

## CLASS SESSIONS

Date	TOPIC
1/17/20	<p><b>Orientation</b>  For this class, we will meet at Professor Halbrook's home, 6115 Woodmont Ave., Cincinnati, OH for brunch, orientation to the second semester, case updates, and a brief introduction to the Mayerson Student Philanthropy Project that we will complete as a class this semester.</p>
1/24/20	<p><b>Mayerson Project Explanation</b>  In this class, we will discuss in detail the Mayerson Student Philanthropy Project that we will complete as a class. Felicia Share from the Scripps Howard Center at NKU will conduct preliminary evaluations and we will begin a discussion related to local community services for children and teens. By the end of class, students will have identified two nonprofits each to research and report back to the group.</p>
1/31/20	<p><b>Child and Adolescent Development</b>  This class will focus on the ways in which children and teens are categorically different than adults under the law, and the specific challenges lawyers for children face when representing clients with diminished capacity.  <i>Speaker: TBD</i></p>
2/7/20	<p><b>Investigation</b>  This class will focus on the attorney's ethical obligation to investigate and how to conduct competent investigation in juvenile and family cases. You will complete a problem based on <i>The Glass Castle</i>.</p>
2/14/20	<p><b>On-Your-Feet Exercises</b>  This class will focus on refreshing recollection and impeachment using a prior inconsistent statement</p> <p><b>Mayerson</b>  Students must present their research and agree on 4-6 nonprofits to send a Request for Proposal (RFP) and a grant application – and send them out.</p>
2/21/20	<p><b>Case Rounds</b>  The professors will let you know in advance whether you will be presenting your case to the group.</p>
2/28/20	<p><b>Experts</b>  This class will teach you the basic skills needed for conducting direct and cross examinations of expert witnesses. You will practice your skills in a simulation problem based on <i>The Glass Castle</i>.</p>
3/6/20	<p><b>Immigration</b>  This class will explore the ways in which the immigration system, the juvenile justice system and the family court system intersect.  <i>Speaker: TBD</i></p>
3/13/20	<b>Spring Break: No Class</b>

<b>3/20/20</b>	<b>Case Rounds</b> The professors will let you know in advance whether you will be presenting your case to the group.
<b>3/27/20</b>	<b>Mayerson</b> Student pairs will be assigned to evaluate one proposal each this week. If you have not already done site visits with the agencies, they will be completed within the next two weeks.
<b>4/3/20</b>	<b>Cultural Awareness</b> In this class, we will discuss best practices in cross-cultural lawyering and participate in activities designed to highlight and develop positive habits.
<b>4/10/20</b>	<b>Mayerson Project Discussion</b> Student pairs will make a 10 minute presentations to the group about the proposals they reviewed and the agencies they researched. Pairs will make persuasive proposals about why the whole group should decide to fund the organization they are pitching. The full group will make final decisions about which nonprofit organizations to fund.
<b>4/17/19</b>	<b>GAL Ethics</b> This class will review the role of the GAL and discuss GAL ethics. You will participate in simulated activities based on The Glass Castle.
<b>4/21/20</b>	<b>Domestic Violence</b> This class will focus on the ways in which domestic violence may affect your juvenile and family court cases. <i>Speaker: TBD</i>
<b>4/24/20</b>	<b>Mayerson Community Grant Presentation</b> Students will present the grant award(s) to the chosen non-profit(s) during a ceremony in the NKU Student Union
<b>5/8/20</b>	<b>Semester Wrap Up and Final Reflections</b> <b>End of Exam Period; All Work Must Be Complete</b> All of your clinic work must be complete by this date.

*NOTE: This Schedule is subject to revision if based on speaker availability and case demands. You will be notified in advance of any revisions.*