



Benjamin L. Crump
College of Law

Experiential Learning Program

CLINICAL HANDBOOK AND MANUAL OF RULES



**Benjamin L. Crump
College of Law**

Ana Isabel Vallejo
Assistant Dean of Experiential Learning and Administration
St. Thomas University College of Law
16401 NW 37th Avenue
Miami Gardens, Florida 33054
Telephone: (305) 623-2381
Fax: (305) 623-2397
E-mail: AVallejo@stu.edu
<http://www.stu.edu/law/academics/clinics>

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The College of Law is fully accredited by the American Bar Association and is a member of the Association of American Law Schools. The University is accredited by the Southern Association of Colleges and Schools to award Bachelor, Master, Ph.D., and Juris Doctor degrees.

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INTRODUCTION

Clinical Education at St. Thomas University

The St. Thomas University College of Law is committed to training students to be effective, ethical advocates and to instill in them a devotion to justice and a desire to provide legal services to underserved communities. As part of this commitment, the law school offers ten clinical/externship courses with a wide variety of placements. Each student is required to complete six hours of Skills courses (all clinical/externship offerings are considered Skills) in order to graduate. These placements cover civil, criminal practice, appellate litigation, international law and judicial experience as well as bankruptcy, elder, immigration, and tax law. The typical student-to-professor ratio is eight-to-one or better. Students receive careful, individualized attention from full-time and adjunct faculty as well as the opportunity to collaborate actively with one another in the service of clients' needs. Undoubtedly, your experience will become very demanding, gripping, and sometimes exhausting. We trust it also will become an enriching and unique part of your St. Thomas education.

EDUCATIONAL OBJECTIVES

St. Thomas University College of Law has developed a number of educational objectives for our interns and externs, which include:

- Developing Lawyering Skills
- Cultivating Professional Identity
- Fostering Professional Ethics
- Providing Competent Client Representation
- Advancing Social Justice
- Gaining Insight into the Law and Legal System
- Promoting Cultural Competency
- Encouraging Lifelong Learning and Professional Reflection
- Learning to Work Collaboratively

The following four important areas, which guide our program are aligned with ABA standards surrounding externships. Such standards state that experiential courses, must be: 1) primarily experiential in nature and must integrate doctrine, theory, skills, and legal ethics; 2) help students develop the concepts underlying the professional skills being taught; 3) provide multiple opportunities for performance; feedback; and self-evaluation; and 4) engage students in one or more of the following professional skills: interviewing, counseling, negotiation, fact development and analysis, trial practice, document drafting, conflict resolution, organization and management of legal work, collaboration, cultural competency, and self-evaluation.

DATES and DEADLINES

Clinic or Externship information sessions will provide students with an increased understanding of what each clinic or externship has to offer and, in turn, what the clinic or externship expects from our students. For information session dates and application deadlines, please visit the Clinical Program website at www.stu.edu/law/clinics

Online applications are due by 4:00 p.m. on the deadline date.

We highly recommend that students take advantage of this opportunity to learn more about any clinic or externship that interests them. If you are unable to attend an information session, please feel free to contact the Assistant Dean of Experiential Learning and Administration with any questions you have about the program.

In addition to the information sessions, you can meet with the Assistant Dean of Experiential Learning and Administration, or we can provide you with names of students who participated in a particular clinic.

CLINICAL/EXTERNSHIP PROGRAM DESCRIPTIONS

Appellate Litigation Clinic

This is a year-long clinic for students who are eligible for Certified Legal Intern status by having completed four semesters (a minimum of 48 semester hours) and received Florida Bar Notice of Registrant Clearance. This clinic aids students in developing litigation skills by preparing and presenting appeals in state appellate courts. Each student will have the primary responsibility for at least two cases, beginning with the review of the trial court record for the cases, conducting legal research, drafting and filing an initial brief, an answer brief, and a reply brief, preparing for oral argument, and arguing the case.

APPELLATE LITIGATION CLINIC	
Course Number:	845A and 845B
Credits:	12 (6 credits each semester)
Semester(s) Offered:	Fall and Spring
Term:	Full-year
Florida Bar Notice of Registrant Clearance	Yes
Special Application:	No
Minimum Hourly Requirement:	16 hours per week
Prerequisites:	Evidence
Co-requisites:	Criminal Procedure
Eligible Students:	3Ls
Clinic Location:	STU Law School Campus
Grading:	Graded

Bankruptcy Externship

This is a single semester externship that offers a comprehensive set of legal services focused on assisting and empowering low-income individuals in their interaction with the bankruptcy system. Under the supervision of adjunct law faculty, the attorneys at the Bankruptcy Bar Foundation of the Southern District and the mentors from the local bankruptcy bar, students represent debtors in bankruptcy cases and proceedings, meet with judges and local practitioners, participate in several joint classes with other local law schools' bankruptcy clinics, and may be invited to attend events sponsored by the Bankruptcy Bar Association.

Students are required to attend the weekly class component.

BANKRUPTCY EXTERNSHIP	
Course Number:	934
Credits:	3
Semester(s) Offered:	Spring semester
Term:	Single semester
Florida Bar Notice of Registrant Clearance	No
Special Application:	No
Minimum Hourly Requirement:	12 hours per week
Prerequisites:	Bankruptcy
Co-requisites:	None
Eligible Students:	2Ls and 3Ls
Location:	Miami-Dade County
Grading:	Pass /Fail and Graded

Civil Practice Externship

This is a single semester externship, available for 4 or 8 credits which provides opportunities for students to observe and participate in lawyering at government agencies and non-profit, public interest settings. Typical placements include legal aid services, city and county attorneys, state and local government agencies, school boards, and healthcare facilities. Participation enhances the development of a broad range of lawyering skills, advance personal career goals, enable critical reflection of the legal profession and legal institutions, encourage self-directed learning through reflection, and promote core competencies and professional values that produce skilled and ethical lawyers and professionals in our society. Those students whose placement requires a Certified Legal Intern status must have completed four semesters (a minimum of 48 semester hours) and have received Florida Bar Notice of Registrant Clearance.

Students are required to attend the weekly class component.

CIVIL PRACTICE EXTERNSHIP	
Course Number:	857
Credits:	8 or 4
Semester(s) Offered:	Fall, Spring, and Summer semesters
Term:	Single semester
Florida Bar Notice of Registrant Clearance	Depending upon the placement
Special Application:	No
Minimum Hourly Requirement:	Fall/Spring (8 credits): 32 hours per week OR Fall/Spring (4 credits): 16 hours per week Summer (4 credits): 32 hours per week
Prerequisites:	Completion of the first year in good academic standing
Co-requisites:	None
Eligible Students:	2Ls and 3Ls
Location:	Miami-Dade, Broward, and Palm Beach Counties
Grading:	Pass /Fail

Criminal Practice Externship

This is a single semester externship for students who are eligible for Certified Legal Intern status by having completed four semesters (a minimum of 48 semester hours) and received Florida Bar Notice of Registrant Clearance. This is a full-time clinic which requires that you be at the placement Monday through Friday. **You will not be authorized to register for any other courses that start before 5:00 p.m.** Both prosecution and defense placements are available. These placements provide intense exposure through actual trial experience. Students assigned to the State Attorney's office receive a docket of cases, engage in plea bargain negotiations, and try cases to the court, or in some cases, to a jury. Students assigned to the Public Defender's office defend indigent adults and minors charged with felonies and misdemeanor crimes. Issues often involve the legality of searches and seizures, identification procedures, or confessions along with defenses of insufficient evidence, mistaken identity, alibi, entrapment, or self-defense.

Students are required to attend the weekly class component.

CRIMINAL PRACTICE EXTERNSHIP	
Course Number:	864
Credits:	8 or 6
Semester(s) Offered:	Fall, Spring, and Summer semesters
Florida Bar Notice of Registrant Clearance	Yes
Special Application:	Yes, for certain placements
Minimum Hourly Requirement:	Fall/Spring (8 credits): 32 hours per week Summer(6 credits): 32 hours per week
Prerequisites:	Criminal Procedure; Evidence
Co-requisites:	Trial Advocacy Practice or Trial Team
Eligible Students:	3Ls
Location:	Miami-Dade, Broward, and Palm Beach Counties
Grading:	Pass /Fail

Elder Law Externship

This is a single semester externship that addresses the ethical and practical issues of representing the elderly. Issues include income maintenance, health care, long-term care, competency, guardianship, and probate. Students will become familiar with the medical considerations of an aging population. Students will be assigned to the Probate division of the Circuit Court and work together with members of the Florida Bar's Elder Law section, to learn strategies and case management skills in dealing with an aging population.

Students are required to attend the weekly class component.

ELDER LAW EXTERNSHIP	
Course Number:	874
Credits:	4
Semester(s) Offered:	Spring semester
Florida Bar Notice of Registrant Clearance:	No
Special Application:	No
Minimum Hourly Requirement:	16 hours per week
Prerequisites:	Elder Law
Co-requisites:	Wills & Trusts
Eligible Students:	2Ls and 3Ls
Location:	Miami-Dade and Broward Counties
Grading:	Pass/Fail

Florida Supreme Court Internship

For one semester, the intern will function as a law clerk to an individual Justice or as a central staff law clerk working for all of the Justices. Duties will include the following: reviewing and making recommendations on petitions for discretionary review, attorney discipline matters, and extraordinary writ petitions; and conducting legal research and preparing memoranda on pending cases. The intern will have the opportunity to attend oral argument, discuss cases with staff attorneys and the assigned justice, and assist in the drafting of orders or opinions. The intern also will attend special lectures, group discussion, and training sessions. This Internship requires the student to have his or her Notice of Registrant Clearance.

The placement is based in Tallahassee and includes a stipend to assist with expenses associated with the Internship.

FLORIDA SUPREME COURT INTERNSHIP	
Course Number:	870
Credits:	12 or 6
Semester(s) Offered:	Fall, Spring, and Summer semesters
Florida Bar Notice of Registrant Clearance:	Yes
Special Application:	Yes
Minimum Hourly Requirement:	Fall/Spring (12 credits): 40 hours per week; Summer (6 credits): 40 hours per week
Prerequisites:	Second- or third-year students with an outstanding academic record (generally top 25 percent) and exceptional research and writing skills. Students must have completed Civil Procedure and Evidence; Criminal Procedure and Florida Constitutional Law are recommended.
Co-requisites:	None
Eligible Students:	2Ls and 3Ls
Location:	Tallahassee, Florida
Grading:	Pass/Fail

Immigration Clinic

This is a year-long clinic available to second- and third-year law students designed to provide the legal, ethical, and moral tools needed to provide high-quality immigration services to the underserved community. Students will represent asylum seekers, battered spouses and children, and other non-citizens seeking immigration relief in Immigration Court, before the Board of Immigration Appeals, and the Department of Homeland Security.

IMMIGRATION CLINIC	
Course Number:	835A and 835B
Credits:	12 (six credits each semester)
Semester(s) Offered:	Fall and Spring semesters
Term:	Full-year
Florida Bar Notice of Registrant Clearance:	No
Special Application:	Yes
Minimum Hourly Requirement:	20 hours per week
Prerequisites:	Immigration Law
Co-requisites:	None
Eligible Students:	2Ls and 3Ls
Clinic Location:	STU Law School Campus
Grading:	Graded

Judicial Internship

This is a single semester internship that provides experience within the judicial system. Students learn about judicial decision-making and use their analytical, research, and writing skills to draft opinions and memoranda for pending matters under the direct supervision of judges, their law clerks, and staff attorneys. By observing court proceedings, they become familiar with court procedures and legal advocacy. Placements include the state circuit courts, the Florida District Court of Appeals, and the United States District Court.

Students are required to attend the weekly class component.

JUDICIAL INTERNSHIP	
Course Number:	865
Credits:	4
Semester(s) Offered:	Fall, Spring, and Summer semester
Florida Bar Notice of Registrant Clearance:	No
Special Application:	Yes
Minimum Hourly Requirement:	Fall/Spring: 16 hours per week Summer: 32 hours per week
Prerequisites:	Completion of the first year in good academic standing
Co-requisites:	None
Eligible Students:	2Ls and 3Ls
Location:	Broward, Miami-Dade, and Palm Beach Counties
Grading:	Pass/Fail

United Nations Internship in New York

This is a single semester internship providing placements at national missions, as well as at permanent missions of inter-governmental organizations (IGO's), and at non-governmental organization (NGO's) to the United Nations at its headquarters in New York City. The interns selected function as accredited representatives and follow major policy issues on the agenda of the United Nations General Assembly – for example, Sustainable Development, Commission on the Status of Women, Financing for Development, Human Rights, Permanent Forum on Indigenous Issues, HIV/AIDS, Global Compact, Law of the Sea, International Criminal Court, International Court of Justice, and in Geneva, Switzerland, and the Human Rights Council. Interns will prepare analytical reports on issues and a final in-depth research paper in one area, with these materials shared electronically across the worldwide Pax Romana movement. At the end of the internship, the intern will be awarded a certificate of recognition.

PAX ROMANA INTERNSHIP AT THE UNITED NATIONS	
Course Number:	857A and 857B
Credits:	12 or 6
Semester(s) Offered:	Fall, Spring, and Summer semesters
Florida Bar Notice of Registrant Clearance	No
Special Application:	Yes
Minimum Hourly Requirement:	Fall/Spring (12 credits): 40 hours per week; Summer (6 credits): 40 hours per week
Prerequisites:	Seminar: UN Internship
Co-requisites:	None
Eligible Students:	2Ls and 3Ls
Location:	United Nations, New York
Grading:	Portion Graded; Portion Pass/Fail

Tax Clinic

This is a single semester clinic for second- and third-year students, which may be extended to a second semester with the permission of the Director. This clinic gives students the opportunity to work with underserved communities and, under supervision, represent low- income clients involved in tax controversies before the IRS, District Counsel, and the U.S. Tax Court. Students perform outreach services by providing education on the rights and responsibilities of U.S. taxpayers to the community particularly for those whom English is a second language. Students are required to attend Tax Court sessions.

TAX CLINIC	
Course Number:	911
Credits:	4
Semester(s) Offered:	Fall and Spring semesters
Florida Bar Notice of Registrant Clearance:	No
Special Application:	No
Minimum Hourly Requirement:	16 hours per week
Prerequisites:	Federal Income Tax
Co-requisites:	None
Eligible Students:	2Ls and 3Ls
Clinic Location:	STU Law School Campus
Grading:	Graded

PROGRAM INFORMATION

FAQs

1. On average, how many hours per week do students work in their clinic?

Most of our clinic/externships require a substantial time commitment in order to ensure that students receive the best educational experience and that clients receive quality legal representation. The average weekly time commitment varies from clinic to clinic and is related to the number of credit hours allocated to the course. Time commitments over the course of a semester range from an average of 16 to 40 hours per week, depending on the clinic or externship. Due to the nature of the work at some placements, students should expect to work more than the weekly average in some weeks and less in others. An explanation of the expected time commitment is provided in each clinic or externship's entry in this packet. In addition to reviewing this information, we strongly recommend applicants ask current or previously enrolled clinic students to what extent their participation has had an impact on their ability to engage in extracurricular activities or part-time employment.

Clinic/Externship courses start on the first day of the semester and end on the last day of the semester. Your commitment to the placement is BOTH the number of hours per week and the number of weeks. In other words, you don't finish prior to the end of the semester because you put in additional hours.

2. If a natural disaster, holiday, or other closing occurs during the semester term I am interning, do I have to make up the hours in order to fulfill the clinical /externship requirements?

Yes. The clinical/externship program is governed by the American Bar Association and, thus, the school must ensure that you complete the hours as required.

3. How long am I responsible for my cases or other clinic assignments?

Each clinic/externship determines the duration of a student's responsibility for the course. Many placements expect students to work on their cases through the exam and vacation period. It is the student's responsibility to find out this information.

4. Will I have to pay for parking at my clinical placement?

Maybe. Some placements have free parking for interns; others do not. Please check ahead of time if this is an issue.

5. What is clinical education?

Clinical education is a teaching method that combines theoretical concepts and actual legal practice. Its purpose is to help students learn from their own experience and from their reflection on that experience. In a clinical course, students are given the opportunity to exercise professional judgment while representing actual clients. In most clinics, students are responsible for all aspects of the client's representation. The students' experiences then become the subject of critical review and reflection. This review teaches students how to

evaluate their own legal work as well as the legal work performed by others.

6. Will being in a clinic/externship help me learn how to be a lawyer?

Absolutely. Teaching students how to be skilled, responsible members of the profession is a central goal of clinical education. Students in clinics learn how to be lawyers by engaging in the practice of law in a controlled educational environment that promotes self-reflection on each lawyering task. Those students who have participated in a clinic or externship generally consider their experience to be preparation for the practice of law.

7. Whom do the clinics/externships represent?

The clients of most clinics or externships are individuals and organizations who would not otherwise be able to obtain legal representation.

8. What do students do?

Students engage in all of the tasks normally associated with the cases and other matters in which representation is provided. In many instances, the students bear primary responsibility for investigation, interviewing, client counseling, planning, negotiation, strategic analysis, research, writing, and oral advocacy.

9. Are clients' interests compromised by student representation?

No. Students are supervised by highly skilled lawyers and instructors, and caseloads are light enough to allow thorough preparation.

10. Do students get to go to court?

Some, but not all, clinics/externships are designed to represent clients before a court.

11. What is the faculty/student ratio?

The faculty/student ratio is typically 1-to-8.

12. Who may enroll in a clinic?

Any student who has completed successfully the first-year courses is in good standing and has completed the course pre-requisites.

13. How are students selected for a clinic or externship?

Each clinic or externship has its own method of selection. Most clinic/externships choose students through a competitive selection process. Clinics or externships that use competitive selection base their choices on prior experience, writing samples, statements of interest, and other criteria.

14. I have some “background issues”; must I disclose everything in the application process?

Yes, definitely disclose all issues. Failure to disclose all your background issues can bar you from a clinic or externship. Furthermore, it may affect you in the application process for the **Florida Bar**. We recommend you review your law school application at the time you are

completing your clinic/externship application to ensure you have disclosed the same information.

15. Do all applicants get into their first choice?

Generally, students will get their first choice, but there are exceptions. Depending on the number of applications received in a semester for a clinic, a student may be placed in a second choice.

16. Can a student take more than one clinic or externship while in law school?

Yes. Preference is given to those who have not previously taken a clinical or externship.

17. Can a student take more than one clinic or externship in the same semester?

No.

18. What do I need to know about student practice rules and Certified Legal Intern (“CLI”) status?

The Florida Supreme Court now requires that any student who participates in a clinic or externship in which he or she will be representing clients must have completed his or her Florida Bar application and received a preliminary notice of clearance. The clearance process takes approximately eleven months, so make sure you complete your bar application as soon as possible so that you have your clearance form when you apply. We recommend you complete your Florida Bar Application during the winter break of your first year.

19. How are students graded?

This varies, depending on the clinic.

20. Can the credits from Clinical Courses be used to satisfy the 6-credit requirement of Professional Skills Courses?

Yes.

21. How am I notified if I am accepted in a clinic?

The Assistant Dean of Experiential Learning and Administration will e-mail you if you have been accepted. Only the official STU e-mail address will be used for notifications. It is the student’s responsibility to ensure your STU e-mail is working.

22. What happens if after I apply, I realize that I have a schedule conflict or have changed my mind – can I just withdraw or drop out of a clinic?

No. Unlike law school courses that you can drop or add up to a certain date, you cannot withdraw from or drop a clinical placement. Once you have applied, you are committed to the clinic. In fact, your acceptance has negated the enrollment of another student and committed the Law School to your involvement.

23. What should I do if I have not heard whether I received a placement, and it is time to register?

Contact the Assistant Dean of Experiential Learning and Administration. In most cases, you will be instructed to register for another course worth the same number of credits until you hear about your placement.

24. Once I am notified, can I register online?

No. Once approved, all clinical/externship courses will be added by the Office of the Registrar.

APPLICATION PROCESS

All applicants must submit an online application. Note: Some placements require supplemental application materials. Students should review carefully the specific information for any additional materials (and procedures) that may be required.

Clinic/Externship Enrollment Policies

1. Minimum Cumulative Grade Point Average and Academic Performance

Students seeking to apply must have a minimum 2.0 cumulative grade point average (GPA) at the end of their first year.

2. Orientation

Many clinic and externship placements require students to attend an orientation or training that takes place during the week before classes begin. Please check with your placement agency so you can be available for the orientation or training.

3. Extension Policy

Clinic/ Externship students generally are expected to work until the end of the examination period, unless the director has established a shorter period. In some cases, the needs of clinic clients will require that a student perform some tasks after the semester ends. In other cases, students may request an extension to complete a project. In either case, an extension must be requested before the examination period begins. If a tribunal or legislative body has continued a case for hearing beyond the period of the student's enrollment, the Assistant Dean of Experiential Learning and Administration generally will grant an extension until the completion of the hearing. Except in unusual cases, an extension requested for any other reason will not be approved if it exceeds one month from the end of the examination period. If an extension is approved, grades will be submitted to the Registrar's office within three weeks after the extension expires.

PROGRAM GUIDELINES

1. Course Credits and Hours of Work

It is understood that in some weeks, you will work more than your required number of hours, and in some weeks, you may have conflicts that cause you to work less than the required number. If you work more, you may credit the additional hours against the times when you work less than the required number of hours. However, in no event may you skip scheduled hours at the placement without advance notice and permission from your supervisor. One of your responsibilities at the placement is reliability – i.e., the supervising attorney or Judge knows he or she can count on the student being at the office at certain times. You are required, therefore, to keep to your schedule whenever possible and to work the minimum hours per week, unless you have expressed advance permission. This means you must anticipate problems and conflicts in your schedule and handle them just as you would in a paying job.

2. Student Responsibilities

- A. *Be responsible* for making contact with the supervisor at your placement to determine your start date and any additional documents he or she may need from you.
- B. Clearly, competently, and completely, detail your activities *fill out* the Time Log and submit it to your Classroom Professor at each class.
- C. Attend and participate in classrooms sessions. The Law School attendance policy applies to all clinical/externship courses. Your Classroom Professor may have a stricter attendance policy.
- D. Be sure you pay proper attention to your other courses; a clinic/externship can be very time-consuming.
- E. **Contact your Classroom Professor if you are having a problem or if in doubt.**
- F. Verify that supervisor at your placement has provided your class instructor with the supervisor's report evaluating your performance at the end of the semester.

3. Time Logs

It is your responsibility to maintain a timesheet log on a daily basis and submit your log weekly to the clinical professor. All time logs should be current at the time of your weekly

Class session. It is also your responsibility to record your activities in detail, the tasks you perform on a specific case, including the steps you take in your research.

You also must keep a running total of your hours of internship/externship. You may round off your time in increments of quarter hours for easier calculation. Any falsification of hours recorded is an Honor Code violation.

4. Class Component

The class component provides an opportunity for students to meet on a weekly basis to discuss their experiences with other students and their professor. It will encourage an open discussion format in which you will have the opportunity to learn about the work lawyers do in many diverse settings where your fellow students are interning or learn about the cases they are working on. Additionally, the class will provide an open forum at which you may exchange with your classmates your observations, reflections, and opinions about issues lawyers share while practicing.

Usually, the best discussions are ones in which your fellow students actively participate in trying to solve a problem, answer a question, or deal with a conflict. You could circulate, for example, copies of a draft memo and ask the entire class to edit it and critique it. You may do role play with other students reenacting an event at your placement as a stimulus for conversation. You may create a simulation that would place other students in some situation that you have participated in or observed.

The class component is intended to foster critical thinking about lawyering and to provide a forum for the discussion of topics that might not come up elsewhere in the practice.

5. Supervisors at Placement

Students in the Civil, Elder, Bankruptcy, Judicial, Florida Supreme Court, UN in New York and Criminal placements will name a supervisor at their placement. The supervisor will engage the student on a regular basis throughout the semester in a critical evaluation of the student's field experience. The supervisor will endeavor to provide as broad and meaningful an experience as possible. The Classroom Professor maintains regular contact with the Supervisor at placement concerning the student's performance in the program. Students should be exposed to various legal experiences by participation, observation, and critique.

6. Code of Professional Responsibility

All students are required to read and follow the Rules of Professional Conduct. A student interning at a placement or in the clinic is practicing under the license of the supervising attorney, and it is impossible to place too much emphasis on compliance with the Rules. You will be expected, therefore, to have a command of the Rules, as you continually will be presented with ethical problems throughout the semester. Clients often will assume that anyone connected with the supervising lawyer is a lawyer, and, thus, you must take special precaution to advise all clients, opposing counsel, court personnel, and others with whom they come into contact, that you are a law student working in a program under the supervision of attorneys. This precaution will avoid any misconception and protect you from unintended and unnecessary problems, or the appearance of practicing law without a license.

7. Attorney-Client Privilege

The attorney-client privilege prohibits disclosing confidences of a client and extends through the attorney to those who work directly with him or her, i.e., employees, associates, and law students. You must be acutely aware of these confidences and take pains not to disclose these confidences without client permission. This obligation extends beyond the end of a semester or the termination of a case.

Keeping privileged and secret information contrasts with the open atmosphere of the classroom where the free exchange of information is encouraged. You should refrain from talking about cases to anyone. You will be tempted to tell your friends and acquaintances about the work you are doing. However, you are governed by the same restrictions of confidentiality that govern practicing lawyers and judges.

You have a heavy public responsibility not to jeopardize the justice system. Disclosures could damage a party's case, generate newspaper headlines, embarrass the law school, jeopardize our program, or subject you to disciplinary action or liability. To make sure you understand the ethical obligations to preserve client confidences and secrets, please review carefully Florida Rules of Professional Conduct.

8. Regulations of the Practice of Law-by-Law Students

Law students may not participate directly in any legal proceeding regarded as being engaged in the practice of law, which requires a license. However, the Florida Supreme Court has promulgated a student practice rule.

Florida Bar Rule 11 allows an eligible law student to appear in any court or before any administrative tribunal in Florida if:

- (1) the client is indigent,
- (2) the client has consented in writing, and

(3) the supervising lawyer has consented in writing.

In such cases, the supervising attorney shall be personally present when required by the trial judge who shall determine the extent of the eligible law student's participation in the proceedings.

As to the scope of the activities permitted and the requirements of law students, please review the Florida Bar Rule 11 captioned Rules Governing the Law School Practice Program.

9. General Rules of Clinical Practice

As a guide to the student, the Clinical/ Externship Program has established general rules for practice. Failure to adhere to these rules will jeopardize a student's standing in the Program. In contrast, following the rules will enhance the learning experience.

Working at an externship or in a clinic can become very time consuming, and you should not ignore other classroom responsibilities.

Should you encounter a complaint about your placement or a problem that cannot be resolved with the supervising attorney or Judge, you immediately should consult your Classroom Professor. It is important you do not leave problems unresolved as this can ruin your experience.

The following is a list of general rules and guidelines that govern the Program. You should be familiar with and follow these rules:

9.1 Checking in with Supervising Attorneys/Judges

Upon receiving your placement at the start of the semester, you immediately should contact your supervising attorney/judge or delegate (supervisor) to introduce yourself and set your schedule for the semester. This must be done no later than three days from the date you receive your placement.

Please provide your supervisor with your contact information. Although there are relatively few times when students have been contacted, emergencies do happen, and your supervisor should know how to get in touch with you in the event of an emergency.

Check in with your supervisor upon arrival and departure each day. In the event you are going to be absent (other than normal time away from your area), notify your supervisor in advance.

9.2 Handling Files

Files should never be removed from the court's chambers or from a placement office, except with a supervisor's permission. It's vital that client files are accessible at all times and that their whereabouts are known.

Remember: Do not disclose confidential information received by you in the course of your clinical placement.

9.3 The Supervising Attorney/Judge

You should record any and all activity performed by you on a client's case so that your supervisor will be aware of what you have done. Follow the placement's procedure for recording activity. If you are unsure of the procedure, ask your supervisor. Planning sessions with supervisors and research should all be recorded in sufficient detail that another attorney can pick up the file and know exactly what was done and continue the case without any detriment to the client. Be sure to date all entries and place an amount of time spent on the activity recorded. All entries should be complete, including names, addresses, phone numbers, reference to documents, and summaries of discussions, whenever such information is available.

9.4 Correspondence and Written Work

No correspondence or written documents should leave the placement office without the knowledge and consent of the supervisor. In the event you are requested to update a court file or court document, be sure to have the court file signed out by your supervisor. This is to ensure any writing that leaves the office is in the proper form, and with the knowledge and consent of the supervisor. It also ensures the supervisor is kept abreast of the activity in the case. Thus, any problem incurred becomes the responsibility of the attorney as well as the student.

It is imperative the supervisor review all writings, including draft and final product, to critique work constructively and to approve same.

9.5 Legal Advice

No advice of any kind may be given to a client, a prospective client, or party to a lawsuit (without consultation and permission of the supervisor). Clients and others with whom you come into contact while working on assignments tend to view clinical students as attorneys and frequently interpret even casual remarks as legal advice. Therefore, do not render opinions (without researching the legal ramifications and consulting with your supervisor).

9.6 Opposing Counsel

Clinical/externship students should not communicate with opposing counsel without first consulting with their supervisor to obtain a clear understanding of the nature of the communication. Do not divulge any information to opposing counsel without the approval of your supervisor. Never communicate any settlement proposal without receiving authority from the client and from the supervisor. Be aware that opposing counsel may seek to take advantage of a student's position and may question the student in an attempt to discover information about the case that he or she cannot obtain from the supervising attorney or judge.

You should respond that you do not have the authority to divulge information sought without first checking with your supervising attorney or judge. When in doubt, be sure to discuss any communication with your supervising attorney or judge or, in their absence, contact the Classroom Professor.

9.7 Keeping Track of Important Dates

It is imperative that you track all relevant dates, i.e., appointments, court dates, due-dates for pleadings, etc. From the outset, you should devise a method to remind you of these dates and become familiar with your supervising attorney's or judge's method of tracking of dates. As a matter of course, any dates you establish should be noted in the supervisor's system.

9.8 Professional Courtesy

Your conduct should always be professional. Dress in a manner consistent with that of the attorneys working in the office. Your attire should be appropriate for appearance in court.

The student intern is a guest in any office and agency, and students are asked to keep this in mind. Remember that all clerical and support staff are professionals and always should be treated courteously.

9.9 Fees

You should not enter into any fee arrangement. All questions concerning verification of the client's fee should be referred to the supervising attorney for response. Any monies received by you should immediately be noted by a receipt provided to the client, and a copy placed in the file, and the funds immediately turned over to the supervisor or appropriate staff personnel. You should pay very careful attention to this matter for disputes over fees are some of the most common complaints against lawyers.

FORMS

ST. THOMAS UNIVERSITY COLLEGE OF LAW

APPLICATION FOR CERTIFICATION UNDER THE STUDENT PRACTICE RULE OF THE FLORIDA BAR

To be certified under the student practice rule, a student must:

- (a) have completed legal studies amounting to at least 4 semesters or 6 quarters for which the student has received not less than 48 semester hours and 72 quarter hours of academic credit or the equivalent if the school is on some other basis.
- (b) be certified by the Dean as being of good character and competent legal ability and as being adequately trained to perform as a legal intern in the law school's practice program; and
- (c) certify in writing that he or she has read and is familiar with the Rules of Professional Conduct as adopted by the Florida Supreme Court and will abide by the provisions thereof.

In light of the above, please complete the following:

- 1. Semester Hours of Credit: 4 semesters, 48 hours minimum
Quarter Hours of Credit: 6 quarters, 72 quarter hours minimum.

____ I will have completed legal studies amounting to at least 4 semesters or 6 quarters for which I have received not less than 48 semester hours or 72 quarter hours of academic credit before I begin the internship.

- 2. Character: In answering this question, you should err on the side of disclosing anything that might impact on your character. (Check only one.)

There is nothing in my background that reflects adversely on my character.

There is something in my background that might reflect adversely on my character. ***If you have such background information, please attach a statement for the Court, including the specifics of each incident, with dates and dispositions (if any), and a signed verification that all information provided is true and accurate.***

- 3. I have read and I am familiar with the Rules of Professional Conduct as adopted by the Florida Supreme Court, and I will abide by the provisions thereof.

- 4. ____ The Florida Board of Bar Examiners' Clearance Certificate is attached.

Student's Signature

Address

Printed Name

City, ST Zip

Date

Telephone Number