

# DRLC

**Disability Rights Legal Center**

[www.disabilityrightslegalcenter.org](http://www.disabilityrightslegalcenter.org)

# 2015

## Student Handbook



*Milton Miller- Founder, DRLC*

*Student Manual*

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# INLAND EMPIRE STUDENT HANDBOOK

**ISSUED TO:**

Student Name: \_\_\_\_\_

Issuing Semester: **Fall 2015**

## **Purpose And Mission Statement**

Welcome to the Disability Rights Legal Center! We look forward to working with you and hope that you will find it a rewarding experience! The DRLC is a public interest law office that litigates high impact discrimination cases that address the civil rights of people with all types of disabilities.

The Disability Rights Legal Center is dedicated to championing the rights of people with disabilities through education, advocacy, and litigation. DRLC provides much needed assistance by providing:

- Information and resources for individuals coping with cancer
- Resources and legal referrals for individuals with disability related legal issues
- Self-advocacy and legal trainings
- Direct legal services

The mission of the DRLC is accomplished through its various programs:

- Cancer Legal Resource Center
- Civil Rights Programs
  - Community Advocacy Program
  - Disability Litigation Program
  - Education Advocacy Program
  - Inland Empire Program
  - Pro Bono Program

The Disability Rights Legal Center is made up of two offices: one located at the University of La Verne College of Law in Ontario and the other located in Los Angeles. The DRLC relies on the strong support of its dedicated volunteer Board of Directors, Young Professional Advisory Board, CLRC Professional Panel, law students, and volunteers to accomplish its mission.

## **University of La Verne College of Law Disability Rights Clinic**

The Disability Rights Clinic at the University of La Verne is an on-campus clinic provided by the Disability Rights Legal Center (DRLC). The Clinic provides students with a hands-on, practical legal experience working on emerging issues in disability rights law.

Clinic participants will work with DRLC's Disability Litigation Program, Education Advocacy Program, and Community Advocacy Program. Students will be assigned to work on at least one case involving an actual client. In this capacity, students will be responsible for representing the assigned client under the direct supervision of Elizabeth Eubanks, an adjunct faculty member. Students will also work on the telephone intake and case assessment process.

**Application for Enrollment in Clinic:** The Clinic is subject to application deadlines and course enrollment limits established each academic year. All placement offers must be confirmed in writing by DRLC. Students who do not follow application procedures may not be permitted to enroll.

**Clinic Eligibility:** Students are eligible to participate in the clinic after *completing 28 credits*. Students may be eligible to participate in the clinic for multiple semesters, at the discretion of the Program Director. Returning students are expected to take on greater responsibility within the clinic, including more advanced legal assignments.

**Professional Obligations/Confidentiality/Unauthorized Practice of Law:** Law students must perform all legal services professionally under the direct supervision of a licensed attorney. Law students **shall not reveal information designated as confidential** by supervising attorneys. Law students shall not reveal information relating to the representation of a client, disclose the identity of a client or reveal information leading to the disclosure of the identity of a client without the express advance authorization of the supervising attorney. Law students shall obtain permission from their supervising attorney before using materials created in the clinic as a writing sample. Upon approval, students shall redact all written work to comply with the confidentiality rules of the workplace and legal profession, and present the redacted copy for the supervisor's review before it is dispatched. Law students are **not permitted to give legal advice** to any person or client unless supervised by an attorney or expressly authorized to give advice by a supervising attorney.

**Withdrawal:** No student may withdraw from the clinic unless exigent circumstances arise. Upon such circumstances, the student must immediately notify the supervising attorney and ULV's Director of Clinical Programming and arrange adequate safeguards for the handling of cases and/or client problems.

**Probono Graduation Award:** Completion of hours in the clinic on a volunteer basis (that is, not for units) may be counted toward the University's probono graduation award at the discretion of the Program Director. The availability of such hours are dependent upon the clinic's need and may vary by semester.

**Prohibition on Compensation:** Law students shall not receive compensation for legal services performed in the clinic other than reimbursement for incidental expenses such as parking or mileage.

## **University of La Verne Course Requirements Summary**

### **1. Performance Agreement**

- The Performance Agreement must be signed to receive course credit.

### **2. Classroom Instruction Component**

- The disability rights clinic will host weekly classes and will participate in joint classes/trainings with the Justice and Immigration Clinic.
- Our weekly classes will last 1-2 hours and will include a meeting of all clinic students with the Program Director to discuss cases, including ethical or other practice issues arising from those cases, and to skills development. Each student must come prepared to discuss their assigned case(s) and have completed any assigned readings.
- Joint classes with the JIC are 75 minutes.
- All trainings, and classes are mandatory. If you are unable to attend all or part of a class, notify the Program Director immediately. Failure to attend the entirety of the meeting will constitute an absence, as set forth in Section H of ULV's Manual of Academic Policies and Procedures, and may result in a "No Credit" grade.

### **3. Hours**

- Students may enroll in the DRLC for 1 to 6 units of credit, at the discretion of the Program Director. The minimum number of units for a first time participant in the clinic is 3.
- Each unit requires 52 hours of supervised legal services.
- You may add ½ hour per journal.
- Training hours and weekly meetings/classes count.
- This is a "billable hours" system: if you work through lunch, count it. If you don't work on a holiday, those hours don't count.
- At the beginning of the semester, you will establish a weekly schedule. If at anytime during the semester you must deviate from this schedule, it is your responsibility to provide your supervisor with a memo indicating your change in schedule and when you plan to complete your hours. You must complete your hours during regular business hours (e.g. 9:00 a.m. to 6:00 p.m.).
- As part of your participation in the clinic, you will be assigned to represent at least one client involved in an actual legal dispute. Litigation can be unpredictable and there may be a time during the semester that you will be required to work more than your scheduled hours to fulfill your obligations under the rules of professional responsibility. It is your responsibility to meet all case deadlines and to timely complete all assignments. If you are unable to do so, immediately contact the Program Director.

- Clinic hours cannot be frontloaded or backloaded. That is, you cannot plan on working extra hours in the beginning of the semester so that you finish early, or vice versa. You should expect to work the entire semester even if you work more than your regularly scheduled weekly hours or more than the 52 required hours per unit.
- Every student is required to allocate 25% of your total hours for the semester to CAP and the completion of intakes. For example, a 2 unit extern needing to complete 104 hours is expected to complete a total of 26 hours of CAP in the semester. You must determine how to allocate your hours to meet both your case requirements and complete your CAP hours. It is recommended that you establish a weekly time that you will dedicate to CAP. You will receive feedback from the supervising attorney in accordance to the criteria set forth on page 10.

#### 4. Timesheets

- There are two places you need to keep track of your time. You need to keep track of your time spent on clinic assignments in Time Matters and you also need to keep track of your billable time on our cases in Timeslips. This type of time keeping is covered later in this Handbook. Please make sure that you are covering both.

#### 5. Activity Journals

- Journals are due every Friday.
- Journals must be typewritten and submitted electronically by email to Elizabeth Eubanks and Norma Montano. Unless you have prior permission, no other method is appropriate.
- If you know a journal will be late (e.g., your hard drive crashes) notify Norma Montano of the problem and no penalty will be imposed
- Journal entries must be on a daily basis and must include a self-evaluation. Each entry must contain a description of the legal work performed that day, broken down into discrete tasks or events, such as memorandum drafting, legal research, observation of courtroom proceedings, etc. Journals must also include events such as meetings with supervising attorneys and other matters related to the operation of the workplace. Journals should include reflections on the quality of advocacy observed and how ethical issues are handled.
- The supervising attorney reviews each journal for the purpose of ensuring that the work performed meets the educational goals and objectives for clinical programs as adopted by the La Verne faculty. Journals insufficient to apprise the supervising attorney of the nature of your experience will be returned to be re-written
- Journals must be prepared according to the confidentiality policies of your placement.
- Journals must be prepared according to the format provided in this packet (see below).
- **Late Penalty:** Late journals are subject to a time penalty of 1/2 hour per clinical unit for each school day beyond the due date that the document is late. The

submission date is determined by the date of the email date or date of submission to the DRLC Office Coordinator.

#### 6. Writing Samples

- If you are enrolled in 3 or fewer units, one writing sample is due on the last document due date indicated on the face sheet of this packet.
- If you are enrolled in 4 or more units, two writing samples are required and are due as indicated on the face sheet of this packet.
- Writing samples must be critiqued by your supervising attorney. A critique has taken place if your supervisor has marked up your copy with corrections and suggestions.
- No one is exempt from writing sample requirements.
- All submitted writing samples must comply with the confidentiality policy
- Use the "Writing Sample Cover Sheet" when submitting your writing sample.
- ***Please note, this writing sample is for DRLC purposes only and will not satisfy ULV's Upper Division Writing Requirement.***

#### 7. Performance, Feedback and Self-Evaluation

- As a participant in the clinic, there will be ongoing formal and informal opportunities to receive feedback from the Program Director. This feedback is further described in later sections of this Handbook.
- Students are also expected to engage in self-evaluation, which should be included in weekly journals and shared at weekly meetings, if appropriate.
- At the end of the semester, Students will be asked to provide an evaluation of their experience in the clinic.

## **Grading and Evaluation**

**1. Grading Criteria.** The DRLC clinic is graded on a pass/not pass basis. Your grade will be based on your individual effort pursuant to the following criteria. Each supervising attorney has input into a student's grade based on his or her interaction with the student. The clinic professor will determine your final grade, i.e. whether you pass or fail.

- 50% Skills and Values of Lawyering
  - Quality and completeness of legal research, analysis and reasoning
  - Writing skills (clarity, succinctness, grammar, spelling)
  - Communication with supervisors and staff
  - Number of assignments completed, and their degree of difficulty
  - Organization and management of legal work
  - Learning from experience and improvement
  - Attendance at trainings
  
- 25% CAP Counseling/Intake Hours
  - Number of intakes completed relative to number of units enrolled
  - Completing additional intake projects (brief services) as assigned
  - Quality of information gathered during intake
  - Quality of recommendations for referrals
  - Adherence to CAP procedures and expectations
  - Communication with supervisor, staff and other students
  
- 15% Effort, Initiative, and Professionalism
  - Amount of work product relative to number of units enrolled
  - Teamwork and attitude
  - Diligence in completing assignments
  
- 10% Adherence to Office Procedures
  - Timely and proper billing
  - Timely and proper filing of case documents
  - Use of required office forms and formats

**2. Mid-Semester Evaluation:** Each extern will have an informal mid-semester evaluation with the supervising attorney, giving the extern an opportunity to ascertain his or her progress, and receive feedback on the quality of their work. It also gives the student an opportunity to discuss the experience at the DRLC, provide supervisors with suggestions for improvements, and/or request additional assignments. The evaluation is not "graded;" rather, it is to help the extern gauge his or her progress by considering the number of hours completed, the number and types of assignments completed, and how to best complete the externship hours.

**3. Assignment Evaluation Sheets.** A primary component of the evaluation and grading process is the Assignment Cover Sheet and Supervising Attorney's Remarks. For

each assignment you complete, you are required to submit a completed Assignment Cover Sheet, with every section completed. You will receive feedback on these forms and we will keep copies for review during the grading process. A copy of the assignment sheet is included with this manual, please make copies for your use during your externship. At the conclusion of your semester, please make a complete copy of all of your assignment sheets and attorney supervising attorney remarks and turn them in to the litigation assistant or your supervising attorney.

**4. Professional Obligation.** Your professional obligation is to the clients you will help represent. You should be concerned about learning proper litigation techniques and procedure, and learning to become the best and most professional attorney you can be. If you concentrate on these aspects of the clinic program, fulfill your hours, attend the weekly meetings, and are diligent in your assignments, you will in all likelihood pass.

## **Learning Objectives**

By the end of the course students should be able to:

- a. Develop a case plan, including identifying, evaluating, and analyzing legal issues and/or remedies available to a client in a disability discrimination case.
- b. Conduct an effective client interview (defined as: spotting relevant issues and utilizing proper interview techniques to direct the interview).
- c. Develop lawyering skills, such as:
  - i. Legal analysis, reasoning, and problem solving in an active case;
  - ii. Legal research and factual investigation;
  - iii. Legal writing skills related to their case representation;
  - iv. Oral communication skills in various legal contexts, including in representation of an assigned client and in the case intake process.
- d. Develop knowledge and understanding of substantive and procedural aspects of disability rights and/or special education law.
- e. Exercise proper professional and ethical responsibilities to clients and the legal system.

## **Case Responsibility**

**1. Your Cases:** You will be assigned to one or more cases throughout the semester via your primary supervising attorney. Your cases may change during the course of the semester, depending on the work needed on other cases, the staff's needs, etc. Once assigned, however, you are responsible for becoming thoroughly familiar with your case. Read the file in its entirety. If the case is several volumes long, review the most recent complaint, discovery, and correspondence. You should be knowledgeable of the facts, causes of action, and current status.

**2. Sole Responsibility:** You must treat each matter to which you are assigned as your sole responsibility. Although the Program Director or possibly another student will also be responsible for every case in the office, you should assume that, at bottom, you are the only person in a position to perform the necessary work involved. You may address workload issues with your colleagues afterward.

**3. Professional Obligations/Confidentiality:** Clinic students must perform all legal services professionally and may not reveal information designated as confidential. All matters related to litigation cases and CAP Counseling intakes are deemed confidential and should not be discussed outside the office.

**4. No Contact Outside of the Office Regarding DRLC Matters:** Do not contact anyone outside of the office, especially in writing, regarding any DRLC case, unless you are explicitly instructed to do so. Do not send any letters or e-mails you are not instructed to send, and do not make any phone calls you are not instructed to make. All written DRLC correspondence, including e-mails, regarding DRLC work must be reviewed by a staff attorney prior to being sent.

**5. E-mail is Essential:** You will be given a DRLC email address. All emails sent on behalf of your cases must be sent from your DRLC address and not your personal or ULV address. You are responsible for checking your e-mail regularly. DRLC staff often transmit important information and case assignments by email and therefore trust that you are diligently checking for new messages. Similarly, you are free to ask questions or provide comments via e-mail. Staff and extern email addresses appear in the rosters in this Manual.

## **Your Assignments**

You will complete several written assignments during your time in the clinic. Assignments will differ student by student, semester by semester. You can expect legal research memos and factual investigation memos, and you may be asked to draft a complaint, discovery, motions, correspondence, sections of an appeal, and various other litigation related documents. While the litigation attorneys cannot guarantee you will receive all or any of these assignments, we strive to ensure that you have at least one solid writing sample upon completion of the semester.

**1. Receiving Your Assignments:** You will receive all of your litigation assignments by email or in person from your primary supervisor.

**Once you receive an assignment**, you should acknowledge receipt of the assignment (reply email is fine if the assignment is by e-mail). It is very important that you ask your supervising attorney any questions to clarify his or her expectations, particularly if you are confused or unsure of how to proceed. Attorneys may ask you to submit a “Question Presented” immediately, to ensure that you fully understand the assignment.

**While there are never any stupid questions**, you should always first refer to this Manual and other sources to ascertain the answer. Staff attorneys are always willing and able to provide you with guidance, but a lack of effort to ascertain answers on your own will be noted. When consulting with an attorney, you should be ready to state the avenues you have already explored on your own. Don't wait too long to ask for clarification.

**Ongoing communication is essential.** As stated, you must communicate with your supervising attorney if you are unclear about the expectations of an assignment. Likewise, if you are having difficulty with research, organizing a memo, or any aspect of an assignment, you are under a duty to seek assistance from your supervising attorney. The attorneys are happy to help you and provide guidance. Take notes of your conversations with attorneys and do not leave an attorney's office until you are clear about the assignment and your mutual expectations.

**Keep track of your time.** We bill for student time, and you will be required to enter your time on the completed assignment sheet and in the Timeslips billing program. Time spent on research, writing, revisions, discussions with supervising attorneys, etc. should all be captured. Included with this manual is a timesheet which you should make copies of and can use to keep track of your time when you are not at a student computer. You will then need to transfer it to the Timeslips program.

### **Questions All Externs Should Ask Frequently**

- How long should I spend on this project?
- When do you need this? Is there a deadline?
- When can we meet to discuss my work or progress? I'm here on Mondays and Wednesdays – is there a time that is good for you that I can schedule for a meeting?
- Where should I start my research?

- Are you looking for a more polished memo, or just a draft? Do you prefer that I attach hard copies of cases that I cite, or just a list of citations for authorities that I relied on?
- Are there any examples of this type of motion, brief, declaration? Where can I find it?
- What are the rules regarding extern requests of clerical or support staff?

## 2. Assignment Deadlines

With each assignment will come an assignment deadline that the supervising attorney deems reasonable. You will be held to the deadline unless you request an extension from the supervising attorney. While extensions are generally granted (unless the matter is time sensitive), you should endeavor to complete assignments by the dates requested. Excessive requests for extensions are disfavored.

**If you can't take on an assignment, don't!** Do not agree to undertake an assignment or task if you cannot complete it in an acceptable fashion by the agreed upon deadline. If, after you receive an assignment, you learn that it will be impossible to complete it on time, notify your supervising attorney immediately. Do not wait to tell us at or near the deadline.

**Conflicting Deadlines.** If you receive multiple assignments due on or near the same date, and do not anticipate being able to complete them both, please consult your supervising attorney to determine which assignment has priority.

**A very common mistake** among externs is to leave an assignment until the last minute only to discover difficulties or other questions. Quality suffers as a result, and our clients are not well served. The solution is to review the assignment fully when you first receive it and plot out the steps necessary to complete it on time.

## 3. Before Submitting Your Assignment – Complete an “Assignment Evaluation Sheet”

There are various tasks you must complete prior to submitting your completed assignment and they require some time. You should allow sufficient time to complete these tasks.

The most important thing to remember when turning in an assignment is to first complete an Assignment Evaluation Sheet, which can be found at the end of this manual, and e-mail it or otherwise turn it in along with your assignment. It is also on SharePoint under Public Access > Student Folders > 00 General Forms. The evaluation sheet reminds you to complete certain tasks prior to submitting your assignment, and provides your supervising attorney with a form to provide you with remarks. Once again, the evaluation sheets will be reviewed when determining student grades. The remaining steps prior to turning in an assignment are:

- a. Proofread your work! Grammatical errors and typos will ruin an otherwise commendable document. Courts do not tolerate such errors, and neither do your supervising attorneys. Your first draft is not the draft that is submitted.
- b. Review the format of your finished product – (1) does it follow standard formats (such as a legal memo format), (2) are the fonts and font sizes consistent, and (3) is it easy to read?
- c. If you are submitting Draft #2 or subsequent drafts, please also submit the most recent edited draft – this allows your supervisor to compare your new draft with his/her prior edits. If you do not submit the prior edited draft, the assignment will be returned to you unedited.
- d. Ensure that you have checked your legal citations (and factual citations, where applicable). All citations must be good law and must follow Bluebook or California Style Manual format. Choose a legal citation system and follow it consistently throughout the document. Be sure to include pinpoint cites (e.g., 748 F.2d 540, 541-542) (emphasis added to show pinpoint cite). This is tedious, but essential for good lawyering.
- e. Email the document to your supervising attorney, with a cover sheet. This ensures that attorneys have a copy to work with if changes are required. Ask your supervising attorney where to save the work on SharePoint as **all work must be saved on this program**. There will be a short training on the use of SharePoint at the beginning of the semester. Please make sure you know how to save documents from the student station.
- f. Documents need to go in the case file. All documents you produce must be filed in their respective case files. Give the document to the Litigation Assistant or a staff attorney and they will have it filed. If you are filing a subsequent draft of a document, *please make sure you note that on the document (post-it is fine) before you give it to someone.*
- g. Record your time spent on the assignment on the Timeslips billing program (see billing procedures below). On the Assignment Evaluation Sheet, also record the number of hours you spent on that draft of the assignment.
- h. Place your completed assignment and Assignment Evaluation Sheet in your supervising attorney's mailbox or send it via e-mail. Please ask your supervising attorney which they prefer.
- i. Please provide staff with your comments regarding the assignment. Did you find it challenging, a learning experience, too complex? Your feedback helps staff design more effective assignments.

#### 4. Receiving an Edited Assignment

Staff attorneys will strive to return your assignment with helpful edits within one week. Due to litigation deadlines, it may take longer, so please bear with us.

Students will often find substantial edits to their work – do not be discouraged! Edits can be a matter of style, rather than substance. All edits, however, should be taken seriously. If you do not understand an edit, please ask your supervisor for clarification. Understand that the editing process will ultimately improve your writing skills if you take the edits seriously. All good writers are good editors!

If a subsequent draft is required: Note the Due Date at the bottom of the Assignment Evaluation Sheet. In producing your revision, you must address each and every edit noted by your supervisor. You may go beyond the supervisor's edits to improve your document, but at minimum, please incorporate all edits noted.

When turning in a subsequent draft, please submit the prior edited draft as well as another Assignment Evaluation Sheet. Please remove all prior drafts from both the paper file and SharePoint file.

#### 5. Naming Conventions

Please follow DRLC's naming convention when saving or preparing files.

a. **Memos:** [Date finalized: YYYYMMDD] [Subject] [(Your Initials)]

Examples: 20121018 Memo re Emotional distress damages (PP)  
20120520 Client interview recap (CY)

b. **Letters:** [Date finalized: YYYYMMDD] [Addressee] re [Subject] [(Initials)]

Examples: 20120125 Pls Ltr to Alex Smith re discovery matters (PP)  
20120124 Pls Ltr to John Doe re meet and confer (SP)  
20120812 Ltr to Client re settlement offer (CY)

c. **Pleadings and Discovery:** [Date finalized: YYYYMMDD] [Subject] [Draft or Final] [v. 2, 3, etc. or( MU Edits) if others editing]

Examples: 20120731 Interrogatories Set Two Draft v. 2  
20120731 Interrogatories Set Two Draft (MU Edits)  
20120228 Motion for Attorneys' Fees Final

#### 6. Personal Student Folders

Each student has a personal folder located under the Public Access tab on SharePoint in which to save documents (Public Access > Student Folders). Any final

versions of memos, letters, etc. should be saved in the respective client file. If you have questions on where to save a document ask your supervising attorney.

There is also a General Forms folder and an Orientation Trainings folder. In General Forms you'll find the Legal Memo Template and Assignment Evaluation Sheet (Public Access > Student Folders > 00 General Forms). In "Orientation Trainings" you'll find PDF's of the handouts of the various trainings and presentations given during Orientation (Public Access > Student Folders > 00 Orientation Trainings).

***Do not save any work on the DRLC desktops or on your personal computer. All work must be saved on sharepoint.***