

PUBLIC INTEREST LAW CENTER MANUAL

Children's Advocacy Clinic

Family Law Clinic



Summer 2009

Clinical Professors Annino and Stone

“I learned a lot this summer, but mostly I learned that I will never learn everything, so it is important to be prepared for anything.” – Former Student Intern

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PUBLIC INTEREST LAW CENTER'S ATTENDANCE POLICY

Class attendance is mandatory. Each student is required to attend scheduled classes, with the exception of permission by your supervising attorney. All requests to be excused from class, office hours, or any other mandatory class requirement must be **in writing** and must be approved by the supervising attorney. Emergencies must be documented and you must notify your instructor as soon as possible. Three (3) unexcused absences constitute an automatic failure in the course.

Florida State University Instructors are required to provide **written** evidence of students who are not present during the first class meeting. **If a student misses the first class meeting of any course for which they are registered, instructors must drop the student from the course.** The Public Interest Law Center (PILC) complies with this requirement. Thus, both Professors Annino and Stone will call roll during the first class meeting and identify students who are not present.

The only exception to this policy – students who have contacted either Dean Nancy Benavides or Dean Wayne Logan before the first class meeting and have provided a legitimate excuse for his or her absence on the first day. The student must then notify the supervising professor of their intention to miss the first class meeting.

The message must inform the instructor of the following: 1) why you will not be present, 2) your intention to remain enrolled in the course, and 3) when you will return to class. In addition to returning to class, you must present yourself to your supervising professor so that a written record of your attendance is noted. These two actions will constitute constructive attendance efforts for the first day.

FLORIDA BAR STUDENT PRACTICE RULE

Pursuant to Chapter 11 of the Rules Regulating the Florida Bar, third year law students can be certified to practice law by the Florida Supreme Court. To be certified, an application must be completed and submitted to the Clinic Directors.

A client is not required to accept student representation. A certified student must obtain written consent from a client and from the student's supervisor before representing a person. A "Consent to Appearance by a Law Student" form must be completed in each case. (Rule 11-1.2 Rules Regulating the Florida Bar.) When a case is transferred from one student to another, a new consent form must be completed. A student should have these forms available whenever an initial interview of a potential client occurs (forms are conveniently located in a centralized forms bin near your assigned workstations). **This form must be maintained in the Center case file and filed with the Clerk of the Court where the case originates.**

Rule 11-1.2(b)

(b) Appearance in Court or Administrative Proceedings. An eligible law student may appear in any court or before any administrative tribunal in this state on behalf of any indigent person if the person on whose behalf the student is appearing has indicated in writing consent to that appearance and the supervising lawyer has also indicated in writing approval of that appearance. In those cases in which the indigent person has a right to appointed counsel, the supervising attorney shall be personally present at all critical stages of the proceeding. In all cases, the supervising attorney shall be personally present when required by the court or administrative tribunal who shall determine the extent of the eligible law student's participation in the proceeding.

The rules also require that certain papers submitted to opposing counsel or the court contain the signature of the supervising attorney:

Rule 11-1.6

(a) Preparation of Documents: Assistance of Indigents. In addition, an eligible law student may engage in other activities, under the general supervision of a member of the bar of this court, but outside the personal presence of that lawyer, including:

(1) preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents must be signed by the supervising lawyer.

(2) preparation of briefs, abstracts, and other documents to be filed in appellate courts of this state, but such documents must be signed by the supervising lawyer.

SCHEDULING PROFESSIONAL SERVICES

Services, such as, court reporters, translators, evaluators and any other professional service provider may require fees for services rendered. For this reason, **you must have your Clinical Professor's authorization prior to scheduling these services.**

HEARINGS

Clinical Professors attend all hearings and should be notified immediately of all hearing dates and times. Hence, complete a "Tickler" form for all hearings, depositions, conferences, meetings, teleconferences, or other important dates. Place the "Tickler" form in the Administrative Assistant's mailbox. See page 8 for additional information.

CORRESPONDENCE

Submit all outgoing letters and correspondence to your Clinical Professor for review. The Clinic Professors generally do not sign students' outgoing letters. **Place a copy of your letter (on PILC letterhead paper) containing your signature in the file. Record all outgoing mail in the Mail, Fax, and Library Log located adjacent the fax machine. No correspondence should be mailed, hand-delivered, faxed or sent out of the Law Center unless a Clinical Professor has reviewed, edited and approved the document for transmittal.** A photocopy of every signed letter or document, which has been approved and transmitted, must be placed in the case file (on PILC letterhead paper). **All documents and letters sent out of the office should be logged in the Mail, Fax, and Library Log.**

COURTHOUSE FILINGS and CERTIFICATES OF SERVICE

❖ COURTHOUSE FILINGS

You are responsible for filing your pleadings at the appropriate Clerk's Office. Generally, you should have an original and three copies (a total of four documents). **One copy is for the file and you must have it date stamped by the Clerk for our records as proof of filing.** One copy is for the client. Another copy is for the adverse party or his or her attorney. **Our file copy is the only copy, which requires the date stamp.**

Judge Reynolds requires that all pleadings have the case number appearing on every page and that every page is numbered.

❖ SERVICE and CERTIFICATES OF SERVICE

In civil cases, the original summons and one copy of the summons, initial complaint or petition and other pleadings or documents (documents expected to be served) must be taken personally to the **Sheriff's Civil Process Office** located at **2825 Municipal Way** for service. **DIRECTIONS:** Take West Pensacola Street to Appleyard Drive and turn left on Municipal Way. The Sheriff's building is next to the Health Department. Their phone number is **(850) 922-3447**. Place the Defendant's/Respondent's work and home addresses on the summons. **It is more convenient for the Sheriff's Department to serve individuals at their place of employment. The Sheriff's Civil Process Servers' provide services from 8 a.m. to 5 p.m.** If an individual needs to be served at night, request a private process server. Please consult with your Clinical Professor if you think this will be necessary. Copies of subsequent pleadings can be mailed to the attorney or pro se opposing party once service of the initial complaint or petition has been made. **Unless you bring a copy of the Certificate of Insolvency in your case from the Clerk's Office, there is a \$20 service fee.**

When certifying on a pleading that the document was mailed on a specific date, you must take that item to a U.S. Mail Depository (the mailbox on West Jefferson Street, in front of the Law School's main entrance). Campus mail does not qualify, as it does not constitute "U.S. Mail Depository" for this purpose.

MEETINGS WITH CLINICAL PROFESSORS

Students will meet with their Clinical Professors at least once each week. **MEETINGS ARE NOT OPTIONAL and must be scheduled. Clinical Professors must approve all absences before the scheduled meeting time.** During the meetings, all cases will be discussed and you must provide the Clinical Professor with a printout of the total hours spent on each file from PIKA. Although Clinical Professors make recommendations or suggestions, tactical decisions will be left to the student assigned to the case; within the bounds of the Professor's professional responsibilities (i.e. Professors may exercise a veto when necessary to insure competent representation). In short, these are your cases and your clients. You will ultimately decide what has to be done and how to do it.

CASE FILE MAINTENANCE REQUIREMENTS

Proper maintenance of case files is a Public Interest Law Center requirement. Professors will review your files; supervisors and students will rely on information in the files; and students subsequent to you will need your knowledge of the cases. The administrative assistant will notify you, if you are falling short of the Law

Center's requirements. **Files must be kept in order. Other minimum requirements are:**

❖ **REFERRALS and INITIAL CLIENT INTAKE**

The Public Interest Law Center becomes counsel for clients in a number of ways. If a student attorney is present (in court when a client is assigned to the Law Center), the student attorney may be assigned to the client or the client may later be assigned to another student attorney. The Refuge House refers domestic violence and injunction cases. The Legal Aid Foundation refers family law cases. Travel is sometimes necessary in order to interview existing and potential clients.

During the initial interview process, ensure at least one of the following **Initial Intake Forms** is completed:

- **Children's Legal Services Project: Intake Form**
- **Family Law Clinic Initial Interview Form**
- **Dissolution of Marriage Questionnaire (include Checklist for DOM w/Children)**

It is imperative that one of the forms above is completed its entirety. These forms request information essential for income eligibility and/or other eligibility requirements for the Law Center's services.

After the initial interview, student attorneys will discuss the specifics of the case with their Clinical Professor regarding potential client. **Do not conduct any investigation, make any case-related phone calls or mail any correspondence until after a discussion with your Clinical Professor.**

When a new case is assigned, notify the administrative assistant immediately and provide any initial intake forms. The administrative assistant will assign a Law Center case file number and create hard copy case file. If a client has more than one unrelated case, a separate case file will be created for each matter.

PIKA Case Time Sheets. The Law Center is required to account for all hours spent on cases. **Thus, all activity/entries MUST be placed in PIKA and printed for placement in the Case Time Sheet section of the case files.** This includes phone calls, written letters, drafted pleadings, conferences, hearings, depositions, etc. Be sure to indicate the amount of time spent (in minutes or tenths of an hour); include the activity code and a brief description of the work performed. Accurate record keeping is important when the case is later assigned to another intern. Recording time is also important for case file management and is a requirement for employment with law firms and state agencies after graduation. **If you appear in court and a case is continued, note the reason for the continuance and the date, time and place of the next court appearance.**

Time Logs. Time Logs (**student attorney-related**) are different from Case Time Sheets (**client/case-related**). Time Logs contain annotations of student attorney activities for the purpose of meeting the **20-hour Law Center requirement**. These forms are turned in weekly to the administrative assistant.

❖ **“TICKLER” SYSTEM**

The Law Center has a hard copy Tickler system to keep track of appointments, conferences, depositions, hearings, trials, and any other court appearances. **Whenever an activity is scheduled, you MUST complete a Tickler form and place it in the administrative assistant’s box.** A copy of the Tickler will be placed in your mailbox as a reminder several days prior to the scheduled event.

❖ **CASE FILE ORGANIZATION**

Student Attorneys are responsible for filing all pleadings and all other case-related documentation in the clients' case file. Consequently, all case files are consistently maintained as follows:

Case Time Sheets: PIKA (law office management software) Case Time Sheets.

Client Information: Any Contact Information – physical address, mailing address, work address, contact numbers (home, cell, work, etc.); contact information for nearest relative or neighbor who may know the whereabouts of the client; contact information for parties involved in the case; Retainer Agreements, Weekly File Summaries, Transfer Memorandums, Closing Memorandums, Case Status Reports, Case Closure Checklists.

Correspondence: Signed Introduction Letters (**on letterhead paper**), Signed Case Closure Letters (**on letterhead paper**), all letters signed by intern and mailed to clients (**on letterhead paper**), all letters/correspondence received from clients, opposing attorneys, opposing parties, etc.

Pleadings/Orders: Notices; Petitioner/Respondent documents; Plaintiff/Defendant documents.

Legal Research: Factual/Nonfactual Information.

Miscellaneous: Ticklers, Junk Paperwork (i.e. fax cover sheets, fax confirmation sheets, etc.).

Investigations: Fact-Finding Information.

Records: Medical Records, Psychological Evaluations, etc.

All documents should be hole-punched and placed in the appropriate section of the case files. The most recent dated documents are placed on top.

❖ **CLIENT CASE FILES MUST REMAIN in the LAW CENTER**

The Children's Advocacy Clinic's active case files are stored in file cabinets, separated by matter, on the first floor. The Family Law Clinic's active case files are stored in one file cabinet alphabetically (by clients' last name), on the second floor. **Case files MUST be stored in the file cabinets at all times unless you are actually working on the case.** Files should be returned to the cabinet and re-filed as soon as you are finished working with them. Otherwise, it will be impossible for the Clinical Professors and Administrative Assistant to adequately locate the files.

EXCEPTION: You are permitted to take case files to meetings, hearings, court, etc. If you must take case files from the Law Center, you must complete the Case Sign Out Card. Case Sign Out Cards are located inside the front drawer of each file cabinet. Write where you are taking the file, the client's name and the date. Place the card back in front of the file cabinet. Upon returning case files, draw a line through your entry.

❖ **TRANSFERRING CASES**

When a student attorney completes the Clinical Program, all active cases must be transferred to a new student attorney. **A transfer memorandum must be prepared and submitted to your Clinical Professor and a copy placed in the client case file.** The transfer memorandum must include an explanation of the events in the case and a short description of how to contact the client, which should include all known addresses and phone numbers.

The student attorney must review the case file to make sure all memorandums, motions, court documents, discovery, etc. are enclosed and filed according to procedures previously outlined in this manual. S/he should review the Case Time Sheets to verify its accuracy and enter the total time spent on the file in PIKA.

The student attorney must contact the client to explain that the case will be transferred to a new student attorney. This should also be confirmed in writing in a letter to the client (on PILC letterhead paper).

REMINDER: Clinical Professors must review the letter to the client prior to mailing.

All cases must be closed or transferred. **YOU WILL NOT RECEIVE A FINAL GRADE UNTIL THIS PROCEDURE HAS BEEN COMPLETED!**

❖ CLOSING CASES

When a student attorney believes our representation of a client in a particular case has concluded, the student should inform the Clinical Professor of the reason why they believe the case should be closed. If the Professor agrees, the student must complete either the “**Children’s Advocacy Clinic: Case Closure Checklist**” or the “**Family Law Clinic: Case Closure Checklist**”. Both checklists contain instructions on the case file closing procedures for both Clinics.

- **Closing Memorandum:** If all is in order and the case should be closed, write a case closure memorandum explaining what happened in the case, how the case ended and the results. This memorandum should include a short description of how to contact the client, including all known addresses and phone numbers. Place memorandum in the Client Information Section of the case file.
- **Letter to Client:** Write a letter to your client explaining that our representation has concluded on the matter and that his/her file is being closed. You should inform the client that any further representation by our office would be considered a new matter. New matters require a new eligibility and acceptance determination by our office and possibly by a referring agency, such as the Refuge House or the Legal Aid Foundation (family law cases). You should advise the client as to any rehearing or appeal dates. Submit the letter to your Clinical Professor for review.
- **Organization of Client File:** Review the file to ensure all memorandums, motions, court documents, discovery, correspondence, etc. are enclosed and filed according to file organization standards. Place the total number of hours spent on the entire case in the appropriate box on the Case Closure Checklist.

OFFICE PROCEDURES

❖ TELEPHONE CALLS

All case-related telephone conversations, however short or lengthy, should be summarized in PIKA. The Law Center phone lines are a part of the Florida State University Telephone System.

1. **How to Answer the Phones:**
Immediately identify the Public Interest Law Center and your name.
2. **Local Calls:** Dial 9 (for an outside line), then the number.
3. **Long Distance Calls:** Dial 9, 1, the area code and then the number.

Long distance phone calls must be kept to a minimum. Thus, keep calls as short as possible.

❖ MAILBOXES and MESSAGES

Everyone working with the Public Interest Law Center has a mailbox. Mailboxes should be checked at least once a day. This is the primary method of communication regarding clients, cases and classes. All telephone messages should be deposited into the appropriate mailboxes. Do not place messages, mail or case information on an individual's desk or workstation. Information tends to get lost in the clutter of a desk. **Use the mailboxes!** In the interest of saving paper, messages may also be transmitted via e-mail. So check your e-mail daily.

❖ SECURITY SYSTEM

The administrative assistant will authorize your access to the Johnson-Caldwell House based on your valid FSU Identification Card. Once you have access, you have 24-hour access to the House for Clinical business. You **MUST** swipe your FSU I.D. Card to enter and exit the House. If you visit the House on weekends or in the evenings, do **NOT** leave the door open or even slightly ajar because the security system will alert the FSU Police Department. If you are expecting a client after hours, you must wait on the first floor until the client arrives. When your client exits the building, press the red button while turning the knob and the door will open without a FSU I.D. Card. If you exit with your client, swipe your FSU I.D. Card.

❖ COMPUTERS

Student attorneys, support personnel and two Clinical Professors can generate quite a bit of paper work. For this reason, student attorneys must perform their own typing. The computers, printers and typewriters in the Law Center are available for all student attorneys' use. **All office equipment and supplies are for Public Interest Law Center's use only.**

❖ FORM DOCUMENTS

Family Law Clinic: All of the family law forms have been installed on the Clinic's server (H: Drive). The documents are on the H: Drive, click Shared Docs, then click Family Law Forms. These documents will be in Word Perfect format. You will receive instructions on how to access and use these documents during class time.

Domestic Violence: Domestic Violence forms are accessible through the Florida Supreme Court home page (self-help section at www.flcourts.org). The forms are available in compressed Word Perfect format. To download one of the forms, double click the ZIP link and save it to the computer.

❖ FACSIMILE AND COPYING PROCEDURES

Fax cover sheets are readily available in the centralized areas of each Clinic and next to the fax machine. In order to transmit facsimiles properly, place the document face up. Upon transmission of facsimile, record the appropriate information in the **Fax, Mail, and Library Log** next to the machine. The fax machine is for Law Center use only. **Personal fax transmissions are prohibited.**

There are two copy machines in the Law Center. One is on the first floor in the reception area. The other is located on the second floor (copier code: [REDACTED]), in the room adjacent the Family Law Clinic classroom. The copy machines are for Law Center use only. You are responsible for making your own copies of documents, letters, etc. You must make a copy of any correspondence or documents mailed from the Law Center. Place the copies in the appropriate case file. **Personal photocopying is prohibited.**

Sizeable documents may be reproduced at the **College of Law Copy Center**. You must obtain approval from your Clinical Professor before submitting any work requests for reproduction. Once you have a Clinical Professor's approval, request a **Copy Center Work Request** form from the administrative assistant and submit both the form and documents to the College of Law Copy Center. Copy Center Work Request forms are also located at the College of Law Copy Center.

❖ JOHNSON-CALDWELL HOUSE LIBRARY

Do not remove library books from the Law Center. If you are using a book for more than a couple of hours, sign it out with the administrative assistant or enter the borrower's information in the **Fax, Mail, and Library Log**. **When you return the book, you must return it to the appropriate shelf and place the return date in the log.** We do not have a library staff to re-shelve books for you. Family law books are located on the second floor in the Family Law Clinic classroom (see bookcase).

We are always trying to improve our selection. If you have suggestions for additions, please discuss them with your Clinical Professor.

❖ **CLIENT/WITNESS CONFERENCES**

The Law Center utilizes several rooms for client interviews and conferences. If you schedule an appointment or conference with a client, witness or agency representative expecting it to be held in the Law Center, complete a **TICKLER** form. The administrative assistant will arrange the availability of a room for the date and time. If the meeting attendee(s) is disabled or require special accommodations, please inform the administrative assistant so that arrangements can be made accordingly.

❖ **MAILING PROCEDURES**

The Public Interest Law Center's direct mailing address is as follows:

**FSU College of Law
PUBLIC INTEREST LAW CENTER
425 West Jefferson Street
Tallahassee, FL 32306-1601**

Please use the above mailing address on all pleadings and correspondence. This will ensure timely receipt of all responsive mail. If the Public Interest Law Center is not specified or if the mail addressed simply to Florida State University, it will be routed through the University Mail System. This will potentially cause lost mail or delays of two weeks or more.

Outgoing mail should be logged in the **Fax, Mail, and Library Log** (adjacent the fax machine) and placed in the "Outgoing Mail" box on the first floor filing cabinet. Please ensure all outgoing envelopes are sealed. Any mail with special requirements may be given directly to the administrative assistant or placed in the administrative assistant's mailbox with special instructions attached. **Mail, which must be postmarked the same day, should be placed in the administrative assistant's mailbox. You may take the item to the post office personally, as well.** If you require reimbursement for purchasing postage at the post office, provide the administrative assistant with a receipt, the client's name and the reason for immediate mailing. The U.S. Post Office is two blocks away on the corner of College Avenue and Bronough Street.

❖ **PHYSICAL LOCATION of the LAW CENTER**

The Public Interest Law Center's physical location is as follows:

**Public Interest Law Center
Johnson-Caldwell House
506 West Pensacola Street
Tallahassee, FL 32306-1601**

Use the above address when attempting to provide clients, visitors and other persons with a more accurate location of the Law Center itself.

❖ **COMPUTER and/or PRINTER PROBLEMS**

If you experience computer and/or printer problems, you may contact the FSU Technology Department directly at 644-7735.

❖ **COPIER PROBLEMS**

If you experience copier problems, notify the administrative assistant either in-person, via e-mail, voice message, hand-written or typed note.

❖ **OFFICE SUPPLIES**

If you cannot locate an item or if we are out of supplies, notify the administrative assistant either in-person, via e-mail, voice message, hand-written or typed note.