

**ST. THOMAS UNIVERSITY SCHOOL OF LAW**

**CLINICAL LEGAL EDUCATION**

**CLINICAL HANDBOOK  
and  
MANUAL OF RULES**

**2011-2012**



St. Thomas University School of Law is an equal opportunity institution of higher education. The School of Law conforms to all applicable laws prohibiting discrimination and is committed to nondiscrimination on the basis of age, race, color, disability, religious affiliation, gender, sexual orientation, marital status, national origin, ancestry, or social condition in its educational programs, admission policies, employment policies, financial aid or other school-administered programs and activities. The Assistant Dean for Student Services is designated as the person in the School of Law to handle inquiries regarding this policy and can be contacted at telephone (305) 623-2358.

The School 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, and Juris Doctor degrees.



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# TABLE OF CONTENTS

INTRODUCTION .....	4
EDUCATIONAL OBJECTIVES .....	4
DATES AND DEADLINES .....	5
PROGRAM DESCRIPTIONS	
Guide to Clinical Courses .....	6
Clinical Course Overview .....	12
Appellate Litigation Externship .....	12
Bankruptcy Externship .....	12
Civil Practice Externship .....	12
Criminal Practice Externship .....	12
Elder Law Externship .....	13
Family Court Externship .....	13
Florida Supreme Court Internship .....	14
Immigration Clinic .....	14
Judicial Internship .....	14
Pax Romana Internship at the United Nations .....	14
Tax Clinic .....	15
PROGRAM INFORMATION	
FAQ's .....	16
Application Process .....	19
Clinic Enrollment Policies .....	19
PROGRAM GUIDELINES	
Course Credits and Hours of Work .....	20
Student Responsibilities .....	20
Time Logs .....	21
Classroom Component .....	21
Field Supervisors .....	21
Code of Professional Responsibility .....	22
Attorney-Client Privilege .....	22
Regulations of the Practice of Law by Law Students .....	22
General Rules of Practice .....	23
FORMS	
Clinical Programs Application Form .....	28
Certified Legal Intern Application - Florida Bar .....	31
Certified Legal Intern Application – U.S. District Court .....	32
CLINICAL FACULTY AND STAFF – 2010-2011 .....	33
CONTACT INFORMATION .....	33

## INTRODUCTION

### Clinical Education at St. Thomas University

The St. Thomas University School 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 eleven clinical courses, including a wide variety of clinical placements. Each student is required to complete six hours of Professional Skills courses (all clinical offerings are considered Profession Skills) in order to graduate. These settings cover such areas as civil and criminal practice, appellate litigation, and judicial experience, as well as bankruptcy, domestic and family law, elder, immigration, and tax law. The clinics are very intensive; the typical student-to-teacher 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

The educational objectives of the clinical program are to facilitate opportunities for students to:

1. *serve* the public
2. *explore* career possibilities in various areas of legal practice
3. *gain* first-hand insight into the strategic and ethical dimensions of the profession
4. *acquire* valuable legal skills in a supportive educational environment

## DATES and DEADLINES

### Clinic Information Sessions

<u>Date</u>	<u>Time</u>	<u>Location</u>
September 7 <sup>th</sup> , 2011	12:00-1:00 p	Room 201
September 8 <sup>th</sup> , 2011	12:00-1:00 p	Room 201
February 8 <sup>th</sup> , 2012	12:00-1:00 p	Room 201
February 9 <sup>th</sup> , 2012	12:00-1:00 p	Room 201

### Application Deadlines

Applications are due by 4:00 p.m. in the Office of the Clinical Programs Director located in the Dean's Office.

<u>Due Date</u>	<u>For Semester</u>
September 15 <sup>th</sup> , 2011	Spring 2012
February 16 <sup>th</sup> , 2012	Summer 2012
March 20 <sup>th</sup> , 2012	Fall 2012 and Full-Year Clinics

Clinic/Externship information sessions will provide students with an increased understanding of what each clinic has to offer, and, in turn, what the clinic expects from its students.

We highly recommend that students take advantage of this opportunity to learn more about any clinic that interests them. If you are unable to attend an information session, please feel free to contact the clinic faculty or Clinical Director with any questions you have about their program. Clinic contact information appears at the end of this booklet.

In addition to the Clinic information sessions, you can meet with the Clinical Director or we can provide you with names of students who participated in a particular clinic.

**PROGRAM DESCRIPTIONS**  
**Guide to Clinical/Externship Courses**  
**2011-2012**

<b>APPELLATE LITIGATION EXTERNSHIP</b>	
Course No.:	845A and 845B
Credits:	8 (four credits each semester)
Offered:	Fall and spring semesters
Term:	Full-year
Full-Time:	No
Part-Time:	Yes
Certified Legal Intern Status:	Yes
Special Application:	No
Hourly Requirement:	Minimum 16 hours per week
Prerequisites:	Evidence; Professional Responsibility
Co-requisites:	Criminal Procedure
Eligible Students:	3L's
Clinic Location:	Miami-Dade Public Defenders Office
Grading:	Graded
Faculty:	Professor Howard Blumberg

<b>BANKRUPTCY EXTERNSHIP</b>	
Course No.:	934
Credits:	3
Offered:	Spring semester
Term:	Single semester
Full-Time:	No
Part-Time:	Yes
Certified Legal Intern Status:	Yes
Special Application:	No
Hourly Requirement:	Minimum 16 hours per week
Prerequisites:	Bankruptcy; Professional Responsibility
Co-requisites:	Trial Advocacy Practice
Eligible Students:	3L's Preference with Florida Bar Clearance
Clinic Location:	Miami-Dade County
Grading:	Pass /Fail
Faculty:	Professor Magda Abdo-Gomez

### **CIVIL PRACTICE EXTERNSHIP**

Course No.:	857
Credits:	12 or 4
Offered:	Fall, spring and summer semesters
Term:	Single semester
Full-Time:	Yes
Part-Time:	Yes
Certified Legal Intern Status:	Depending upon the placement for 3L's
Special Application:	No
Hourly Requirement:	Full-time (12 credits): minimum 36 hours per week; Part-time (4 credits): minimum 16 hours per week Summer semester (4 credits): minimum 32 hours per week
Prerequisites:	Professional Responsibility
Co-requisites:	None
Eligible Students:	2L's and 3L's
Clinic Location:	Miami-Dade, Broward and Palm Beach Counties
Grading:	Pass /Fail
Faculty:	Professor Tim Martin

### **CRIMINAL PRACTICE EXTERNSHIP**

Course No.:	864
Credits:	12 or 6
Offered:	Fall, spring and summer semesters
Term:	Single semester
Full-Time:	Yes
Part-Time:	No
Certified Legal Intern Status:	Yes
Special Application:	Yes, for certain placements
Hourly Requirement:	Full-time (12 credits): minimum 36 hours per week; Summer semester (6 credits): minimum 32 hours per week
Prerequisites:	Professional Responsibility; Criminal Procedure; Evidence
Co-requisites:	Trial Advocacy Practice
Eligible Students:	3L's with Florida Bar Clearance
Clinic Location:	Miami-Dade, Broward and Palm Beach Counties
Grading:	Pass /Fail
Faculty:	Professor Ken Noto

**ELDER LAW EXTERNSHIP**

Course No.:	874
Credits:	4
Offered:	Fall and spring semesters
Term:	Single semester
Full-Time:	No
Part-Time:	Yes
Certified Legal Intern Status:	No
Special Application:	No
Hourly Requirement:	Minimum 16 hours per week
Prerequisites:	Wills and Trusts; Professional Responsibility
Co-requisites:	Elder Law
Eligible Students:	2L's and 3L's
Clinic Location:	Miami-Dade and Broward Counties
Grading:	Pass/Fail
Faculty:	Professor Jacqueline Schneider

**FAMILY COURT EXTERNSHIP**

Course No.:	857A and 857B
Credits:	8 (four credits each semester)
Offered:	Fall and spring semesters
Term:	Full-year (with registration required each semester)
Full-Time:	No
Part-Time:	Yes
Certified Legal Intern Status:	Yes
Special Application:	No
Hourly Requirement:	Minimum 16 hours per week
Prerequisites:	Professional Responsibility
Co-requisites:	Family Law (by fall semester); Trial Advocacy Practice; Evidence
Eligible Students:	3L's with Florida Bar Clearance
Clinic Location:	Legal Aid Society of Dade County Bar Association, Miami
Grading:	Graded
Faculty:	Professor Brenda Rivera-Lopez

## FLORIDA SUPREME COURT INTERNSHIP

Course No.:	870
Credits:	12 or 6
Offered:	Fall, spring and summer semesters
Term:	Single semester
Full-Time:	Yes
Part-Time:	No
Certified Legal Intern Status:	Yes
Special Application:	Yes
Hourly Requirement:	Full-time (12 credits): minimum 40 hours per week; Summer semester (6 credits): minimum 40 hours per week
Prerequisites:	Civil Procedure; Evidence (also recommended: Criminal Practice and Procedure; Florida Constitutional Law)
Co-requisites:	No
Eligible Students:	2L's (second semester) and 3L's
Clinic Location:	Tallahassee
Grading:	Pass/Fail
Faculty:	Professor Cece Dykas

## IMMIGRATION CLINIC

Course No.:	835A and 835B
Credits:	12 (six credits each semester)
Offered:	Fall and spring semesters
Term:	Full-year (with registration required each semester)
Full-Time:	No
Part-Time:	Yes
Certified Legal Intern Status:	Yes
Special Application:	Yes
Hourly Requirement:	Minimum 20 hours per week
Prerequisites:	Immigration Law; Evidence; Professional Responsibility; Trial Advocacy Practice
Co-requisites:	None
Eligible Students:	3L's
Clinic Location:	Law School Campus
Grading:	Graded
Faculty:	Professor Michael Vastine

## JUDICIAL INTERNSHIP

Course No.:	865
Credits:	4
Offered:	Fall, spring and summer semesters
Term:	Single semester
Full-Time:	No
Part-Time:	Yes
Certified Legal Intern Status:	No
Special Application:	Yes
Hourly Requirement:	Minimum 16 hours per week Summer semester (4 credits): minimum 32 hours per week
Prerequisites:	Successful completion of one year and in good academic standing
Co-requisites:	None
Eligible Students:	2L's and 3L's
Clinic Location:	Broward, Miami-Dade and Palm Beach Counties
Grading:	Pass/Fail
Faculty:	Judge Michele Towbin Singer and Judge Michael Chavies

## PAX ROMANA INTERNSHIP AT THE UNITED NATIONS

Course No.:	857A and 857B
Credits:	12 or 6
Offered:	Fall, spring and summer semesters
Term:	Single semester
Full-Time:	Yes
Part-Time:	No
Certified Legal Intern Status:	No
Special Application:	Yes
Hourly Requirement:	Full-time (12 credits): minimum 40 hours per week; Summer semester (6 credits): minimum 40 hours per week
Prerequisites:	Jurisprudence Seminar on United Nations Global Governance, Global Ethics, and Catholic Social Doctrine
Co-requisites:	None
Eligible Students:	2L's and 3L's
Clinic Location:	United Nations, New York
Grading:	Portion Graded/Portion Pass/Fail
Faculty:	Professor Mark J. Wolff

**TAX CLINIC**

Course No.:	911
Credits:	4
Offered:	Fall and spring semesters
Term:	Single semester course which may be offered a second semester with the permission of the Director.
Full-Time:	No
Part-Time:	Yes
Certified Legal Intern Status:	No
Special Application:	No
Hourly Requirement:	Minimum 16 hours per week
Prerequisites:	Federal Income Tax; Professional Responsibility
Co-requisites:	None
Eligible Students:	2L's and 3L's
Clinic Location:	Las School Campus
Grading:	Graded
Faculty:	Professor Larry Fedro

## Clinical Course Overview

### **APPELLATE LITIGATION EXTERNSHIP**

This is a year-long externship program open to third-year students. Students must be cleared by the Florida Board of Bar Examiners and certified by the Florida Supreme Court to participate in this clinic. The Appellate Litigation Externship provides experience in handling criminal cases in state appellate court on behalf of clients represented by the Miami-Dade Office of the Public Defender. Each student will have primary responsibility for at least two cases in which the record on appeal has been filed and the case is ready to be briefed. Working in a team of two students, each student will prepare an initial brief of appellant in the first case and an answer brief of appellee in the second case. Each student will present the oral argument in the Third District Court of Appeal in one of their two cases.

### **BANKRUPTCY EXTERNSHIP**

This is a single semester course open to third-year students. The Bankruptcy Externship offers a comprehensive set of legal services focused on assisting and empowering low-income individuals in their interaction with the bankruptcy system. Law students, under the supervision of law faculty and the attorneys at “Put Something Back,” as well as the mentors from the local bankruptcy bar, assist with bankruptcy cases and proceedings. Students are involved in the interviewing and counseling of potential debtors regarding bankruptcy relief.

### **CIVIL PRACTICE EXTERNSHIP**

This course can be taken full-time (12 credits) or part-time (4 credits) in any semester. This placement is available to second-and third-year students. Placement that requires students to be Certified Legal Interns is only available to third-year students. Students will learn causes of action and defenses unique to public agencies, and represent clients. Students are typically placed with governmental or not-for-profit legal agencies in the tri-county area.

### **CRIMINAL PRACTICE EXTERNSHIP**

This course is taken full-time in a single semester and is available only to incoming third-year students with Florida Bar Clearance. Typical placements include the offices of the State Attorney, U.S. Attorney, and Public Defender. Students share a discussion of their cases and review relevant law during the weekly classes.

Placement in the State Attorney’s office provides students with a rigorous and intensive exposure to criminal prosecution practice through a combination of actual trial practice and subsequent classroom discussion and analysis. Students are assigned to work in either the State Attorney’s office in Miami-Dade, Broward or Palm Beach County. The U.S. Attorney’s office exposes the student to federal criminal practice and a strong emphasis on writing.

After a short orientation, students are given a docket of cases for which they are responsible. Under the supervision of an assistant state attorney, the students engage in plea bargain negotiations and try criminal prosecutions to the court or, in some cases to a jury. In addition, students have many opportunities to evaluate different styles of lawyering by watching criminal trial lawyers in action. The classroom work supplements the practice experience with detailed analysis of the problems and situations the students have encountered. There is a strong emphasis on best practices and ethics.

Placement in the Public Defender's office provides students the opportunity to defend indigent adults and minors charged with felonies and misdemeanors such as assault, theft, or drug and weapons possession. The cases frequently involve issues concerning the legality of searches and seizures, identification procedures, or confessions. They also may involve the defenses of insufficient evidence, mistaken identity, alibi, entrapment, or self-defense. In addition to learning investigative and trial techniques, students learn about alternatives to incarceration and creative approaches to sentencing.

### **ELDER LAW EXTERNSHIP**

This is a single semester course available to second- and third-year students. It will cover the growing legal needs of the elderly. Ethical issues raised in representing the elderly, income maintenance, health care, long-term care, competency, and guardianship. Efforts will be made to familiarize the students with the medical considerations of an aging population. Students will work with the Probate division of the Circuit Court and members of the Elder Law Bar to develop strategies to deal with a continually aging population and case management issues.

### **FAMILY COURT EXTERNSHIP**

This is a year-long Externship program open to third-year students with Florida Bar Clearance. Students are involved in conducting initial client intakes, legal research, attending mediations, drafting motions, appearing at motion calendars, and representing clients at their uncontested dissolution hearings. The domestic violence division provides students with the opportunity to represent a diverse group of clients seeking protection orders including teens, elderly, same sex, and immigrant victims. Students receive intensive training on the dynamics of domestic violence, dating violence, sexual assault and stalking, relevant case law, impact on children, intersection of civil and criminal related matters, and effective representation. Under the supervision of an attorney, students are assigned and are responsible for their own case load from initial consultation to the final bench trial, including gathering necessary evidence, interviewing witnesses, filing and arguing all motions and assisting with post injunction issues. Students meet weekly to discuss cases and attend continuing legal education seminars on topics related to the practice of family law and domestic violence. There is also an emphasis on the student's role in his/her community. Students are offered opportunities throughout the year to participate in various community awareness outreach and education events.

### **FLORIDA SUPREME COURT INTERNSHIP**

This is a residential, single semester internship (on-site in Tallahassee) and available to second-year students in their second semester and third-year students. Students must be cleared by the Florida Board of Bar Examiners. Housing is provided by the law school. 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 in the Florida Supreme Court. Duties will include: 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 and initial training sessions. The intern will be awarded a certificate of recognition upon successful completion of the program. This internship is offered fall, spring and summer semesters.

### **IMMIGRATION CLINIC**

This is a full-year clinic for third-year law students. Students must register each semester. Interns 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 before the Department of Homeland Security. Each week, students are required to spend two hours in class, one hour in case review, and a minimum of three office hours in the Clinic, in addition to whatever time is necessary to properly prepare for the student's cases. Students will learn substantive immigration law as well as trial practice and advocacy skills.

### **JUDICIAL INTERNSHIP**

This clinic can be taken part-time in a single semester and is available to second and third-year law students. Judicial internships provide an opportunity for students to hear arguments, discuss cases with judges, as well as, apply research and writing skills to real facts. Students will work closely with supervising staff attorneys and judges in criminal and civil court, including state, federal, appellate, and specialty courts. Background check and confidentiality agreements are required.

### **PAX ROMANA INTERNSHIP AT THE UNITED NATIONS**

This is a residential, single semester internship with a placement site at the Pax Romana NGO Office for the United Nations, New York City. An international lay Catholic NGO with more than 120 years of history and with more than 420,000 members in some 80 countries of the world, Pax Romana holds the highest level consultative status with the Economic and Social Council of the United Nations. (See [www.paxromana-ngo-un-ny.org](http://www.paxromana-ngo-un-ny.org).) The intern functions as an accredited representative of Pax Romana and follows 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 the Human Rights Council, etc. The intern 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.

### **TAX CLINIC**

This is a single semester internship for second and third-year students; which may be offered a second semester with the permission of the Director. The course consists of two parts: the first part is the classroom requirement, consisting of a class of one hour and forty minutes once per week; and the second part, is office work, which consists of interviewing new clients, working on live cases during office hours of approximately 16 hours per week. The student represents the clients before the Internal Revenue Service, District Counsel, and before the United States Tax Court. In addition to the office hours, the students are expected to attend conferences with the Internal Revenue Service, job fairs in the community, and Tax Court sessions. This is a graded clinic and is offered fall and spring semesters.

# PROGRAM INFORMATION

## FAQ's

### **1. 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.

### **2. 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 generally consider their clinic experience to be preparation for the practice of law.

### **3. Whom do the clinics/externships represent?**

The clinics promote an ethic of public service. The clients of most clinics are individuals and organizations who would not otherwise be able to obtain legal representation.

### **4. What do students do?**

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

### **5. 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.

### **6. Do students get to go to court?**

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

### **7. What is the faculty/student ratio?**

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

### **8. Who may enroll in a clinic?**

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

**9. How are students selected for a clinic?**

Each clinic/externship has its own method of selection. Most clinic/externships choose students through a competitive selection process. Clinics that use competitive selection base their choices on prior experience, writing samples, statements of interest and other criteria. Most clinics also give preference to those students who are entering their final year of law school.

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

Definitely disclose all issues. Failure to disclose all your background issues can bar you from a clinic/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.

**11. Do all applicants get into their first clinic choice?**

Unfortunately, no. Depending on the number of applications received in a semester for a clinic, a student may be placed in a second choice.

**12. Can a student take more than one clinic while in law school?**

Yes. There is no limit on the number of clinical credits. Preference is given to those who have not previously taken any clinical course.

**13. 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/externship where they will be representing clients must have completed their 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.

**14. 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 36 hours per week, depending on the clinic. Due to the nature of the work in some clinics, students in those clinics 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's entry in this packet. In addition to reviewing this information, we strongly recommend applicants ask currently or previously enrolled clinic students to what extent their clinic participation has had an impact on their ability to engage in extracurricular activities or part-time employment

**15. 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 requirements?**

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

**16. 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 this information out.

**17. How are students graded?**

This varies depending on the clinic.

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

Yes.

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

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

**20. How am I notified if I am accepted in a clinic?**

The Clinical Director will e-mail you if you have been accepted. Only the official STU email address will be used for notifications. It is the student's responsibility to ensure your STU email is working.

**21. 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.

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

Contact the Clinical Director. In most cases, you will be instructed to register for another course worth the same amount of credits until you hear about your placement.

**23. Once I am notified, can I register online?**

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

## Application Process

All applicants must submit the general clinic application to the Director of Clinical Programs. Note: Some clinics require supplemental application materials, such as clinic-specific applications, in hard copy. Students should carefully review the clinic-specific information for any additional materials (and procedures) that may be required.

Students who have questions about clinic enrollment procedures and policies should contact Associate Dean Dykas, Director of Clinical Programs, at (305) 623-2381 or cdykas@stu.edu.

## Clinic/Externship Enrollment Policies

### **1. Minimum Cumulative Average and Academic Performance:**

Students seeking to enroll in a clinic in their second year must have a minimum 2.0 cumulative average at the end of their first year. Students who fail or withdraw from any of their required first year courses will not be permitted to enroll in a clinic in any year until they have re-taken and successfully completed the course(s) they failed.

### **2. Clinic Orientation:**

Many clinical placements require students to attend an orientation that takes place during the week before classes begin in the fall and spring. Please check with your placement so that you can be available for the training.

### **3. Clinic Extension Policy:**

Clinic students are generally expected to work for their clinic until the end of the examination period unless the clinic 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 filled out before the examination period begins and will be effective only upon review and signature of the Law School Dean. If a tribunal or legislative body has continued a clinic case for hearing beyond the period of the student's clinic enrollment, the Dean will generally 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 in the clinic 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 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

In order to receive credit for the course, you must do the following:

- A. You are responsible for making contact with your Field Supervisor to determine your start date and any additional documents they may need from you.
- B. Clearly, competently and completely (detailing your clinical 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. A clinic/externship can be very time consuming; be sure you pay proper attention to your other courses.
- E. **If you are having a problem or when in doubt, contact the Classroom Professor.**
- F. Verify that your field supervisor has turned in to the Classroom Professor a supervisor's report evaluating your performance.

### 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 conference. 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 must also keep a running total of your hours of internship/externship. You may round off your time in increments of quarter hours for easier calculation.

The internship/externship runs on the same schedule as your regular classes. Your weekly number of hours is as follows: 4 credits-16 hours and 12 credits-36 hours. If necessary, permission may be obtained from the clinical director to complete your internship earlier if the total number of required hours is met. Any falsification of hours recorded is an Honor Code violation.

### 4. Classroom Component

The clinical classroom component provides an opportunity for clinical students to meet on a weekly basis to discuss their internship/externship experiences with other students and their professor. The classroom component will encourage an open discussion format where you will have the opportunity to learn about the work lawyers do in many diverse settings where your fellow students are interning. Additionally, the class will provide an open forum at which you may exchange with your fellow interns your observations, reflections and opinions about issues lawyers share although practicing in quite different areas.

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 for example, circulate 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 law school.

### 5. Field Supervisors

Students in the clinical program work in both civil and criminal placements under a supervising field attorney. The field 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 experience as possible. The Clinical Professor maintains regular contact with the field supervisor concerning the student's performance in the program.

It is not intended that students should be utilized as clerks, but rather, they should be exposed to various legal experiences by participation, observation, and critique.

## 6. Code of Professional Responsibility

All students enrolled in the clinic are required to read and follow the Rules of Professional Conduct. In addition, the course in Professional Responsibility is a pre- or co-requisite for clinical participation. A student working 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, therefore, be expected to have a command of the Rules as you continually will be presented with ethical problems throughout the semester. Clients will often assume that anyone connected with the supervising lawyer is a lawyer, and, therefore, you must take special precaution to advise all clients, opposing counsel, court personnel, and others with whom they come into contact with, that you are a law student working in a clinical 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 not enrolled or affiliated with the Clinical Program. Because the clinic involves "live" cases, it is likely to be very exciting to you. 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 clinical 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 which is 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,
- 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. See Rule 6 of the Special Rules Governing the Admission and Practice of Attorneys of the Local Rules of the U.S. District Court, Southern District of Florida for Requirements and Regulations for the U.S. District and the Bankruptcy Clinic.

## 9. General Rules of Clinical Practice

As a guide to the student, the Clinical Program has established general rules for clinical practice. Failure to adhere to these rules will jeopardize a student's standing in the Clinical Program. On the other hand, following the rules will enhance the learning experience in the Clinical Program.

A clinical position 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 should immediately consult your Clinical Professor. It is important you do not leave problems unresolved as this can ruin your clinical experience.**

The following is a list of general rules and guidelines that govern the Clinical 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 should immediately contact your supervising attorney/judge and make an appointment to see him or her, so that you may set up your schedule for the semester. This must be done no later than three days from the date you receive your placement.

Please give your supervising attorney or judge your home telephone number and other numbers where you can be reached. Although there are relatively few times when students have been contacted, emergencies do happen and your supervising attorney or judge should know how to get in touch with you in the event of an emergency.

As soon as you get to the office each day you should check in with your supervising attorney or judge or his or her secretary. In the event you are going to be out of the office for an extended period of time (i.e., more than one hour) or are leaving for the day, you should notify your supervising attorney or judge. Also if you anticipate being late for work or absent on a particular day, you should call as soon as you know this. If possible, you should give advance notice whenever you know you will be late or absent.

## 9.2 Handling Files

Often in the course of your participation in the clinic, you will have an assignment which will require you to be given the case file. You are responsible for keeping the case file intact and in a location where others can find it if necessary.

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

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

## 9.3 The Supervising Attorney/Judge

You should make a note and record any and all activity performed by you on a client's case so that your supervising attorney will be aware of what you have done. Normally the entry will be made in some form of a running log, but you should follow the office procedure of the particular placement. If you are unsure, be sure to discuss this with your supervising attorney or judge. Planning sessions with supervisors, telephone class, 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 supervising attorney or judge. 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 supervising attorney. This is to ensure any writing that leaves the office is in the proper form and with the knowledge and consent of the supervising attorney and/or judge. This procedure also ensures the supervisor is kept abreast of the student's activity in the case. Thus, any problem incurred becomes the responsibility of the attorney as well as the student.

Further, and as an added precaution, the clerical staff of the placement office should be requested not to send out anything prepared by the student without the supervisor's approval. It is imperative the supervisor review all writings at the drafting stage and has an opportunity to

go over the final product with you, constructively critiquing the work prior to the final draft being sent.

#### 9.5 Legal Advice

No advice of any kind may be given by a clinical student to a client, a perspective client, or party to a law suit (without consultation and permission of the supervisor). Clients and others you come in contact with while working on clinical 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 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 clinical Director.

#### 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 which 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 and your attire should be appropriate for appearance in court.

The Clinical Program is a guest in any clinical 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 which is 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 School of Law  
CLINICAL PROGRAM APPLICATION

Date: \_\_\_\_\_

Applying for:            Summer\_\_\_\_\_ Fall\_\_\_\_\_ Spring\_\_\_\_\_            Year 20\_\_\_\_\_

1. Name: \_\_\_\_\_ Student I.D.: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_  
 E-mail: \_\_\_\_\_ Fax: \_\_\_\_\_

2. Indicate your first preference with the number 1, second with the number 2, third with the number 3. If you wish to be considered only for your first preference, do not indicate a second or third choice.

<p>___ Appellate Litigation Clinic (Law 845)*</p> <p>___ Bankruptcy Clinic (Law 934)</p> <p>___ Civil Practice Externship (Law 857)</p> <p>Part-time: <input type="checkbox"/> Full-time: <input type="checkbox"/></p> <p style="padding-left: 20px;">Location: Miami-Dade <input type="checkbox"/>                         Broward <input type="checkbox"/>                         Palm Beach <input type="checkbox"/></p> <p style="text-align: center; padding-left: 40px;"><i>Certain placements for 3Ls require                         Florida Bar Clearance *</i></p> <p>___ Criminal Practice Externship (Law 864)</p> <p style="padding-left: 20px;">___ State Attorney Office *</p> <p style="padding-left: 20px;">___ Public Defender *</p> <p style="padding-left: 20px;">___ Federal (e.g., USAO) **</p> <p style="padding-left: 20px;">Location: Miami-Dade <input type="checkbox"/>                         Broward <input type="checkbox"/>                         Palm Beach <input type="checkbox"/></p> <p>___ Elder Law Externship (Law 874)</p> <p style="padding-left: 20px;">Location: Miami-Dade <input type="checkbox"/>                         Broward <input type="checkbox"/></p> <p>___ Family Court Clinic (Law 875)*</p>	<p>___ Florida Supreme * (Law 870)           Court Internship</p> <p>___ Immigration Clinic (Law 835)</p> <p>___ Judicial Internship (Law 865)</p> <p style="padding-left: 40px;">Location: Miami-Dade <input type="checkbox"/>                         Broward <input type="checkbox"/>                         Palm Beach <input type="checkbox"/></p> <p>___ Pax Romana Internship at the (Law 857)           United Nations</p> <p>___ Tax Clinic (Law 911)</p>
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\* Placement requires Florida Bar Clearance. Application for Florida Bar at [www.floridabarexam.org](http://www.floridabarexam.org) - Checklists, Forms and Information

\*\* Application for Certification under the Student Practice Rule of the United States District Court for the Southern District of Florida (Page \_\_)

3. Will you have completed the pre-requisites for the clinic for which you are applying prior to the start of the clinic? Yes  No

4. Are you currently in a clinic? Yes  No

If so, with which agency are you currently placed?

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6. Please state the reason why you desire to be in the clinic:

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7. Please state the reason why you desire a specific placement (if requested):

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8. Please list your future professional goals, and the role you feel clinic will play in helping you to achieve these goals:

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9. Please list any other reason why your application should be accepted for clinical registration:

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10. Please state your professional work experience to date:

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11. Please list all law school activities:

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12. A) Have you ever been arrested for, charged with, or convicted of a crime? You must include juvenile offenses, alcohol offenses including driving under the influence of alcohol or drugs and adjudications withheld by court. Also include any misdemeanor or felony offenses for which the charges were dropped, dismissed, referred to a pretrial interventional program, deferred prosecution and/or for which the records have been sealed or expunged. If you have ever been arrested for, charged with or convicted of a felony, you must include copies of official documentation that demonstrates the disposition of the matter. Please explain in detail the circumstances surrounding the incident(s) and the disposition of each matter.

Yes

No

B) Are there criminal charges pending against you?

Yes  No

C) Are you currently serving or subject to any kind of probation, deferred prosecution program, or reporting or community service obligations associated with any criminal matter?

Yes  No

D) Have you ever been, or are you presently, a defendant in a civil lawsuit?

Yes  No

*If you have answered yes to questions 12 A through D, you must submit copies of all documents and provide details, including dates, on a separate page. You must disclose the nature of the law violations irrespective of any advice from any source, including legal counsel.*

E) Disclose financial information about delinquent credit, defaulted credit, unfiled tax returns, checks returned for insufficient funds and delinquent student loans;

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13. Do you speak a language other than English? Yes \_\_\_ No \_\_\_

If yes, please specify: \_\_\_\_\_

14. Please attach:

- A) current resume that has been approved by the Office of Career Services
- B) unofficial transcript and
- C) a legal writing sample (8-10 pages, each page bearing your name and page number).

***If you are applying for a clinic that requires certification, you must attach a copy of the Florida Bar notice of clearance.***

***I have read and understood the  
Clinical Handbook and Manual of Rules.***

\_\_\_\_\_  
*Signature required*

ST. THOMAS UNIVERSITY SCHOOL 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/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 which reflects adversely on my character  
\_\_\_\_ There is something in my background which 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

**ST. THOMAS UNIVERSITY SCHOOL OF LAW**  
**APPLICATION FOR CERTIFICATION**  
**UNDER THE STUDENT PRACTICE RULE OF THE**  
**UNITED STATES DISTRICT COURT FOR THE**  
**SOUTHERN DISTRICT OF FLORIDA**

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 in accordance with Rule 6 of the Rules of the U.S. Southern District of Florida regarding Admission and Practice; and
- c) certify in writing that he/she has read and is familiar with the Rules of Professional conduct as adopted by the U.S. Southern District Court of Florida 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 which reflects adversely on my character  
  
\_\_\_\_\_ There is something in my background which 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 U.S. Southern District Court of Florida and I will abide by the provisions thereof.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
City, ST Zip

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

## CLINICAL FACULTY 2011-2012

### Director of Clinical Programs

Cece Dykas 305-623-2381

### Clinical Faculty and Staff

Appellate Litigation	Howard Blumberg	305-545-1963
Bankruptcy	Magda Abdo-Gomez	305-755-9500
Civil Practice	Tim Martin	305-362-6222
Criminal Practice	Kenneth F. Noto	305-961-9416
Elder Law	Jackie Schneider	305-919-7730
Family Court	Brenda Rivera-Lopez	305-579-5733
Florida Supreme Court	Cece Dykas	305-623-2381
Judicial <sup>(1)</sup>	Judge Michael Chavies	305-679-5451
Judicial <sup>(2)</sup>	Judge Michele Towbin Singer	954-831-7825
Immigration	Yanick Laroche, Coordinator	305-623-2309
Immigration	Michael Vastine	305-623-2340
Pax Romana (U.N.)	Mark Wolff	305-623-2370
Tax	Larry Fedro	305-474-2453

<sup>(1)</sup> Miami-Dade County

<sup>(2)</sup> Broward and Palm Beach Counties

## CONTACT INFORMATION



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