Table of Contents

I. Purpose of Manual..........................................................5
II. Goals and Values of the SLO .............................................5
III. SLO Faculty and Staff ..................................................5
IV. SLO Clinic Registration ..................................................6
   Registration for the Clinic ..............................................6
   Dropping SLO Credits ....................................................6
   Applying for an Advanced Clinic .....................................6
V. Administrative Policies .................................................6
   Office Staff ...............................................................6
   Office Hours ..............................................................7
   Carrel Space ..............................................................8
   Use of Telephones .......................................................8
   Use of Computers and Software ......................................9
   Use of Printers, Facsimile, and Copier ..............................10
   Office Supplies ..........................................................10
   Mail and Mailboxes .....................................................10
   Sign In/Out Board ........................................................11
   Business Cards ...........................................................11
   Reserving Interview Rooms, Conference Rooms and Student Workrooms ..................................................11
   SLO Library and Resources ............................................12
   Confidentiality and Client Communication .......................12
   Files ............................................................................13
   CBI Background Checks and CoCourt.com ........................13
   Access to Clients in Jail/Prison ........................................14
   Reimbursements ..........................................................14
   Outside Vendors ..........................................................15
   Notary Services ............................................................15
   Parking ..........................................................................15
   Auto Liability ..................................................................16
   Extended Absence from the SLO ......................................16
   Media ............................................................................17
   Use of Kitchen ...............................................................17
VI. Case Policy and Procedure ............................................17
Types of Cases/Matters................................................................................................................. 17
Client Intake................................................................................................................................. 18
Case Assignment.............................................................................................................................. 19
Where Do I Start? ........................................................................................................................... 19
Letterhead and Correspondence...................................................................................................... 20
Record Keeping/Timekeeping/Billing ............................................................................................. 20
Pending Dates and Docket ............................................................................................................... 21
Pleadings ........................................................................................................................................ 21
Dealing with the No-Show Client .................................................................................................. 21
Closing or Transferring Cases ......................................................................................................... 21
Closeout Letters .............................................................................................................................. 22
VII. The Student Practice Rule, Professionalism, and Ethics ......................................................... 23
Ethical Issues ................................................................................................................................. 26
VIII. Expectations, Grading Procedures, and Evaluations .............................................................. 27
Faculty and Student Responsibilities ............................................................................................. 27
Grading Criteria ............................................................................................................................. 28
Student Evaluations of Program and Faculty ................................................................................. 33
XI. Appendix A: Practice Master .................................................................................................... 34
X. Appendix B: CBI and CoCourts Searches .................................................................................. 36
XI. Appendix C: Parking Map .......................................................................................................... 37
XII. Appendix D: Certified Mail ....................................................................................................... 38
XIV. Appendix F: Sony Digital Voice Recorder ............................................................................. 41
XV. Appendix G: Remote Desktop .................................................................................................. 42
XVI. Appendix H: SLO Library Resources ..................................................................................... 45
XVII. Appendix I: Extended Absence Form ................................................................................... 46
XVIII. Appendix J: Expense Reimbursement Form ......................................................................... 47
XIX. Appendix K: Conflict of Interest Policy .................................................................................. 48
Welcome to the Student Law Office at the University of Denver Sturm College of Law, where the practice of law begins.

Dear SLO Students:

Welcome to the Student Law Office (SLO) and what I hope will be one of the most gratifying experiences of your law school career. In the SLO, you will learn by doing – by practicing law in a broad range of areas, including civil litigation, criminal defense, environmental law, mediation, community economic development and civil rights. Through your work with clients, attorneys, judges, and legislators, you will have the opportunity to further develop your legal knowledge, skills and professional values while working with underserved clients and communities to address urgent problems, influence public policy, and improve the quality of legal problem-solving.

You are becoming part of an amazing 111-year-old tradition here at the law school. In 1904, the then dean, Lucius W. Hoyt, had the foresight and vision to recognize that poor and underserved communities needed legal help, and that students could benefit from learning lawyering skills before graduating. The University of Denver Sturm College of Law created the first “legal aid dispensary” and the tradition of clinical education has thrived at this law school ever since. Together we will work to enhance your lawyering skills while at the same time providing valuable service to the community.

Welcome to the SLO. I look forward to working with you.

Professor Laura Rovner
Ronald V. Yegge Clinical Director
Associate Professor of Law

The faculty and staff of the SLO reserve the right to add or edit any procedures or policies explained within this manual as necessary. Any such changes must be in writing and approved by the Director of Clinical Programs. Written notice of approved changes will be given to each active student within the SLO, either via e-mail or memorandum.
I. Purpose of Manual

The purpose of the SLO Manual is to provide you with program information and a reference tool to help you understand the SLO policies and procedures. Together with the email documents and the black instruction notebooks you received at orientation, this manual should answer a variety of questions you may have about office procedures during the course of your SLO experience. While much of the material and procedures described in this manual are of universal significance, some clinics will have supplemental manuals for their students. If you have questions regarding anything in this manual, please see your supervisor.

II. Goals and Values of the SLO

The goal of the SLO is to teach students the skills needed to provide quality legal services to clients who might not otherwise have access to representation. Our faculty chooses to work in the SLO because of our commitment to clinical teaching and to the value of working with real clients on real cases, both for students and for clients. We value dedication and hard work, innovation, being present and flexible, and being open to trying new things. Such a program could be the center of the law school curriculum—innovative, collaborative, and effective in meeting community needs. We want to offer core clinical education to all students, educate them to be client-centered agents for social change, and continually challenge ourselves as faculty about what and how we teach.

III. SLO Faculty and Staff

Contact Information

Staff
Laurie Saraceno, Administrative Director – 335M 871-6150
Hannah Carmichael, Administrative Assistant 871-6140

Faculty
Prof. Brad Bartlett, Environmental Law Clinic, Visiting Assistant Professor– 365H 871-7870
Prof. Courtney Cross, Civil Litigation Clinic, Visiting Assistant Professor – 335G 871-6201
Prof. Patience Crowder, Community Economic Development Clinic – 365G 871-6895
Timothy Estep, Clinical Fellow, Environmental Law Clinic – 365N 871-6753
Nicole Godrey, Clinical Fellow, Civil Rights Clinic – 365Q 871-6754
Prof. Tamara Kuennen, Civil Litigation Clinic – 365D 871-6246
Prof. Christopher Lasch, Criminal Defense Clinic – 365B 871-6368
Prof. Kevin Lynch, Environmental Law Clinic – 365C 871-6039
Rachel Moran, Clinical Fellow, Criminal Defense Clinic – 335H 871-6726
Prof. Laura Rovner, Ronald V. Yegge Clinical Director – 365E 871-6441
Jennifer Wadhwa, Clinical Fellow, Civil Litigation Clinic – 365P 871-6294
IV. SLO Clinic Registration

Registration for the Clinic

The SLO Administrative Director will register all students for their coursework. New clinic students must have completed and returned their acceptance forms by the specified deadline before they can be registered. Students cannot register themselves for a clinical course on the web.

Dropping SLO Credits

Once orientation has been completed, the student has a responsibility towards his/her potential clients and their supervising attorney. Therefore, a clinical course may only be dropped with prior approval from the supervisor. SLO courses cannot be dropped online or via telephone. The SLO Administrative Director will inform the Registrar’s Office once a student has been approved to drop a clinic.

Applying for an Advanced Clinic

Students interested in participating in an advanced clinic need to contact their individual supervisor for more information on how to apply. Students must have completed a basic clinic course before applying for an advanced clinic. Generally students take an advanced clinic for 3 credit hours.

V. Administrative Policies

The administrative staff members have created a procedure instruction notebook that contains the information you will need while working in the SLO. The black notebooks are located in each cubicle. Before asking an administrative assistant for help regarding a procedure or how to do something, refer to the notebook. Please remember to interact responsibly and professionally with clients, the courts, and other contacts. *Your behavior directly impacts others in the SLO, and especially our clients.*

Office Staff
The SLO office staff consists of an Administrative Director and an Administrative Assistant. As office staff, they will support you to the best of their abilities; however, it is essential for you to be familiar with the internal operations of a law firm. Therefore, you are required to handle your own correspondence, copying, and administrative tasks. If you have any questions about how to operate equipment or about SLO policies and procedures, you may ask the office staff after you have searched for the answer to your question in the black notebooks located in each cubicle.

If you experience problems with any SLO equipment, inform the Administrative Assistant so they are aware of the problem before the machine is used again.

Laurie Saraceno is the SLO Administrative Director. She manages the SLO staff, office operations, and is responsible for compliance with general SLO policies and procedures, budgeting, billing, clinic applications, assisting the faculty as well as registration, orientation, and submission of grades.

The Administrative Assistant is the first points of contact for clients, opposing counsel, court personnel and other individuals that call or visit our office. They assist the Administrative Director and faculty by answering incoming calls, meeting and greeting clients, distributing incoming mail and sending outgoing mail.

**Office Hours**

SLO business hours are **8:30 a.m. to 5:00 p.m., Monday through Friday**. The office is officially closed on legal and University holidays, but faculty and other students are often here on weekends or holidays.

You will be able to gain access to the SLO after business hours with the door code that will be provided to you at the beginning of the semester. If you do not know this door code, see the Administrative Assistant.

Do not prop open the doors open or share the door code with other students. As a law firm, we must be careful to protect the confidential and privileged information contained in our client files. Only clinic faculty, staff, and students are allowed access to the clinic.

Students who anticipate working after midnight and before 7:00AM will need to request special after-hours access. In order to remain in the SCOL after the building’s official nightly closure, students must have an SLO-issued Pioneer Access Card. Campus safety officers perform nightly closure walks of the building and request each person permitted to remain in the building present a Pioneer Access Card. These Pioneer Access Cards are available for checkout by the Administrative Assistant.

If you are meeting clients outside of business hours, you will need to make arrangements to let them inside as the clinic doors will be closed. You can meet your client at the front door, ask the client to telephone you, or instruct them to ring the doorbell when they arrive. The clinic’s
doorbell is located outside the front doors on the right-side wall. When the doorbell is pushed the sound will resonate throughout the clinic at a reasonable level.

**Carrel Space**

The SLO has computer carrel stations. Carrels are open for SLO student use and are occupied on a first-come first-serve basis. Carrels are intended to be used for clinic work space only and are not to be used for personal storage. Because the work space is shared, students may not leave their personal belongings in the carrels. Active and closed client files need to be stored in the appropriate file cabinets and not left in the carrels or carrel storage bins. Storing the files in the appropriate storage location in the file room ensures supervisors and staff have access to the documents.

Friends, family, former clinical students and non-clinical students are not allowed in the SLO work area due to confidentiality. Please respect this and understand that anyone found in the carrel space/work area not currently enrolled in the SLO will be asked to leave immediately.

With the clinic full of working students, the carrel spaces will be at capacity the majority of the semester. It is imperative that you are mindful of the language you use as well as the volume of your voice. Your colleagues need to call their clients from their carrel space and must be able to do so in a business professional environment.

We love our pets, but they are not appropriate in the clinic, nor are they allowed in the law school. The University of Denver has a pet policy that the SLO enforces:

*Pets are not allowed in University buildings. Exceptions may include animals trained to assist the handicapped or special events where animals are the focus. Pets are not barred from University grounds, provided they are leashed and the owner removes any waste matter. Officers should inform pet owners of these regulations and request compliance. If the owners refuse, refer to the Offenses section in dealing with Suspicious or unwanted persons. Unknown or unattended animals should be referred to Denver Animal Control.*

**Use of Telephones**

Telephones are provided to the student attorneys for case purposes. You may give your clients the general office number, 303-871-6140, as your contact information. You may also want advise your client to press 4 to bypass the automated phone greeting. When you are working in the office the administrative staff will transfer the calls to your SLO extension. The Sign-In/Out Board at the front of the office will indicate whether you are present and available to take calls. Inform your clients that you are not always in the SLO office, but that the SLO staff will take a message on your behalf.

The SLO staff will not give out students’ home, cellular or work telephone numbers unless specific permission has been given. It is recommended that all calls pertaining to your cases are made from the SLO rather than from your home, cellular or office telephone. Remember, many people have Caller ID. If you make a call to your client from a personal cell phone, your client
may be able to see and save your phone number. If you are expecting an important telephone call and cannot be in the office to accept the call, make an arrangement with the staff to have the call transferred from the SLO to your home, cellular or office telephone. This helps to ensure your contact information will not be compromised.

All telephone calls that come in after hours will be sent to the main number’s voice mail. In the morning the Administrative Assistant will check for voice mail messages and will either put a written message in your mailbox or will e-mail the message to you. If clients need to call you after hours, you may give them the extension number of the phone you are using, but be sure they understand that they must use 303-871-6140 to reach you at other times.

To make calls:
- Local: Dial 9 + area code + phone number
- Long distance: Dial 8+23484 + 1 + area code + phone number

To transfer calls:
- Within the university: Press XFER button, then dial 1 + last four digits, then hang up

Press the HOLD button to put the call on hold, and to remove a call from hold.

If a client calls outside of normal business hours, they can leave a voice message on the main number 303-871-6140. If a voice message is left for you, the staff will email you or leave a written message in your box.

All messages, incoming mail, and faxes are placed in the student’s mailbox (see section below marked Mail and Mailboxes) or emailed to the student as they are received. You must check for messages every day. If you are unable to come in to the clinic to check your mailbox, call and ask an Administrative Assistant to check your mailbox. If you are unable to reach your client and you leave your client a message asking them to return your call, give them a time when you will be available to accept their call in the SLO, or ask an Administrative Assistant in advance to transfer the call to your home, cellular or office telephone number.

Use of Computers and Software

Each carrel is equipped with a computer. Students will be able to sign on to the computers with their DU law school e-mail login information and password. The computers are loaded with Microsoft Office software and Practice Master. Using a laptop, you can log on remotely to the school’s network. However, keep in mind that all correspondence in the office is confidential. **So as not to commit malpractice, do not forward any emails from your Microsoft Outlook account that detail client related information.**

Refer to Appendix F for Remote Desktop instructions.
Use of Printers, Facsimile, and Copier

Operation instructions for each device are posted next to the machines in the Copy Room 335C.

When making copies, be careful not to leave confidential client material unattended as other departments outside the SLO periodically utilize the copier. Confidential client materials left on counters will be shredded or given to your supervising attorney.

Please be mindful of what and how much you choose to print, and please limit your use of office technology to SLO-related business only.

Office Supplies

Office supplies are located in the Copy Room 335C. The supplies are limited, but you are welcome to use them for clinic work while you are in the SLO. Leave the SLO supplies in the clinic so all students may use them throughout the semester. Depending upon the budget status, we may or may not be able to replenish the supplies once they run out.

Should you need office supplies that are not available in 335C, or if you need an additional amount of supplies, contact the Administrative Assistant.

The SLO has a projector, web-camera, and digital tape recorders to aid in case preparation. Please refer to the black notebooks for further instruction. For access to these items, please contact an administrative assistant.

Mail and Mailboxes

Two baskets are located at the front desk for outgoing mail. One basket is for intercampus mail which goes through the University’s mail system. The other basket is for regular U.S. mail which is delivered to the mailroom at 9:30 a.m.

If you miss the 9:30 a.m. mail run and have time-sensitive correspondence that must be post marked the same day, an Administrative Assistant will post the mail but the student is responsible for taking the mail to the post office. Clearly write your name above the return address in the event the mail is returned to the SLO.

The Administrative Assistant has certified mail and return receipt slips. Appendix C contains an example of a properly filled out certified mail slip and return receipt. To be reimbursed for certified mail sent outside the SLO you must turn-in an original receipt from the post office and fill out a reimbursement form, which is located near the mailboxes. Refer to the “Reimbursement” instructions in this manual.

Incoming mail is delivered every morning. Student mail will be date stamped, sorted and placed in the SLO student mailboxes.
Students are required to check their mailbox daily for new case assignments, information and messages. Since space is limited mailboxes are not to be used as storage space.

**Sign In/Out Board**

Please use the In/Out board to indicate when you are in the office and can receive calls. If you do not mark yourself in, you may miss an important call. The board is the only way the staff knows who is in the office to receive calls.

**Business Cards**

Generic student attorney business cards are available for you to give to clients and opposing counsel. The cards are located the front desk. Write your full name on the card before distributing.

**Reserving Interview Rooms, Conference Rooms and Student Workrooms**

There are three interview rooms available for client meetings: 335 J, K & L. The interview rooms are equipped with web-cams; prior to requesting use of the web-cam, check with your supervisor to determine if client consent is necessary. If the client meeting requires use of a web-camera, the student is responsible for setting it up and saving the interview to the X: Drive. Web-camera instructions are located in the black notebooks and in the web-camera room 355B. All interview rooms are equipped with speaker telephones. The clinic library can also be reserved for the client meetings if the interview rooms are reserved.

The conference room is located behind the front desk workstation. The conference room is used for depositions, client meetings, settlement conferences, depositions, small group discussions, and meetings with opposing counsel. The room is equipped with a speakerphone, television, and VCR and DVD player. You must reserve the conference room in advance.

The library, interview rooms and conference room must be reserved in advance. Due to the limited space, the library, interview rooms and conference room can only be reserved for a maximum of 2 hours at one time. If a room is reserved for more than 2 hours, the Administrative Director reserves the right to ask the student to vacate a room if it is needed for other clinic business. When using the library or an interview room, inform the staff of your location so that calls can be transferred to you. The reservation books for the library, interview and conference rooms are located at the front desk.

Meetings with clients are arranged at the mutual convenience of the student and client. You are expected to attend classes at the regularly scheduled times. If possible, do not schedule client meetings, supervision meetings, or court appearances during class session time.
SLO Library and Resources

As a courtesy to your colleagues, when you have finished working in the library, remove your belongings and return books to shelves. The SLO library is also used for meetings. To reserve the SLO library, consult the scheduling calendars located at the front desk.

A list of available library resources is located on the X: drive. This list includes valuable electronic resources and Westlaw items. You may also refer Appendix G for the SLO library resource list.

Confidentiality and Client Communication

Student attorneys, like all Colorado lawyers, have a professional duty to keep certain information confidential. This duty is based on two different sources of law: (i) the Colorado Rules of Professional Conduct and (ii) the attorney-client privilege.

Excluding certain exceptions, the Colorado Rules of Professional Conduct prohibit a lawyer from revealing information about a client unless the client has provided informed consent or the disclosure is impliedly authorized in order to carry out the representation. This duty of confidentiality has a broad application, and, unlike the attorney-client privilege, its scope extends beyond legal proceedings.

The attorney-client privilege is an evidentiary rule that protects communications between a client and his or her attorney from disclosure in legal proceedings. The attorney is duty-bound to protect this privilege by refraining from any disclosures that may result in client waiver of the privilege (e.g., if the client acts as if the information is not confidential by disclosing the information to a third party in the presence of the attorney).

The obligations to maintain client confidentiality and protect client communications are not limited to clients who are individuals but also extend to legal entities (with certain qualifications). The attorney-client privilege and the duty of confidentiality extend through Clinic faculty to those who work directly with such faculty (i.e., employees, associates, Student Law Office staff, and law students). All student attorneys must be acutely aware of these rules and make certain not to disclose client information without client permission. These rules apply to clients who receive only brief advice, as well as to clients involved in more protracted representation. The obligation to preserve confidentiality extends beyond the end of the academic year and the termination of a representation. In the classroom and in discussions with fellow student attorneys, Student Law Office staff, or Clinic faculty members, client work may be discussed freely, as it would be among attorneys from the same firm. However, student attorneys must take care not to use client names except with Clinic faculty and Clinic students. In no event may client information be disclosed outside of the Clinic, including disclosure to non-Clinic faculty. Student attorneys are usually intensely involved with their client work and, because it is very interesting to students, they may be tempted to discuss the work with significant others, friends, and acquaintances. Nonetheless, student attorneys must remember that
they are governed by the same restrictions on confidentiality that govern practicing lawyers. This includes not only references to client names but also any information which might be so unique – nationality, church membership, occupation – as to reasonably lead to the identification of a client. Before sharing any client-related information with anyone outside of the Clinic, student attorneys must first consult with Clinic faculty. Finally, student attorneys must be careful about how client-related materials are discarded (e.g. drafts of documents). If a document is not placed in a client’s file, that document must be shredded. Do not recycle client documents. Shredding receptacles are located in the copy room and in the hallway of faculty offices.

**Files**

Students are required to keep all case files in the appropriate file cabinet. Case files can be taken out of the office ONLY if necessary, if you are able to protect your client’s confidentiality, and with your **supervisor’s approval**. Case files are the property of the SLO and must be permanently stored in the SLO in the appropriate active case file cabinet. Faculty supervisors may review files and Practice Master notes at any time, so files must be kept current and accessible.

All closed files are located in the file room 335B. Should you need access to a closed file, contact a staff member. Do not take closed files out of the office. When you are finished with the file return it to the person who retrieved it for you for re-filing.

Correspondence in this office is confidential. **Do not forward emails from your Microsoft Outlook account to your personal email address. Do not keep confidential client information on your personal computer,** especially laptops which can be stolen. This could be a malpractice risk.

**CBI Background Checks and CoCourt.com**

Students may conduct background searches online through either the Colorado Bureau of Investigations (CBI) or CoCourts.com. CBI record checks provide arrest records. CoCourts.com provides past and current court information for a given name or birth date combination. **CoCourts.com will only provide information at the county court level.** Municipal court matters are not listed in the CoCourts.com database. **Use of login information is restricted solely to your work on behalf of your clients in the SLO and may not be used for any other purposes.** When conducting searches be sure to run one search for a name versus multiple searches. The SLO is charged on a per search basis, therefore save money by conducting searched one time with several first and last name spelling. **Make sure to print and share the results with your co-counsel to prevent duplicate searches on the same client.**

CoCourts.com:
- [www.cocourts.com](http://www.cocourts.com)
- Each search costs $7.00
- Username: clinics1
Password: SLOclinics2015 (subject to change; please check with the front desk if the first attempt fails)
- Follow the prompts
- Results are given on the website

Colorado Bureau of Investigations:
- [https://www.cbirecordscheck.com/Index.aspx](https://www.cbirecordscheck.com/Index.aspx)
- Each search costs $6.85
- On the right, click on the “Account User” tab
- Login with the following user ID and password:
  - Username: slo
  - Password: DenverSLO2015 (subject to change; please check with the front desk if the first attempt fails)
- Select “Individual Name Inquiries”
- Follow the prompts

Results are given via a PDF attachment that is either e-mailed or uploaded to a user’s computer

*See Appendix B for examples on how to search client names

**Access to Clients in Jail/Prison**

In order to gain access to jails or prisons for client visits, you must have an official letter from your supervisor or the director stating that you are acting as a student lawyer and should be granted access to your client. Different jails and prisons use different protocols for admitting student attorneys. Before scheduling your visit, consult with your supervising attorney to ensure you are using the appropriate procedure.

**Reimbursements**

All invoices that you receive for services rendered by a party must be turned into an administrative assistant immediately. In order to obtain reimbursement, you must have (a) preapproval for the expense, and (b) the original receipt. You will also need to fill out a reimbursement form, located by the mailboxes. You cannot be reimbursed for gas mileage parking. If you have questions about reimbursement, be sure to ask before you incur the expense. The University of Denver is a non-profit and does not reimburse tax. If you purchase an item on behalf of your client-case, be sure to ask for a copy of the University’s tax ID number so the vendor does not charge you tax. If you are charged tax the University will not reimburse you.

If you need a check to pay for case expenses, you may submit a check request to an administrative assistant. Please provide at least ten days’ notice, detailed information regarding the expense, and information (potentially including completing a W9 form and submitting it to the DU purchasing department, which can take a significant amount of time). The check request will be processed by the University’s Purchasing department. Purchasing does not allow SLO
personnel to pickup cut checks. If the check needs to be submitted with enclosed documents (such as pleadings for a filing), the documents must be delivered to the Purchasing department, along with the administrative paperwork for the request. Purchasing will mail the check directly from their office and will send any enclosures related to the check (such as pleadings) in the same envelope.

Keep in mind such expenses as transcription, translation, and chemical testing may be waived by or be reimbursable by court order. Ask your faculty advisor how to petition the court for these expenses. If your client is employed, they should pay court costs directly related to the case or reimburse the SLO for costs advanced; discuss this with your faculty supervisor.

**Outside Vendors**

The SLO uses selected outside vendors for specific services such as service of process, court reporting, investigations, etc. Talk to your supervisor before using outside vendors for your case.

The SLO does not require that students use only vendors used before by the SLO. If you know of other vendors who perform the same duties at a lower cost, please inform the staff of their services. If any service is over $15.00, you must seek prior approval from your supervisor.

**Notary Services**

The Administrative Assistant is a certified notary public. If your client needs documents notarized, check with the staff to confirm that someone will be available when the signer will be in the office. Make sure that all parties have valid identification with them. If the SLO staff is not available to notarize documents, you can make arrangements with a notary in Faculty Support in room 415 or in the Faculty Support suites on the fourth floor.

**Parking**

Clients must pay to park in the lot directly below the law school (refer to Appendix B) or park on the street. Parking Services charges $1.50 per hour to park in the guest lot. Most on-street parking near the University is limited to 1 hour which is generally not enough time for a client meeting. Some streets east of University Avenue have no time restrictions for parking. Tickets for parking violations are at least $20. *The SLO does not reimburse clients for parking tickets. Students should not pay for client parking tickets.*

A limited number of parking passes are available in the Dean’s Suite and need to be reserved well in advance. Parking passes are to be *used only for guests and clients who absolutely cannot afford to pay for parking.* Students who need parking passes are responsible for notifying the administrative staff before the client meeting. Remember that many clients arrive either well before or well after their scheduled appointments, meetings run longer than anticipated and unforeseen problems arise, so plan accordingly. Parking passes should be put in an envelope
marked with the client’s name and placed in the clear bin located on the right side of the elevator doors in the parking garage, Level P1.

**Auto Liability**

"When driving for your programs, please note that the University of Denver automobile policy does not include coverage for personal vehicles. Please refer to the policy at [http://www.du.edu/risk/insurance/auto.html](http://www.du.edu/risk/insurance/auto.html) for further details. Should you be involved in an accident related to your clinical work, however, involving any third parties, please report to local authorities, your supervisor and notify Campus Safety at 303.871.2334 within 24 hours. While the University does not cover your vehicle, and your insurance is primary in any incident while the vehicle is under your care, custody and control, the incident may ultimately involve the University and we should be aware in order to report it to our insurers if appropriate. If you are a staff, faculty or paid-employee of the University, either part-time or full-time, however, and you are injured while on-the-job, your injury may be covered under workers' compensation.

Use of car-share services should be conducted using a separate account for your business use versus your personal use. Should any incidents occur using the vehicle for business use, the deductible and additional coverage would be covered by the University's insurer and Risk Management should be notified, as well as a report provided to Campus Safety, within 24 hours.

Use of car-share services for personal business shall be covered by your own insurance, or in the case of students, their parents' insurance or as noted by the car-sharing service terms and conditions.

**Extended Absence from the SLO**

The SLO is a law firm and therefore never shuts down. If you will be out of town for an extended period of time (longer than a long weekend), you are required to leave a number where you can be reached. You must leave your case file with your supervisor or in the student “open case” file drawer.

Well in advance of your departure:

1. Fill out an Extended Absence form, see Appendix H.
2. Discuss the case status with your faculty supervisor and how the case should be handled in your absence.
3. If required by your supervisor, write a short memo to your supervisor providing the status of each case and how you can be reached. In addition to the memo to the supervisor, include a short, detailed memo in each of the files (or be sure that your case notes are up-to-date) so that any attorney who picks up the file will know the
status of the case in the event anything else needs to be completed. Include any relevant dates.

4. Leave your client files in the SLO so we can handle any issues that may arise in your absence.

5. Notify your client by telephone or by mail that you will be gone and provide your client with the clinic supervisor’s name and the name of the student attorney covering the case until your return. Your casework must be up-to-date and available in the case file and in Practice Master. Tell your clients who to contact in case of an emergency.

Discuss with your supervisor whether or not you need to notify opposing counsel that you will be away so that you are able to deal with any relevant, time sensitive matters before you leave.

**Media**

Should media contact you regarding a case, do not comment and contact your clinic supervisor immediately. Your supervisor should be notified and you should discuss your comments with University Communications prior to speaking with the media. If warranted a Critical Incident Response Team (CIRT) can be called if the activity surrounding the case impacts the University student or staff life safety or University's reputation.

**Use of Kitchen**

The kitchen is available to *current SLO faculty, students and staff only*. Please keep the counters clean, place your dishes in the dishwasher, and remove items from the refrigerator before they expire. The refrigerator is cleaned out on a regular basis and questionable containers and their items are thrown away.

**VI. Case Policy and Procedure**

**Types of Cases/Matters**

**Civil Rights Clinic**  
Constitutional rights of prisoners  
Indefinite solitary confinement  
Failure to provide prisoners with adequate medical or mental health care  
Long-term denial of outdoor exercise  
Prison’s refusal to provide meaningful process to individuals placed in long-term segregation
Civil Litigation Clinic - A changing variety of cases including such topics as:
Eviction defense
Unemployment insurance appeals
Domestic violence protection orders
Wage and hour claims
Employment discrimination
Non-litigation community projects

Community Economic Development Clinic
Business entity choice, formation, and operation
Tax-exempt applications
Maintenance of tax-exempt status
Drafting and negotiating contracts
Board presentations regarding proper governance
Regulatory, licensing, permitting, and zoning advice
Community education workshops
Copyright and trademark issues
Legal audits (organizational check-ups)

Criminal Representation Clinic:
Misdemeanors (assault, harassment, theft, etc.)
City ordinance violations (shoplifting, assault, disturbing the peace, interference, etc.)
Felonies (possible)
Juvenile cases (possible)

*No traffic (DUI, DWAI, NPOI, DUS, DUR, speeding, etc.).

Environmental Law Clinic:
Citizen suits under a variety of statutes including the Endangered Species Act, the Clean Air Act, the Administrative Procedures Act, and the Clean Water Act.
Administrative issues such as comments on rulemaking proceedings, contested case hearings, and petitions for rulemaking.

Client Intake

The administrative staff, work-study students, and student attorneys work together to perform intakes for potential cases. While each clinic has its own intake criteria there are two criteria that impact each clinic:

Indigent status – Under the Colorado State student practice rule, the SLO may represent only the “poor” or “legally underserved” within the meaning of the Student Practice Act. This restriction does not exist in the federal court student practice rule. The Civil Rights Clinic, which litigates primarily in federal court, accepts cases and clients who would otherwise not have access to legal representation. The client’s income should be less than 125% of the federal poverty guidelines, but the supervisors can make some exceptions in determining eligibility. The Environmental Law Clinic and Community Economic Development Clinic clients are the only
exceptions to this eligibility requirement. The Environmental Law Clinic represents non-profit organizations with scant resources and the Community Economic Development Clinic represents under-resourced small business, non-profits, entrepreneurs, and artists.

Conflict of Interest – All cases must be screened by staff to determine whether a conflict of interest exists.

Case Assignment

All students are responsible for their assigned cases until the cases are completed or until they are transferred. The number of cases each student is assigned varies as does the time spent on each case.

Student attorneys have certain case responsibilities as members of the SLO including:

- Updating the Outlook docket with all court dates and other litigation deadlines at the start of the case. The docket should be updated as dates change or new deadlines are added.

- Each clinic has its own method of keeping client records. However, all new clients must be entered into Practice Master so conflict of interest checks can be completed. Keep Practice Master clients’ case notes and time records current so the clinic faculty and staff have an accurate and up-to-date record of case activity and time spent on each case. For clinics utilizing Practice Master, the staff uses the case notes to check for conflicts of interest, so the names of any witnesses, parties, opposing counsel, etc., must be included in the case notes.

- Checking the docket calendar weekly to verify your court dates and other significant case deadlines.

- Following case closure procedures (see below), and submitting all cases to be closed to your clinical supervisor.

Where Do I Start?

New cases require certain documentation. These forms are located in the X: drive (refer below). Check with your clinic supervisor to determine which forms are required for your case.

Forms for specific clinics are located in the following locations:

Civil Clinic forms are found at X:\SLO\Civil Litigation\Forms
Criminal Defense Clinic forms are found at X:\SLO\Forms
Civil Rights forms are found at X:\SLO\CRC\CRC Forms
Environmental Clinic forms are found at X:\SLO\Environmental Law Clinic\Forms
Community Economic Development Clinic at X:\SLO\CED Clinic\Forms
Letterhead and Correspondence

The SLO supplies letterhead and envelopes for formal correspondence. Letterhead requires a special page setup to print correctly in Word. Go to: File, Print, click “Properties” inside the print window, go to “Paper” and then select “Manual Tray” or “MPF”. Then click “Ok”. The original print window will re-appear, click “Ok” again. A light on the printer will flash indicating that you need to manually feed the letterhead paper. Load the letterhead face up with the top of the page pointing inside the printer (as shown in the picture on the printer). The printer should print your letter. If this process does not work, please see one of the staff members.

Correspondence is a large part of your responsibility as a student attorney. No correspondence shall leave the office without the approval of a faculty member. This includes e-mail, U.S. mail, scanned documents, faxes, packages, and all FedEx documents. Signed copies of all correspondence must be copied and placed in the client’s file prior to sending it out of the office. (Appendix D contains a sample letter).

The SLO has self-addressed postage paid envelopes for return correspondence. The envelopes are located in the file room and next to the mailboxes in the reception area. Write your name above the return address on the envelope so the letter is immediately returned to you if it is returned to the clinic.

Record Keeping/Timekeeping/Billing

Unless otherwise specified by your faculty supervisor, students are required to keep up-to-date and accurate case notes in Practice Master or in the appropriate system used in your clinic. It is essential that anyone in the office is able to review a file and completely understand the case status. Records of information given to you by your client, as well as your impressions and advice given, are necessary in order to transfer the case or answer questions after a case is closed. The notes in the file are particularly important in the event malpractice questions should arise later. Students using Practice Master will be trained on how to enter case notes into the case management system during orientation or during the first weeks of the semester.

Be sure to include all types of activity, such as:
1) Intake interviews
2) All telephone calls with or for the client or case (including any referrals or messages left)
3) Investigation on the case
4) Interviews of parties, witnesses, or any informant for the case
5) Legal research
6) Correspondence
7) Court appearances
8) Conferences with other attorneys
9) Discussions about the case with faculty supervisors (including weekly supervision meetings)

Timekeeping information is essential in situations where the clinic is able to recover attorney fees. Unless otherwise directed by your clinic supervisor, keep your client/case time records up-to-date so your supervisor is aware of the scope of your work as well as the status of the case. The time and effort you spend on a case will serve as a tool to your faculty supervisor when evaluating your performance.

Pending Dates and Docket

Docket control is the responsibility of the student attorney. The students must update their Outlook docket with pending dates on cases include trials or hearings, return/answer dates including filing deadlines, draft deadlines, etc. as soon as you learn of them. The following procedures must be observed:

When picking up a case:

1) Immediately verify upcoming dates with the appropriate court or agency. Verification may require checking court or agency files because the information in the file that came from the telephone conversation with the client may not be correct;
2) Take immediate steps to enter your appearance as student counsel – see above.

The docket must be updated for all pending dates of importance as required by our malpractice insurer.

Pleadings

Your supervisor should proofread all your drafted correspondence and pleadings before they are mailed or filed with a court. All pleadings and correspondence need to be co-signed by your supervisor unless otherwise advised.

Dealing with the No-Show Client

Occasionally your client may cancel or not arrive for scheduled appointments. If this happens, discuss with your supervisor how best to proceed with the client.

Closing or Transferring Cases

The closeout/transfer system is designed with two goals in mind: 1) to provide a simple means of understanding the file at a glance should someone else have to refer to the file, and 2) to assess your ability to summarize relevant data and case activity in light of a client’s goals and objectives.
Unless otherwise instructed by your clinic supervisor, once you have finished all action on a case the following procedures should be followed:

1) Send client a closeout (or transfer) letter.
2) Print time sheets and journal notes from Practice Master or the system your clinic utilizes.
3) Write a closeout or transfer memo.
4) Place closed file in supervisor’s box and ask that he or she review it.

A case file will not be closed unless all of the above items are completed. Your supervisor must sign off on the file before it can be closed or transferred. All cases must be closed or transferred before you can be given a grade for the course.

When closing your cases keep in mind the following:

1) Fasten all papers in the file, either with a staple or a metal fastener.
2) Do not use a metal fastener if a staple will suffice.
3) Remove copies of statutes or other research unless it is something that is difficult to find or unusual (if transferring a case, do not remove research). Ask your faculty supervisor to evaluate whether you should make a copy of legal briefs, memos, etc., to be saved on the X: drive for future reference and use.
4) Remove notes you made to yourself. All notes need to be written as case notes or memos so that they can be read by others (such as your supervisor, their supervisor, or the malpractice carrier). The case information you learned from the clients and the information you gave them should be very clearly conveyed in the file.
5) Store case notes in reverse chronological order. (Most recent documents on top.)
6) Do not retain multiple copies of the same document. When you get a signed copy of a document, remove and recycle the unsigned copies.
7) Remove blank pages and unused forms.

**Closeout Letters**

Closeout letters serve several purposes: 1) to document your work on a case; 2) to remind the client of the stages of the process you have gone through together; and 3) to provide the client with an accurate synopsis of what happened in his/her case. The following is a sample outline of a general closeout letter.

1) **Subject line  Re:**
A subject line is the “Re:” in a letter and is typed between the inside address and the salutation. All business correspondence should include a subject line that identifies this case from all others. You may include the case name, case number, and court, i.e., Re: People v. Barney, 99-0567, Denver County Court.

2) **First Paragraph: Synopsis**
This paragraph contains a short summary, in lay terms – not legalese – of what happened in the case. (In criminal cases it should conclude with the violations originally charged, identified by
3) Details of Case and/or Resolution

This section contains what you did on the case such as negotiation and settlement (whether successful or not) and details of any and all court appearances. Identify the negotiating or opposing attorney, the court, the judge, and the date.

4) Explanation of Court Orders

Describe the outcome and remind the client of any obligations the court imposed and the consequences of failing to follow those obligations, such as making payments on a judgment. Be sure to explain all terms in simple, easy to understand diction. Be as clear as possible.

5) Shred Policy

Notify the client that the case will be destroyed without further notice after 10 years of the closing date. The client can contact us before that time period to receive a copy of her/his file.

6) Conclusion

End on a personal note if at all possible. Thank the clients for their cooperation, if applicable. Wish them well. Tell them to contact the office, not you, if they have any further questions on the case or if difficulties arise. Be careful not to give them the impression that we will handle future unrelated cases.

7) Closing

All closeout letters, as with all correspondence on cases, must be on SLO letterhead and reviewed by a faculty member. Every case is different so the letter must be tailored to the case. If a relevant event happened during the handling of the case, which is not covered in these instructions, it must be included. Consult with your supervisor.

VII. The Student Practice Rule, Professionalism, and Ethics

Law students enrolled in the clinical programs are allowed to practice law in Colorado under the following rules and statutes:

1. C.R.C.P. 226.5 allows students of any accredited Colorado law school to represent clients of the legal-aid dispensary in district, county, and municipal courts, as if licensed to practice. Students are permitted to practice law in any court or administrative tribunal in the State of Colorado without court permission and without a supervising lawyer being present, if the lawyers in charge of the clinic and the judge approve.

2. C.R.S. 12-5-116 allows students to represent clients of a legal-aid dispensary where poor or legally underserved persons receive legal advice and services and to appear in court, as if licensed to practice.
3. In order for the court to authorize the appearance of a law student on behalf of our client, a motion and signed order must be filed in all cases. If a new student comes into the case, the court must know about the substitution.

4. We do not practice under the student intern rule C.R.S. 12-5-116.1. This is the statute that requires that the dean of the law school certify that you are qualified to appear in court in an internship placement.

5. Pursuant to U.S. District Court for the District of Colorado General Order 2005-3, students who have completed two semesters of law school and a course in Evidence may, with the approval of the presiding judge, appear in federal district court “on behalf of any party who has consented in writing.” To appear, students must be enrolled in a clinical program and must be supervised by a clinical faculty member.

C.R.S. 12-5-101 requires that a person practicing law have a license to practice or be authorized under another rule. Since C.R.S. 12-5-116 and C.R.C.P. 226.5 authorizes students to represent only the clients of the legal-aid dispensary (SLO), you cannot give advice to anyone who is not a client of the clinic. This includes your friends, relatives, acquaintances, your client’s friends, relatives, acquaintances, etc.

Rule 226.5. Legal Aid Dispensaries

Students of any law school that maintains a legal-aid dispensary where poor or legally underserved persons receive legal advice and services shall, when representing the dispensary and its clients, be authorized to advise clients on legal matters and appear in any court or before any administrative tribunals or arbitration panel in this state as if licensed to practice law.


Students of any law school which has been continuously in existence for at least ten years prior to April 23, 1909, and which maintains a legal-aid dispensary where poor persons receive legal advice and services shall, when representing said dispensary and its clients, be authorized to appear in court as if licensed to practice.

16-5-501 - Prosecuting attorney – incarceration - legal representation and supporting services at state expense.

Except as otherwise provided, in any criminal prosecution for class 2 and class 3 misdemeanors, petty offenses, class 1 and class 2 misdemeanor traffic offenses, or municipal or county ordinance violations, the prosecuting attorney may, at any time during the prosecution, state in writing whether or not he will seek incarceration as part of the penalty upon conviction of an offense for which the defendant has been charged. If the prosecuting attorney does not seek incarceration as part of such penalty, legal representation and supporting services need not
thereafter be provided for the defendant at state expense, and no such defendant shall be incarcerated if found guilty of the charges against him, but the defendant shall be subject to all alternatives available to the court under section 16-11-502 and to alternatives available to each municipality under its municipal ordinances for failure to pay fines and costs.

Source: Amended, L.87, p. 1469, § 5. People v. Austin

NOTE: Some judges will not appoint law students when the prosecutor is not requesting jail time as a penalty for an offense. Some believe that they are mistakenly relying on C.R.S. 16-5-501, above. Try to help those judges to distinguish between the SLO and the Public Defender’s Office (or other court-appointed counsel) on the basis that there is no state expense involved when law students are appointed. If the Court does not otherwise object, and if we are still taking cases in any given semester, a person who meets our criteria should be able to have student counsel just as if that person had chosen and retained a private attorney.

Professionalism Reminder

On July 21, 1990, the Colorado Bar Associations Board of Governors adopted A Lawyer’s Principles of Professionalism. These Principles were adopted to guide lawyers in their dealings with the judiciary, the public, clients, and other lawyers. The Principles state:

1. A lawyer owes, to the judiciary, to the client and to opposing counsel, candor, diligence, respect, courtesy, cooperation and competence.
2. In serving the client, a lawyer must be ever conscious of the broader duty to the judicial system of which both attorney and client are a part.
3. A client has no right to demand that counsel abuse any participant in the judicial system or indulge in offensive conduct. Effective advocacy requires neither.
4. A lawyer should not use any form of discovery, the scheduling of discovery, or any other part of the dispute resolution process as a means of harassing opposing counsel or opposing counsel’s client or as a means of impeding the timely, efficient and cost effective resolution of a dispute.
5. A lawyer will be punctual in communications with others and in honoring scheduled appearances, and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.
6. If a fellow member of the bar makes a just request for cooperation or seeks scheduling accommodations, a lawyer will arbitrarily or unreasonably withhold consent.
7. A lawyer owes to the public a devotion to the public good and the public service; a commitment to the improvement of the administration of justice; a duty to abide by and report violations of others of any disciplinary rules; and the contribution of uncompensated time and civic influence on behalf of those persons who cannot afford adequate legal assistance.
Above all, a lawyer owes to all with whom the lawyers come in contact, civility, professional integrity and personal dignity.

**Ethical Issues**

Ethical rules involving confidentiality and conflicts of interest (and other related topics) will be reviewed with you during orientation and throughout the semester. However, no lecture or book can cover all of the variations on ethical issues that can arise in the clinic, so you should discuss matters with your supervisor. However, here are a few reminders of ethics-in-action that are SLO policy:

1. **Confidentiality and E-Mails:** Our Practice Master system is not accessible to anyone outside of the SLO including Sturm College of Law computer technicians and Help Desk staff. Thus all documents associated with Practice Master are confidential. Although our Outlook email system is generally safe, it is NOT completely secure. This office and all of its correspondence is confidential. **So as not to commit malpractice, you are not to email anything from your Microsoft Outlook accounts to your personal email that would detail client related information.** When using the email system to communicate confidential matters, be sure to avoid identifiable client names or other identifying information. Instead, if you need to use the email system to communicate with a supervisor, for example, use a client’s initials. It is best to not communicate with clients via email because of the lack of total security of our system as well as theirs.

2. **Conflicts of Interest:** Conflicts of interest can arise in a variety of circumstances. First, they may arise because we have represented a prior party or organization. Second, conflicts may arise due to prior employment of students who are enrolled in the Student Law Office. For this reason we ask you to complete a Conflict of Interest form about your past and current employment. Third, you may feel that you have a conflict for personal reasons. If you believe that due to personal reasons you may have a conflict of interest in representing a particular client, you should promptly notify your supervisor to discuss a possible alternative assignment. Should this circumstances arise, students are encouraged to use the situation as a learning experience and to discuss the matter in your supervision meeting.

3. **Current or Past Military Experience:** 18 U.S.C. § 205(a)(1) prohibits “an officer or employee of the United States” from acting as an “agent or attorney” for anyone “prosecuting any claim against the United States,” except where that employee is acting “in the proper discharge of his official duties.” If you presently: serve in the United States armed forces (including the National Guard or the Reserves); work for, contract with, or intern at any federal government entity; or plan to do so within the next academic year, please inform your supervising attorney or the administrative staff.
4. Accepting Offers of Employment: During your time in the Student Law Office, you may have the opportunity to accept a new job, internship or clerkship. While this may be an excellent opportunity for you, it may create a liability for the clinic. Before accepting a new position, we ask that you speak to your supervising attorney to ensure a conflict of interest does not exist.

Gifts from Clients: Occasionally, a client will want to give you a gift. A number of factors are involved in consideration of our policy. First, it is appreciation that generally motivates clients to offer a gift. A policy should not squelch a show of generosity. On the other hand, our mission is to provide free services to indigent clients who usually have very little to share materially. Secondly, we would not want another client who did not or cannot afford to give a gift to feel he or she failed somehow. (Some clients do communicate with each other.) Additionally, periodically we have clients who offer students generous or expensive gifts or even large sums of money. Accepting anything other than a token gift is inappropriate for a student lawyer. A token gift is something material that can be shared with others in the office—such as food, or something personally made by the client for the student, or something so small as to be “de minimus.” If clients want to do something to express their appreciation, you can suggest they write a letter to your supervisor, the dean, or even the chancellor to let them know of DU’s contribution (through you) in helping improve their life. If you have questions about this, please discuss it with your clinic supervisor.

VIII. Expectations, Grading Procedures, and Evaluations

Faculty and Student Responsibilities

Faculty Advisors:
It is the responsibility of the clinic faculty to do the following:

1) Plan orientation and classes;
2) Actively supervise assigned students throughout the semester/year;
3) Attend all court appearances;
   a) Meet with student attorneys regularly;
   b) Give appropriate feedback;
   c) Evaluate student attorneys according to criteria stated in the Evaluation and Grading Section.

Students:
It is the responsibility of the student to do the following:

1) Attend all orientation, classes, and weekly supervision sessions;
2) Be alert to potential ethical issues and address them promptly;
3) If required by your supervisor, prepare a trial notebook 10 days prior to all cases going to trial;
4) Inform faculty advisor and administrative staff of all court dates by using the Outlook docket;
5) Observe all office routines and procedures as described in this manual;
6) Attend all appearances, including review hearings;
7) Close and/or transfer case files promptly by observing office procedures;
8) Complete the notes and time entries in Practice Master and/or the system utilized by your clinic.

Students and Faculty:
A mandatory meeting with the faculty supervisor(s) will be held at the end of the semester. All open case files must be brought to this meeting. You and your supervisor will discuss the future course of your relationship on any continuing cases.

All SLO students are evaluated by their clinical supervisor. Each clinic has its own evaluation criteria, but below is a list of some areas you might be evaluated on. Your supervisor will review your clinic’s evaluation criteria with you. If you have any questions about the criteria, you should discuss them with your supervisor at the beginning of the semester.

Grading Criteria

Attorney-Client Interactions

Attorney-Client Relationship:

Did you foster an effective attorney-client relationship with your clients? Did you respond in an empathic manner to your clients? Did you foster confidence in your clients? Did you return your clients’ phone calls in a timely manner? Did you set appropriate boundaries between you and your client? Did you define the attorney-client relationship? Did you make appropriate referrals for the client when a problem fell outside the scope of your representation?

Providing Quality Legal Services to the Client:

Did you produce work on behalf of the client in a timely manner? Did you keep in constant contact with your clients, informing them about the progress in their case? Did you advise your clients of significant developments in the case and of such major work products such as briefs in support of motions? Did you advise your client of significant dates, delays, and changes in schedules? Did you assist your clients in making all significant decisions in their case by providing all needed information and by helping the clients to structure the decision-making process? Did you educate your clients so that they will be better able to protect their interests in the future?

Interviewing Skills:

Did you obtain relevant information from your client? Did you effectively use the interview process to establish the attorney-client relationship? When you were in supervision, were you able to answer questions about the facts? Did you provide your supervisor with a tape of a client interview and review the contents with your supervisor?

Theory of the Case Development and Implementation
Fact Investigation:

Did you investigate and develop the facts in a timely manner? Were you able to find information that you did not have when you first opened the case? Were you able to distinguish facts that were helpful, harmful, or neutral in your case?

Legal Research:

Did you research and understand the controlling statutes (ordinances or regulations), applicable case law, and the accompanying procedural rules that relate to your case? Did you properly advise your client based on the research? Did you provide a thorough analysis of the legal issues? Did you utilize the full range of legal authorities available? Did you acquire sufficient substantive knowledge to develop all appropriate legal theories? Did you develop sufficient legal precedents to establish legally persuasive theories? Was your legal research comprehensive and reliable? Did you identify all applicable rules of procedure? Did you develop sufficient substantive knowledge to implement all appropriate legal theories?

Theory of the Case Development:

How creative were you in developing theories of the case to accomplish your clients’ goals? Did you conduct sufficient legal research to identify all possible theories? Did you develop sufficient facts to identify all appropriate theories? Did you identify factual inconsistencies in order to discard inappropriate theories? How effectively did you implement the theories of the case? Did you develop sufficient facts to establish emotionally sensitive theories? Did you anticipate legal and factual arguments from adversaries and others? Were you able to use procedural and evidentiary rules to your clients’ advantage?

Oral and Written Advocacy

Motions and Documents:

Did you proofread any and all documents prior to submitting them to your supervisor? Was the information utilized in your written work cited properly? Did you follow office procedure and have your supervisor (or another clinical faculty member, if there was an emergency) review everything that you sent out of this office? Did you follow the suggestions made by your supervisor on your written work? Did your work improve over the semester? Was your written work of the highest professional quality?

Negotiations:

Did you understand the issues in your case well enough to translate into effective negotiation? Did you communicate properly with your client throughout the negotiation?
Were you prepared for each negotiation session? (i.e., did you have a proposed settlement when you were meeting with opposing counsel?)

Trial Preparation:

Did you gather facts, interview witnesses, and acquire documentary or tangible evidence throughout the case? Were you able to identify issues, gather and develop a theory of the case? Did you prepare your trial notebook? Did you prepare the trial notebook in enough time to allow your supervisor to review the materials? Did you anticipate evidentiary objections and have rules and law to support your evidence?

Trial/Hearings:

Did you implement your trial plan? Did you respond well to the judge and opposing counsel during the trial/hearing? Were you able to think on your feet in response to objections? Were you able to make objections in a timely manner? Did you present your client’s theory of the case in a compelling manner? Contrary to what you may hear, you will not be graded down if you do not win at trial.

Overall Oral and Written Advocacy:

Did you express your thoughts with precision, clarity, and economy? Did you express your thoughts in an organized manner? Did you express your thoughts in a format targeted to your intended audience, whether they were clients, adversaries, or others? Did you identify and use appropriate non-verbal aspects of oral communication? Did you identify and respond to verbal and non-verbal clues from others? Did your oral advocacy advance immediate and long-term objectives? Did you use proper grammar, vocabulary, and pronunciations? Did you articulate and enunciate clearly? Did you identify and use appropriate non-verbal aspects of written communication? Did you respond effectively to the positions expressed by others? Did your written advocacy advance immediate and long-term objectives? Did you use proper grammar, vocabulary, and sentence structure?

Practice Management:

Office Conduct:

Did you make efforts to work with others in the office? Did you effectively share the limited resources of the SLO? Did you coordinate your efforts with others? Did you consistently follow office procedures or have a reasoned and approved departure from those procedures that you discussed with your supervisor and staff? Did you consistently file ticklers to inform the SLO staff and your supervisor of court dates, filing deadlines, etc.?

Time Management:
Did you commit to the time required for course credits? Did you maintain a level of productivity that conformed to applicable standards? Did you meet all deadlines? Did you leave casework until the last minute? Did you allocate all of the time, effort, and other resources necessary to meet obligations to the client?

File Maintenance:

Were your files in order and did you have them at each supervision meeting? Were the files kept in neat and chronological order? Were your case notes kept current and updated? Were your files left in the office when you were out of the office? Did you keep the information in the files confidential? Was the information in the file complete, including the client phone numbers and addresses? Could your supervisor pick up your file and understand what was going on with the case? Were your files kept in the file cabinet and not left about the SLO so that others can see them?

Professional Relationships

Interaction outside the SLO:

Did you interact effectively with adversaries? Did you interact effectively with court personnel? Did you interact effectively with witnesses? Did you respond courteously and with due consideration?

Interaction at the SLO:

Did you interact in a considerate and respectful manner with office staff? Did you interact effectively with your partner (if you had one)? Did you simply divide all tasks or did real collaboration take place in your work? Did you attend your weekly supervision meetings? Were you prepared at your supervision meetings? Did you connect with your supervisor outside of the supervision session when necessary? Did you inform your supervisor and staff that you were going to be out of town? Did you make coverage plans for your absence?

Professional Responsibility

Did you identify and address all possible conflicts with the Code of Professional Responsibility? Did you identify and address possible conflicts with other ethical, ideological, or personal considerations bearing on a case or the attorney-client relationship? Did you consult with the clinical supervisor appropriately? Did you advise the clinical supervisor of sensitive and significant matters? Did you advise the clinical supervisor of delays and changes in dates and schedules?

Reflective Skills Development

Can you effectively criticize your own performance? Are you able to identify your strengths and weaknesses in the various areas of legal work? Did you gain insights about
your future role as an attorney? Did you identify the aspects of lawyering that are important to you and the parts that are distasteful to you? Did you learn about the kinds of legal work that you want to do? Did you learn about the way that the legal system enforces norms? Did you learn about the value and limitations of lawyers in our legal system? Did you learn about the political and social contexts in which effective individual case analysis must take place? Did you gain insights about your future identity as an attorney?

Class Attendance and Participation

Did you regularly attend class? Did you regularly read the assignments for class? Did you analyze the issues raised in the readings prior to class? Did you participate regularly in class discussions? Were you prepared to discuss developments in your cases in an effective manner with other students during grand rounds?

Simulation Participation

Did you participate effectively in simulations? Did you prepare in advance of the simulations? Did you effectively assume the role assigned? Were you prepared to address unexpected developments? Did you relate effectively to your “client” in the interviewing and counseling simulations? Did you relate effectively to opposing counsel in the negotiation simulation? Did you conduct a meaningful analysis of your performance and of your strengths and weaknesses in each self-evaluation? Did you participate in the videotaped critiques in an open and non-defensive manner? Did your performance as an attorney improve from your participation in the simulations?

Personal Development

Are you learning the process of being a lawyer? Are you recognizing more issues as the semester progresses? Are you balancing your work and personal life? Are you finding more meaning in your work in the SLO?

As the semester progresses, we will make notes about how well you are learning the processes. We will also note whether a case is more complex or has something unusual about it. When we are arriving at your grade, we will review these notes to make sure that we factor this into your grade. We are most interested in how you grow during this process and how you learn to analyze the issues in the case and apply the steps you are learning to each new case.

Special Recognition

Are there any aspects of your work in the clinic that are not otherwise described in the preceding criteria that deserve special recognition?
**Student Evaluations of Program and Faculty**

You will be asked to evaluate your faculty supervisor and your experience in the SLO at the end of each semester. Please take the time to fill out and submit the evaluations. These evaluations are very important to us because they help us to continually improve students’ experiences in the SLO.
XI. Appendix A: Practice Master

Opening PM

From the W drive, PM is found at this path: \slo2.law.du.edu\sti
Right click the CM.EXE icon

User Name: First initial of first name and complete last name (or as much as will fit).
Password: Initials followed by “13”.

You will be able to access PM on any SLO computer.

Working in PM

After entering your user name and password, click “Client” icon. All the work you will do in PM can be done from this page.

On the right side of the screen is a button labeled “Quick Clicks.” You will need to use the subheadings “Column Layout,” “Filter” and “Sort By.”

Column Layout

Using PM is easiest if your screen is laid out properly. Under the “Quick Clicks” menu for Column Layout, select “SLO_Layout.” Your PM profile should maintain this setting.

Sort By

You have two choices for how to search for client files: by your client’s last name or by SLO case number. To search by client’s last name, select “Last_First.” To search by SLO case number, select “Client_ID”

Filter

Select “List Filter Text” (next to the magnifying glass) and a text box will appear. Enter the client’s last name or case file number. The system will search through the database and pull every record that contains the word or number you enter.

For example: If you enter the name “John,” the system will pull every client with the first name “John,” every client with the last names “Johnson” (or “Johns”), and every client from “Johnsonville” (though, we don’t have any clients from there). Similarly, if you enter “208” in hopes of scrolling through the new clients from 2008, the system will pull every client with “208” in his or her address, phone number, zip code, or SLO case number.
Tabs

Most of the information below will be entered before you receive the case file. You are responsible for keeping information up to date.

1. **List (default)** – Searchable listing of all SLO clients, case numbers, and contact information.
2. **Contact Information** – Activity status of case, address, phone numbers, and other contact information.
3. **Client Detail** – Personal information about clients including DOB, citizenship, SSN, etc. Also, the comments window is for all miscellaneous information (including witness info) relevant to the case.
4. **Case Information** – Case number, jurisdiction, adverse party info, and case outcome.
5. **Setup** – Area of practice, supervisor and student(s) assigned to case.
6. **Fees** – Account of the time spent working on cases. To add a new time entry, click: Fees\“New” icon\ Enter:
   - Your Timekeeper code from menu
   - Appropriate Tcode from menu
   - Number of hours worked
   - Rate of 100 (amount will automatically calculate)
   - Detailed description of work

Type detailed notes so that anyone viewing your records immediately will know what is happening with your case. Leave the other information on this page at the default settings. Your notes will be saved in chronological order. You may alter, but not erase saved journal notes.

Printing

Some professors may require their students to print their journal and time entries each week. All students are required to print their journal and time entries before closing their cases. Students will not be graded until all their cases are properly closed. To print:

Click:
   - Reports
   - Report Writer
   - Double Click on the report you wish to print
   - Beginning Client Number (enter your client’s case number)
   - Ending Client Number (enter your client’s case number)
   - Start Date (enter the date your case was opened)
   - End Date (enter today’s date)

Print/ Select “Preview” (to confirm your entries are correct)/ Select SLO Dell printer on drop-down menu/ OK/ Print.
X. Appendix B: CBI and CoCourts Searches

**Use multiple spellings of first and last names when searching in CBI or CoCourts. This will avoid being charged multiple times for one case search.**
XI. Appendix C: Parking Map

LOT 321 Parking Map
2255 E. Evans Avenue

- Stalls highlighted in orange are COL DEAN’S OFFICE BUSINESS ONLY spaces.
- Dean’s permit required at all times.

- Stalls highlighted in purple are PAID VISITOR spaces. $1 per hour, pay station located south of elevators.
- No "Adjunct L" parking.
- Blue ‘scratch off’ permits allowed...must have date scratched off to be valid.

- Stalls highlighted in green are LAW ADMIN spaces.
- 321 permits valid at all times.
- Adjunct L valid after 4 PM Only

For assistance, call 303-871-6104 or 303-871-6117 or Parking Services at 303-871-3825.
XII. Appendix D: Certified Mail

Return Receipt:
- Green 3"x5" card
- Placed on back of envelope
- Removed upon delivery and returned to sender as receipt confirmation
- Front:
  - Recipient's name and address (Box #1)
  - Article number, 20 digits, found on service label (Box #2)
  - "Certified Mail" and "Return Receipt for Merchandise" both checked in Box #3

<table>
<thead>
<tr>
<th>SENDER: COMPLETE THIS SECTION</th>
<th>COMPLETE THIS SECTION ON DELIVERY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</td>
<td>A. Signature</td>
</tr>
<tr>
<td>Print your name and address on the reverse so that we can return the card to you.</td>
<td>☐ Agent</td>
</tr>
<tr>
<td>Attach this card to the back of the mailpiece, or on the front if space permits.</td>
<td>☐ Addressee</td>
</tr>
</tbody>
</table>

1. Article Addressed to:
   - SelVoy FillcruP
   - 123 Market St.
   - Denver, CO 80202

2. Article Number
   - 7008 1140 0001 1699 2706
   - (Transfer from service label)

PS Form 3811, February 2004
Domestic Return Receipt
102005-02-1410

- Back:
  - Sender's name and address
  - YOUR name and the SLO address (including suite number)

UNITED STATES POSTAL SERVICE

- Sender: Please print your name, address, and ZIP+4 in this box *
  - Annie Saerwich
  - C/O Student Law Office
  - 2255 E. Evans Ave., Ste. 335
  - Denver, CO 80208
XIII. Appendix E: Sample Letter

*Margins: 1.5’’ (Top), 1’’ (Bottom and sides) to accommodate letterhead. 0 spacing before and after paragraph. Full justify the paragraphs for business style

January 9, 2012
SPACE
SPACE
SPACE
Ms. Eleanor Roosevelt
1776 West Litigation Place
Denver, CO 80208
SPACE
Re: Smith v. Jones
Denver County Court No. 2012-0123456
SPACE
Dear Ms. Roosevelt: (Use a colon if you are addressing person with a title, such as Ms., Dr., etc. Use a comma if you are addressing the person with their first name only, such as Dear Eleanor,)
SPACE
I am writing to notify you of a change in the hearing date for the above referenced matter. The hearing will no longer be held on Monday, February 13, 2012, but is instead scheduled for Thursday, March 8, 2012 at 8:00 a.m. This hearing will be held in Courtroom 115, located in the Pre-Arraignment Detention Facility at 1351 Cherokee Street, in Denver. I have enclosed a copy of the notice from the court for your records.
SPACE
Please plan to meet us at the courtroom approximately 30 minutes before the hearing. Feel free to call if you should have any questions. We may be reached at the Student Law Office at 303-871-6140.
SPACE
Sincerely,
John Adams

Susan B. Anthony
Student Attorney
Student Attorney
YOUR CLINIC
YOUR CLINIC
University of Denver, Sturm College of Law
University of Denver, Sturm College of Law
SPACE
c: Laura Rovner (Always copy your supervisor on any correspondence. You may also need to copy other people, such as copying your client on a letter to opposing counsel)
SPACE
enc: Copy of Notice from court (REMEMBER TO ADD YOUR LISTED ENCLOSURES)

NOTE: Do not let dates separate onto another line. Use non-breaking spaces in between month day and year by hitting shift+ctrl+spacebar.
XIV. Appendix F: Sony Digital Voice Recorder

Recording

1. Press FOLDER/MENU to select the folder in which you want to record messages (A, B, C, D, or E).
2. Press the red REC/PAUSE button to start recording. You do not need to hold the button down while recording.
3. Direct the built-in microphone (located at the top of the device) at the source to be recorded.
4. Press the red REC/PAUSE to pause the recording, or press ■ (Stop) to stop recording.
5. If you have paused the recording and wish to resume, press the red REC/PAUSE button again to continue recording.

Listening

1. Press FOLDER/MENU to select the folder in which your message is saved.
2. Press -<< or >>+ to select the message you want to play.
3. Press the PLAY/STOP button. Playback will begin.
4. Press VOL +/- on the side to adjust the volume of the message.
5. To stop playback, press ■ (stop).

Erasing

1. Select the message you want to erase when the recorded is in the stop or playback mode.
2. Press ERASE on the side while you are playing the message you want to erase, OR press and HOLD the ERASE button while the message is in stop mode.
3. A beep will sounds and the message number and “ERASE” will flash.
4. Press ERASE again. “ERASE” will appear in the display window and the selected message will be erased. When the selected message has been erased, the remaining messages in the folder will be renumbered.

Connecting the Recorder to Your Computer

1. Use the provided USB connecting cable to connect the device to your computer. Your computer will recognize the device, and a folder labeled “IC_RECORDER” will appear on the desktop. The words “PC LINK” will appear on the device display window.
2. To copy a message to your computer, simply drag the desired voice file from the “IC_RECORDER” folder to the folder you wish to save it in on your computer. The sound file will be copied over.

*See an Administrative Assistant for more detailed instructions
XV. Appendix G: Remote Desktop

**Mac Users:**
If you do not already have Remote Desktop downloaded, you can download it via this link [http://www.microsoft.com/mac/remote-desktop-client](http://www.microsoft.com/mac/remote-desktop-client). Once you have successfully downloaded Remote Desktop, begin by following the instructions below depending on your location.

**Working on the DU campus:**
1. Open “Remote Desktop Connection”
2. Enter: multipoint.law.du.edu or multipoint2.law.du.edu
3. Select “Connect”
4. Enter your user name (ex: jsmith12).
5. Enter your password. (This is the password you use to log into Webmail.)
6. In the field “Domain,” enter: Law
7. Select enter to connect.
8. You may be prompted to select enter again in order to confirm the source is trusted.

*Each server (multipoint.law.du.edu and multipoint2.law.du.edu) has a limited user capacity. You may find that one is at capacity if unable to log on. If this happens, utilize the other one.

Once you have successfully logged on you will be able to access Practice Master, the X drive, Summation, and Microsoft Office. You will not need to map to any of these programs.

**Working off the DU campus:** In order to be able to work off the DU campus you must have Boot Camp software. This enables your computer to run Windows. Once you have installed Boot Camp, your computer will be functioning as a PC. Continue by following the “PC User” instructions starting at step 1.

**PC Users:**
You do not need to download Remote Desktop; it is already on your computer. Please follow the instructions below.

**Working on the DU campus:**
1. Start
2. All Programs
3. Accessories
4. Remote Desktop Connection
5. Select “Options” in the bottom left corner.
6. Under the “General” tab:
   a. In the field “Computer,” enter: multipoint.law.du.edu or multipoint2.law.du.edu
      *Each server (multipoint.law.du.edu and multipoint2.law.du.edu) has a limited user capacity. You may find that one is at capacity if unable to log on. If this happens, utilize the other one.
   b. Enter your user name: law\your user name (ex: law\jsmith12).
7. Select the “Local Resources” tab:
   a. Uncheck the printers box so that a network search for local printers does not occur.
8. Return to the “General” tab and select “Save As” – this will create a short cut icon that you can save in a convenient location on your computer. Your options will be saved so that you can skip the steps above when logging in each time. You can create multiple shortcuts, such as one for multipoint and another for multipoint2.
9. Select “Connect”
10. You may be prompted to select “Connect” again in order to confirm the source is trusted.
11. Enter your password. (This is the password you use to log into Webmail.)
12. Select “OK”

**Working off the DU campus:** You will need to complete the above steps 1 – 8 under “PC Users” before proceeding onto step 13.
13. You will need to activate working through the RD Gateway.
   a. Right click on the short cut icon you created in step 8.
   b. Select “Edit”
14. Select the “Advanced” tab:
   c. Select “Settings” under “Connect from anywhere”
   d. Check the box “Use these RD Gateway server settings”
      i. Enter the server name: rdgate.law.du.edu
      ii. Leave the logon method as “Allow me to select later”
      iii. Uncheck the box “Bypass RD Gateway server for local addresses”
      iv. Select “OK”
Select the “General” tab.

vi. Select “Save”

vii. Select “Connect”

Once you have successfully logged on you will be able to access Practice Master, the X drive, Summation, and Microsoft Office. You will not need to map to any of these programs.

As long as you save your RD Gateway settings, you can skip the steps above when logging in each time.

**Printing from Remote Desktop:**
Print jobs from Remote Desktop can only be sent to the SLO printers. **You will not be able to print to a SLO printer when working off campus.** If you have questions about printing remotely, see the Administrative Assistant.
To print in the SLO, you will need to add a network printer, either the SLO Student Color printer or the SLO Student Black and White printer.

**Adding a Network Printer:**
- Start
- Devices and Printers
- Add a Printer
- Add a Network Printer (second option)
- Select “The printer that I want isn’t listed”
- Type in: `\lawprintsvr1.law.du.edu`
- Select “Law-SLO-Student-B/W” or “Law-SLO-Student-Color”
- Select “Next” and “Finish”

**Signing out of your Remote Desktop session (on and off campus):**
1. Save your work and close all open applications.
2. Select the Start button in the bottom left corner of the screen.
3. Select “Log off”

You must sign out of every Remote Desktop session. User sessions that have remained idle for an extended period of time will be logged out by an administrator.
XVI. Appendix H: SLO Library Resources

Access at:

X: Drive/SLO Resource List
XVII. Appendix I: Extended Absence Form

Extended Absence Contact Form

Please fill out the information below so that we may reach you in case of an emergency.

Name:_________________________________________________________________

Supervisor:_________________________________________________________________

Home Phone:______________________________________________________________

Message Phone:__________________________________________________________

Vacation Phone:__________________________________________________________

Duration of Vacation (Dates):_______________________________________________
Student Law Office
Expense Reimbursement

SUBMIT EXPENSE REIMBURSEMENT FORM WITH RECEIPT. PLEASE ALLOW EXTRA TIME FOR REIMBURSEMENTS, AS THEY MUST COME FROM MAIN CAMPUS.

DATE:____________________

STUDENT/STAFF MEMBER:__________________________________________

MAILING ADDRESS:__________________________________________________

______________________________________________________________

CLIENT:____________________________________________________________

TYPE OF EXPENSE:__________________________________________________

DATE OF EXPENSE:__________________________________________________

EXPENSE AMOUNT:$________________________________________________

SIGNATURE:_________________________________________________________
XIX. Appendix K: Conflict of Interest Policy

Contents

Memorandum..................................................................................................................................................1
Policy..................................................................................................................................................................8
Memo to Students re Conflicts of Interest..........................................................................................................13

Memorandum

RE: SLO POLICY AND PROCEDURES CONCERNING CONFLICTS OF INTEREST ARISING FROM STUDENT EMPLOYMENT

The purpose of this policy is to identify the potential for conflicts of interest arising in the SLO due to students’ prior, simultaneous, or potential future employment in another legal capacity, and to provide procedures for effectively identifying and remedying such conflict situations as they do in fact arise. The policy tracks, to some degree, an analysis of clinic conflict issues presented in a 2002 Clinical Law Review article by Peter Joy and Bob Kuehn.¹

Confidentiality

The SLO, although comprised of six different clinics, is a single law firm. The confidentiality umbrella includes the faculty of all SLO clinics and all currently enrolled SLO students. Because the umbrella is large, students can and do discuss client matters not only with fellow students in their own clinics, but also with students enrolled in other clinics as well, and with all SLO faculty. Faculty similarly are free to discuss client matters with SLO faculty and students outside the clinic in which they teach.

Imputation of Conflicts²

² See generally, Joy & Kuehn, at 530-37.
Generally, if one lawyer in a firm has a conflict, the conflict is imputed to the entire firm. See RPC 1.10(a). Comment 4 to this rule, however, states that if the source of the individual lawyer’s conflict is “events before the person became a lawyer, for example, work that the person did while a law student,” the conflict is not imputed to the firm. Essentially the comment puts law students in the same category as nonlawyers with respect to imputation of conflicts — the conflict is not imputed, though the nonlawyer or law student must be screened from the representation from which he or she is conflicted. See RPC 1.10(a) cmt 4 (“Such [nonlawyers], however, ordinarily must be screened from any personal participation in the matter to avoid communication to others in the firm of confidential information that both the nonlawyers and the firm have a legal duty to protect. See Rules 1.0(k) and 5.3.”).

There are, however, good reasons to treat clinic students’ work differently from most work done as a law student. First, our mantra that the law student is the lawyer is rendered hollow by treating a law student as a nonlawyer for conflicts purposes. Second, to the extent that we are teaching our students the ethics of practice, we ought to be educating them in conflict identification and handling as well. Third, to the extent the rule is grounded in the assumption that law students are generally not given access to client confidences, that simply is not true in our setting.

A formal ethics opinion from New York considered these facts and yet concluded that law clinic students should be treated as nonlawyers. While recognizing the reality that a clinic student “typically ‘will be functioning as a lawyer, [and] the clients involved justifiably will regard the student as a lawyer,’” the committee balanced this against “the salutary objective of encouraging practical legal training without unduly limiting a student’s prospects for employment.” The committee recognized that clinic students would be likely to possess confidential client

3 See Report of the Committee on the Future of In-House Clinics, 42 J. Legal Ed. 508, 514 (1992) (goal of clinical programs is to teach students to ‘respond in role to ethical dilemmas, with real life consequences attached to their decisions’).
5 Id. (quoting ABCNY Formal Op. 79-37).
information, but concluded that rather than imputed disqualification, screening was an appropriate and sufficient safeguard against disclosure. Construing commentary to ABA Model Rule 1.10 that is identical to the Colorado commentary quoted above, the committee noted that “the ABA specifically has recognized that screening is an appropriate procedure to ensure that law students refrain from communicating confidences or secrets learned from the clients they represented while still in law school.”

While the SLO could adopt a more stringent rule imputing all student activity to the clinic (or firm), based on the concerns above, declining to do so and implementing Comment 4 to RPC 1.10 accomplishes the following:

- Permits the SLO to implement a workable conflicts policy, neither requiring the SLO to obtain complete client lists from firms at which students have been employed, nor requiring the SLO to divulge complete client lists to firms at which students seek to be hired;
- Permits each clinic student maximum latitude in employment opportunities prior to, during, and after their clinical experience;
- Protects the confidences of clients for whom the student has worked outside the clinic, by affirming the student’s obligation of confidentiality and screening (if necessary) the student from matters that would implicate such confidences; and
- Protects the confidences of clinic clients, by affirming the student’s obligation of confidentiality, and by permitting a student’s later employer to screen (if necessary) the student from matters that would implicate such confidences.

---

6 Id. (quoting ABA Model Rule 1.10, cmt).
7 See also Joy & Kuehn, at 532 (noting that the “the District of Columbia's confidentiality rule specifically contemplates and applies the duty to maintain client confidentiality to law students assisting lawyers, while its imputation rule, like the recent comment to the Model Rules, provides a safe harbor against imputed disqualification based upon client confidences a law student learns ….”); D.C. Rule Prof. Conduct 1.6(h) (“The obligation of a lawyer under paragraph (a) also applies to confidences and secrets learned prior to becoming a lawyer in the course of providing assistance to another lawyer.”); D.C. Rule Prof. Conduct 1.10(b) (“The firm is not disqualified if the lawyer participated in a previous representation or acquired information under the circumstances covered by Rule 1.6(h) or Rule 1.18.”).
Preventing Conflicts Arising From Students’ Employment Prior to Clinic Enrollment

Rule 1.9 provides:

(a) A lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.
(b) A lawyer shall not knowingly represent a person in the same or a substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client (1) whose interests are materially adverse to that person; and (2) about whom the lawyer had acquired information protected by Rules 1.6 and 1.9(c) that is material to the matter; unless the former client gives informed consent, confirmed in writing.
(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter:
(1) use information relating to the representation to the disadvantage of the former client except as these Rules would permit or require with respect to a client, or when the information has become generally known; or
(2) reveal information relating to the representation except as these Rules would permit or require with respect to a client.

Subsection (c) does not provide a conflict rule but rather a rule regarding duties owed to the former client. Subsections (a) and (b) define conflicts arising when a clinic student previously worked on a client matter that is the “same or substantially related” to the matter of a current clinic client. Because of the

---

8 RPC 1.9. Former government employees are subject to a less stringent test:
(a) Except as law may otherwise expressly permit, a lawyer who has formerly served as a public officer or employee of the government:
(1) is subject to Rule 1.9(c); and

(2) shall not otherwise represent a client in connection with a matter in which the lawyer participated personally and substantially as a public officer or employee, unless the appropriate government agency gives its informed consent, confirmed in writing, to the representation.

RPC 1.11(a).
decision not to impute all conflicts of a prior firm to the clinic student, the inquiry that must be made of the incoming clinic student is in what representations the student has been personally involved. The disclosure of basic information needed to run a conflict check is generally authorized by the Rules of Professional Conduct. The SLO policy must demand only information essential to running a conflicts check, and must be accompanied by a guarantee that information disclosed to the SLO for a conflict check will remain confidential.

If those representations are “the same or substantially related” to those of a clinic client or potential clinic client, the SLO may either have to decline a potential client, refuse the student admission to the clinic, or screen the student.

*Preventing Conflicts Arising From Students’ Employment Simultaneous to Clinic Enrollment*

Rule 1.7(a) provides:

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) the representation of one client will be directly adverse to another client; or

(2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

---

9 RPC 1.6 cmt 5A (“[F]or conflicts checking purposes, a lawyer usually may disclose, without express client consent, the identity of the client and the basic nature of the representation to insure compliance with Rules such as Rules 1.7, 1.8, 1.9, 1.10, 1.11 and 1.12. Under unusual circumstances, even this basic disclosure may materially prejudice the interests of the client or former client. In those circumstances, disclosure is prohibited without client consent.”).

10 *Id.* (“In all cases, the disclosures must be limited to the information essential to conduct the conflicts check, and the confidentiality of this information must be agreed to in advance by all lawyers who receive the information.”).

11 Informed consent may also be a solution.

12 Rule 1.7(b) allows the possibility of avoiding a conflict under Rule 1.7(a) upon written, informed consent.
This rule defines conflicts in terms of whether the representation of one client will be “directly adverse” to, or “materially limit” the representation of another client. Because of the decision not to impute all conflicts of a prior firm to the clinic student, the inquiry that must be made of the incoming clinic student is once again, in what representations outside the clinic the student is personally involved.\(^{13}\) (Likewise, the student may be required to disclose to the outside employer the representations in which the student is involved, so the outside employer can do adequate conflict checking.\(^{14}\) Because the SLO’s conflicts are not imputed to the individual clinic student, the student may disclose only the names of the clients the student is actually representing.) If a conflict is identified, the SLO may either have to decline a potential client, refuse the student admission to the clinic, or screen the student.\(^{15}\)

*Preventing Conflicts Arising From Students’ Seeking of Employment While Enrolled in the Clinic*

The Rules of Professional Conduct provision on concurrent conflicts also implicates a clinic student’s search for future legal employment. Rule 1.7 prohibits conflicts between a client’s representation and “a personal interest of the lawyer,” and the commentary clarifies that job searches may present a conflict situation: “[W]hen a lawyer has discussions concerning possible employment with an opponent of the lawyer’s client, or with a law firm representing the opponent, such discussions could materially limit the lawyer’s representation of the client.”\(^{16}\)

Analyzing similar provisions in the Model Rules, Joy and Kuehn note formal opinions indicating: (1) a clinic student representing criminal defendants who accepted a position with the prosecutor’s office prosecuting the clinic’s clients was conflicted because viewed objectively the student’s judgment could be affected;

\(^{13}\) As noted above, the Rules of Professional Conduct and commentary authorize this disclosure. RPC 1.6 cmt 5A.

\(^{14}\) See Joy & Kuehn at 546 (noting that for employment simultaneous with clinic participation, “[c]ooperation is needed ... with a clinic student's concurrent legal employer to check existing and potential clients for conflicts with clinic clients. This conflict checking has to take place prior to a prospective student having access to clinic client matters and has to be ongoing by both the clinical student's concurrent legal employer and the clinic because of the danger that new client matters may trigger a conflict.”).

\(^{15}\) Informed consent may also be a solution.

\(^{16}\) RPC 1.7(a)(2) & cmt 10.
and (2) a lawyer pursuing employment with an opposing firm or party “must consult with his client and obtain the client’s consent before that point in the discussions when such discussions are reasonably likely to materially interfere with the lawyer’s professional judgment.”\(^{17}\)

Joy and Kuehn offer the following steps for addressing such conflicts:

First, clinic faculty should instruct the students to advise their supervising faculty of job searches involving adverse parties or legal employers. Second, if the job search reaches the interview stage, then the supervising faculty should assess the student’s role in the [client matter] and determine if consultation and client consent is needed at that stage, or if the student can have the flexibility to engage in substantive job discussions before consultation and consent is needed. Third, if the prospective employment discussions are substantial or definite enough to trigger the need for client consultation and informed consent, then the client must be informed and consent requested. If consent is denied, then the student will not be able to continue to work on the matter and pursue possible employment with an adverse party or legal employer. In such instances, the supervising faculty may be able to assign another clinic student to the affected client’s [client matter] and screen the interviewing student from the [client matter].\(^{18}\)

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\(^{18}\) Joy & Kuehn at 549.
**Limited Legal Services Programs**

To the extent any clinic in the SLO provides limited legal services under Colorado Rule of Professional Conduct 6.5, that rule governs whether or how any of the foregoing rules apply to the provision of such services.

Rule 6.5 provides:

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.
The policy and procedures set forth herein are intended to address only conflicts arising from clinic student employment outside the SLO, whether it be employment prior to, contemporaneous with, or after the clinic student’s period of enrollment in an SLO clinic.

1. Definitions.

A. *Clinic applicant* means a law student who has applied for a position in an SLO clinic.

B. *Clinic student* means a law student who accepts a position in an SLO clinic. A clinic student ceases to be such upon withdrawal from enrollment or completion of the term of enrollment.

C. *Clinic client* means a current client of an SLO clinic, with whom a written agreement for representation has been executed.

D. *Prospective clinic client* means a person who seeks representation from an SLO clinic, but with whom a written agreement for representation has not been executed.

E. *Supervisor* means the supervising professor or professors of the clinic in which a clinic student is enrolled, or to which a clinic applicant has applied.

F. *Affected faculty* includes the supervisor of a student involved in the potential conflict, and the SLO faculty of any clinic with a client, former client, or prospective client involved in the potential conflict.

G. *Unaffected faculty* includes all SLO faculty who are not *affected faculty*.

H. *Legal employer* means any person or entity for whom a law student performs legal work, regardless of whether the law student is compensated or receives law school credit in exchange for such work. *Legal employer* does not include the SLO.
2. Policy.

It is the policy of the SLO to identify and address all potential and actual conflicts of interest arising because of law students’ past, present, or future employment. The first priority of the SLO is protecting the interests of clinic clients. The second priority of the SLO is protecting the interests of clinic students in participating in the clinic to the greatest extent possible. Screening of a clinic student is generally preferable to withdrawal of the clinic student.

**Reporting requirements and conflict checks for clinic applicants**

3. Any offer to a clinic applicant for a position in an SLO clinic is and must be expressly conditioned upon completion of a conflict check. To identify potential conflicts of interest arising from clinic applicants’ former and concurrent non-clinic employment, each clinic applicant prior to enrolling in the clinic must provide: (1) a list of prior and current legal employers, and (2) for each such employer, a list of the matters personally handled by the student, indicating the names of any parties significantly involved in the matter (for example: in a civil case, the plaintiff and defendant; in a criminal case, the defendant and complaining witness if any), and a summary description of the matter. Additionally, a clinic applicant aware of any potential conflict must immediately bring the matter to the attention of the supervisor.

4. The SLO will enter the information provided by a clinic applicant pursuant to ¶ 3 into its conflict-checking database, and perform a conflict check against clinic clients and matters. Identified potential conflicts will be addressed per ¶¶ 11-12. In cases where a conflict is identified the supervisor shall advise the clinic applicant as promptly as possible of the final determination as to whether the clinic applicant is accepted for enrollment.

5. A clinic applicant who is accepted for enrollment, and accepts a position in an SLO clinic, becomes a clinic student and is immediately subject to the reporting requirements set forth below.

**Reporting requirements and conflict checks for clinic students**

6. Clinic students are required to know and adhere to the Colorado Rules of Professional Conduct. Any clinic student aware of any potential conflict must immediately bring the matter to the attention of the supervisor.
7. Clinic students who perform any legal work outside the clinic must commit to providing the information identified in ¶ 3 on an ongoing basis, immediately each time there is new information to report, while enrolled in the clinic. SLO staff will send out a reminder email each week to this effect, and clinic students shall respond with new information as it arises.

8. The SLO will enter the information provided by a clinic student pursuant to ¶ 7 into its conflict-checking database, and perform a conflict check against clinic clients. Identified potential conflicts will be addressed per ¶¶ 11-12.

Conflict checks for prospective clinic clients

9. Prior to entering into a written agreement for representation with a prospective client, the SLO will perform a conflict check. Limited client representation activities conducted pursuant to RPC 6.5 will be governed by the provisions of that rule, and a conflict will be identified only if the students or faculty involved in the limited representation are known to have a conflict. Identified potential conflicts will be addressed per ¶¶ 11-12.

Assurance of confidentiality

10. The SLO will keep confidential any information provided by a student for purposes of conflict checking, so that provision of this information by the student is not in violation with Rule 1.6. See RPC 1.6 cmt 5A.

Handling of potential conflicts

11. In the event a potential conflict is identified involving a clinic student or clinic applicant and a clinic client or prospective clinic client, the assessment and resolution of the conflict will be initially undertaken jointly by the affected faculty. These faculty may proceed without further consultation, or may involve unaffected faculty in the determination of a conflict.

12. In resolving conflicts, pursuant to the policy set forth in ¶ 2, SLO faculty will make every effort to reconcile the interests of the affected student and client. For example, faculty may resolve a conflict between a clinic student and a prospective clinic client, by declining representation of the prospective clinic client. Faculty may resolve a conflict between a student already enrolled in the clinic and a client already represented by the clinic, (a) by seeking informed consent, (b) by screening
the affected student, and only as a last result (c) by discharging the student from the clinic. Specific resolution of a conflict will be decided upon by the affected faculty.

Confidentiality obligation of clinic students

13. Clinic students owe a duty of confidentiality to all SLO clients, and as a general matter cannot reveal information about SLO clients to persons outside the firm. See generally, RPC 1.6. This duty of confidentiality survives the termination of the student’s clinic student status.

Procedure for clinic students and former clinic students to provide conflict-checking information to non-clinic legal employers

14. A clinic student (or former clinic student) who is asked for conflict-checking information relating to SLO clinic clients, former clinic clients, or prospective clinic clients may as a general matter provide an employer or prospective employer with a list of each matter personally handled by the student while participating in the clinic (including the names of any significant parties to the matter and a summary description of the matter), but only on the condition that the employer or prospective employer provides the SLO with a written guarantee that the information provided for purposes of conflict checking will be kept confidential. See RPC 1.6 cmt 5A. The student shall not provide additional information, and if a clinic student (or former clinic student) is requested to do so, the student shall consult with his or her supervisor. The supervisor shall provide such additional information only upon a determination that the information requested is essential to running a conflicts check. A supervisor may also decline to provide requested information upon a determination that complying with the request (even such basic information as the name of a client) “may materially prejudice the interests of the client or former client.” Id.

15. A clinic student who is simultaneously employed by a legal employer should make arrangements with the supervisor and the legal employer for the ongoing provision to both the SLO and the legal employer of such information necessary for both to perform conflict checks.

Procedure for clinic students seeking employment by non-clinic legal employers
16. Clinic students will consult with and keep their supervisor fully apprised concerning all job searches involving legal employers adverse to a clinic client. If such a job search reaches the interview stage, the affected faculty shall determine if and when consultation and client consent is needed. In a case requiring client consultation and informed consent, if consent is denied, the student will not be able to both continue work on the matter and pursue the potential employment. If the student chooses to continue pursuing the potential employment, the student shall be removed from the representation and screened from the client matter.
“Conflict of interest” is an issue that affects all lawyers regardless of the type practice they have. As a clinic student you work as a lawyer and are held to the same standards of conduct applicable to lawyers. This memorandum will explain those standards. You must speak with the faculty teaching your clinic immediately if you believe there may be a potential conflict of interest for you in the clinic.

While this memorandum briefly summarizes some of the more important provisions of the Colorado Rules of Professional Conduct (RPC), you are responsible for reading and understanding the RPC carefully and completely. Please familiarize yourself with the RPC.

Additionally, the SLO has adopted a Policy and Procedures Concerning Conflicts of Interest Arising from Student Employment. You are responsible for understanding this document and following the procedures set forth there.

A. The Rules Governing Conflicts.

A conflict of interest exists whenever the attorney, any other lawyer with whom the attorney works, or any person represented by the attorney, has interests adverse or potentially adverse in any way to the interests of any other client of the attorney, the attorney’s office, or the attorney personally. Even if the attorney and other lawyers in the attorney’s office take action most beneficial to all clients involved, the conflict of interest still exists unless certain steps are taken.

When a conflict or potential conflict of interest arises, an attorney usually has three possible options: (1) inform all interested parties of the present or potential conflict, inform them of all possible consequences of the conflict, and continue this multiple representation if all parties give the attorney informed express (usually written) consent; (2) after informing all parties of the conflict and consequences, withdraw from representation of one of the parties if withdrawal will sufficiently cure the conflict; or (3) withdraw from the representation of both parties. A fourth option, the erection of screening procedures (a screening “wall”), may exist in some situations. Screening is generally undesirable because it means the screened lawyer cannot speak about the screened matter with non-screened lawyers and

19 Adapted from Joy & Kuehn, Appendix A.
cannot have access (either physical or electronic) to the matter that is screened. This is difficult in any setting, but particularly so in a clinical setting, where student lawyers are expected to learn from one another’s client matters.

The policies underlying conflict of interest rules are the duties of loyalty and client confidentiality owed to clients by lawyers. Another area of conflict or potential conflict of interest for legal interns arises when a student also works for a judge or one of the courts [or agencies?] where either that student or others in the clinic are representing clients.

Rules 1.7-1.9 of the Colorado Rules of Professional Conduct require a lawyer to refuse to accept employment or to continue employment if interests of another current client, a former client, the lawyer’s own interests, or the interests of any other person associated with the lawyer may impair the independent professional judgment of the lawyer. Rules 1.11 and 1.12 provide additional specific examples of conflict for lawyers who have been employed by government entities, as judicial clerks, and the like.

As you will note in reading Rule 1.10, the ordinary rule is that if one lawyer in a firm is conflicted and must decline employment or withdraw from employment, the conflict is “imputed” to all lawyers in the firm, and no other lawyer in the firm or law office may accept or continue the employment. Comment 4 to Rule 1.10, however, indicates that work performed as a law student is not encompassed by the “imputed conflict” rule. It is important to note, however, that the Student Law Office operates as a single law firm, and confidential information known to a student in one clinic may therefore become known to a student in another clinic. While conflicts are not imputed between law student members of our firm, it is vital that you remain vigilant about identifying potential conflicts, even those that may arise because of knowledge you gained about a client matter that is ongoing in an SLO clinic other than the one in which you are enrolled.

Please note carefully comments [10] and [11] to Rule 1.7. Matters that may seem on their face “personal” to you may implicate a potential conflict and must be discussed with your supervisor. For example, if your spouse or significant other is a law student or lawyer, you will want to pay close attention to comment [11], which essentially imputes their legal work to you, for purposes of conflicts. Additionally, comment [10] addresses the conflicts that may arise when you seek employment outside the clinic. While this might ordinarily seem a personal
matter, it is essential to protecting the rights of our clinic clients that you attend to the rules and discuss all potential conflicts with a supervisor.

The rules contemplate some situations where clients or former clients may consent to representation where the potential of a conflict of interest affecting representation is not great. However, such situations require full disclosure and the informed consent of all clients involved. In all potential conflict situations you will be expected to consult with your supervising faculty in order to determine whether informed consent is a possibility.

Rule 1.6 requires, with few stated exceptions, a lawyer to keep information relating to representation of a client confidential unless the client consents after consultation. The underlying premise of Rule 1.6 is that both the attorney/client fiduciary relationship and the proper functioning of the legal system require the preservation of a client’s confidences and secrets. A client must feel free in discussing matters with his or her lawyer. A corollary of that free exchange of information is the client’s belief that the lawyer will never use anything disclosed to advance the interests of any other person or to impair the interests of the client. (A limited exception to the confidentiality rule allows for information to be revealed in order to perform conflict checking. See RPC 1.6 cmt 5A. The SLO has specific procedures for addressing this situation. Please note that the SLO’s procedures require you to discuss this with a supervisor.)

The possibility of even an unintentional leak of client confidences requires each clinic student to be extra careful to monitor potential conflicts with outside employment or other relationships giving rise to conflicts.

B. Responsibilities of Clinic Students.

Your principal responsibilities have already been identified — to understand and follow the Colorado Rules of Professional Conduct and SLO Policy and Procedures Concerning Conflicts of Interest Arising from Student Employment. To protect our clients — and, less importantly, ourselves — from actual and potential conflicts of interest, it is essential that we all work together closely to monitor potential conflicts.

Most of the conflict of interest situations in the SLO involve potential conflicts that your clinic identifies. For example, a conflict might arise between two clinic clients who are potentially adverse to one another in the same matter (e.g., clinic clients who are codefendants in a criminal case, or a clinic client who
is a defendant in a criminal case but is also the adverse party to another clinic client in a civil matter.) Some conflict situations may arise due to your prior, present, or future employment outside of the law school. The SLO Policy and Procedures Concerning Conflicts of Interest Arising from Student Employment addresses such situations.

Any time you believe that there is a potential conflict arising for any reason, you should bring the matter immediately to the attention of your supervisor.

C. Handling Actual or Potential Conflicts.

When there are actual or potential conflicts, protection of the clients’ rights come first. The second most important consideration is the interest of the student attorney. The SLO may decline to represent a potential clinic client, may pursue obtaining the informed consent of all affected parties, or may use a screening procedure. In some cases, withdrawal of representation or the termination of outside employment may be the only ways to avoid the conflict. In all circumstances, SLO faculty will work together with you to try to protect the clients’ interests, and then your interests as a clinic student. Your participation in the process is essential, not only for the resolution of the particular conflict, but also as a part of your education as a lawyer.

When a student lawyer negligently or knowingly fails to identify an actual or potential conflict, that presents the faculty with more limited options and may be a violation of the Colorado Rules of Professional Conduct. Please follow the outlined procedures — always erring on the side of flagging potential conflicts — and we will competently and professionally avoid conflicts of interest.

If you have any questions about this issue, please speak with your faculty supervisor or raise those questions at a clinic class. If you are reluctant to discuss potential conflicts with an outside employer for any reason, please speak with your faculty supervisor immediately. Our aims are to protect each client’s rights and enable you to participate in a clinic without jeopardizing your employment. As long as these goals can be pursued ethically, no one’s interest will be adversely affected.

Thank you in advance for your observation of these important procedures.