LAW6940: Civil Clinic

Juvenile (6 credits), Fall, 2020

Professor Stacey Steinberg
105K Bruton-Geer Hall
(352) 273-0813 (office)
(352) 392-0414 (fax)
steinberg@law.ufl.edu    (faculty email)
steinberg.s@uflawclinics.org (client email)

**One Child, One Advocate, One Voice**
- Gator TeamChild Motto

Welcome to Gator TeamChild Juvenile Law Clinic. Similar to an apprenticeship, you will learn and enhance lawyering skills while simultaneously representing clients. In an effort to be very clear about what you are accomplishing throughout the semester, you will have classes and assignments geared specifically towards the PRACTICE component and classes and assignments geared specifically towards the SKILLS component. You must read the syllabus in its entirety to understand what is required to satisfactorily complete the course.

OFFICE HOURS

In the Gator TeamChild Juvenile Law Clinic, we have an open door policy. I enjoy teaching, supervising, and talking to interns. If you have questions please do not hesitate to stop by. Provided there is no conflict with court or client meetings, I will be available for an hour on Mondays and Wednesdays after our scheduled class time. You are welcome to schedule a meeting by contacting me at steinberg@law.ufl.edu.

GRADES & EVALUATION

This course is graded Satisfactory or Unsatisfactory.  For Further information on current UF LAW grading policies, see: [https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx (Links to an external site.)Links to an external site.](https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx). Your grade will be based on written assignments, class participation, management of case assignments (see minimum case requirements below), quality of preparation and performance during class exercises and role plays and class attendance.  There is no final exam. A S+ will be awarded to students who perform exceptionally throughout the semester.

ATTENDANCE POLICY

Class attendance is mandatory.   You will be representing real people and appearing in court. Class time will be used to prepare you to provide competent representation. Unavoidable incidents will be excused. If you must miss class due to documented illness, religious holidays, or an emergency notify your supervising attorney immediately. If possible give the supervising attorney advance notice of your absence. Requirements for class attendance and make-up assignments, and other work in this course are consistent with university policies that can be found at: https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx (Links to an external site.)

**PRACTICE COMPONENT:**

COURSE DESCRIPTION

The Gator TeamChild Clinic provides free legal services to children and gives students an opportunity to advocate for children regarding a broad spectrum of issues. The Clinic is a full service law firm, providing representation primarily in dependency, delinquency and educational proceedings.

COURSE OBJECTIVES

The objective of this course is to prepare students for the practice of law. You will learn and apply essential lawyering skills through the representation of children in various legal proceedings.

 At the conclusion of the course you will know how to:

1. Assist clients in achieving their objectives
2. Synthesize convoluted information and material
3. Develop persuasive arguments
4. Interact with professionals from various agencies and in opposing positions
5. Speak appropriately in various court proceedings
6. Draft and file basic motions
7. Utilize law office case management systems
8. Navigate complex systems embedded within various administrative agencies
9. Skills necessary for successful interviewing, counseling, and negotiation

COURSE MATERIALS

*Florida Rules of Judicial Administration and Juvenile Procedure, 2020 Edition (required)*

*Representing Children in Dependency and Family Court, by R. and P Stahl (required)*

*Florida Juvenile Law and Practice, Fourteenth Edition (recommended)*

EXPECTATIONS

**Time Requirements**. Gator TeamChild operates simultaneously as a law office and as a classroom.  It is engaged in the practice of law— representing children with real problems—and educating future lawyers in the basic skills of their profession. During the semester, you will assume full responsibility for cases. The Civil Clinic is the equivalent of a part - time job. You should expect to spend 18 hours a week to fulfill clinic responsibilities.  **Even after classes end, students are responsible for handling their cases.**  This means you must be available for clients and cases over semester breaks and until the next semester begins, when the cases are formally transferred to the new legal interns.

* Class: Classes will be held on Mondays and Wednesdays from 9 a.m. – 11 a.m. At the beginning of the semester the time will be used to cover substantive areas of juvenile law and completing assignments that will prepare you to handle cases. Later in the semester this time will be used for the following: to conduct case rounds, additional skills training, presentations by invited guests, discussion of hot topics and court house and jail visits.
* Recorded Hours: As you would in an externship placement, you are expected to keep track of the hours you spend on our cases and clinic work. To that end, please plan on tracking 10 hours of work your per week. You will record these hours in CLIO. These hours can include court hearings, staffings, educational meetings, client appointment, class readings, projects, and assignments. There is also a list of additional assignments that all students should try to complete as their caseload allows.
* Some events may require you to work outside of the times that you typically set aside to do client work. If you have a conflict with another College of Law class, see me as soon as you determine that you have a problem so we can work it out. As an attorney, it is your responsibility to set your own schedule to minimize conflicts.

*Class: 4 hours/week; Recorded hours: 10 hours a week; Prep for class: 4 hours/ week = 18 total hours spent on our Clinic per week.*

**Preparation**. Adequate preparation includes identifying and researching issues in your case. We assume that you have read, understood, and digested any assigned material before class. Bring your files (in up to date, working order) to all Team Meetings. Complete all written assignments **ON TIME**. Extensions for completion of work will be assessed on a case by case basis. Late assignments will be considered when determining the end of the semester grade.

**Participation**. Agreement, disagreement, intelligent debate, and thoughtful argument are encouraged. We will brainstorm on every case. Bring your ideas and share them. We believe this is the way to give our clients our best. Students often disagree with each other, and with their supervisors, on how a case should be handled. Our cases often have an emotional aspect. **We must always treat each other with respect, consideration and professionalism**. We will allow you to make the final decisions on your cases to the greatest extent that we can and still avoid disbarment.

**Minimum Case Requirements**. Our minimum case requirements include:

* Attendance at **ALL**hearings, depositions, negotiation conferences, client meetings, and other client events at which you are primary counsel;
* Attendance at all hearings, depositions, negotiation conferences, and other significant client meetings and events conducted by your teammate. (Routine client meetings handled by your teammate, such as those needed to sign pleadings, are exempted from this requirement);
* Adequately preparing for court appearances and client meetings and other major case events such as depositions, negotiations, and significant client counseling sessions;
* Appropriate and timely handling of case tasks as they are identified by you, your teammate, and your supervisor at team meetings. Deadlines for task completion will typically be discussed and arranged at these meetings;
* Proper management of client files, both hard files and Clio files; and
* Professional representation of clients at all times.

WRITTEN ASSIGNMENTS

The clinic requires a fair amount of writing (even without taking client work into account). The primary goal of your written assignments is to inspire you to think about and learn from what you have done and seen. Reflecting critically on theory and behavior is a central component of the Clinic experience. The old saying “learn by doing” is popular and seems true on its face, but it is only partially true. The “doing” is important, but the digestion of the experience, the extraction of every ounce of learning, is where lawyering skills develop.

**Motions.** At the beginning of the semester you will be required to complete numerous drafting assignments. These assignments will consist of drafting motions, orders, and notices. The purpose of the assignment is to expose you to the following: (1) office practice when drafting documents, (2) documents that you may be required to draft for your real clients and (3) the process and procedures for filing documents with the court.

**Journal Entries.** During the semester, you are required to keep a journal outlining your reflections to the reading assignments and guest speakers. You may also use this space reflect on experiences with cases, classmates, or current events. You can reflect daily or weekly, as long as each week’s reflection equals at least 250 words.

**Mid-Term Evaluation.**Each student will submit a mid-term evaluation, approximately two double-spaced typed pages, which outline: (a) what skills you need to improve, (b) which areas need more explanation by the instructor, and (c) what goals you have set for the rest of the semester.

**Looking Back Paper.** Each student will also submit a final paper. Your paper will include a review of your performance, areas in which you hope to improve, and your impressions of the clinical experience and how it can be improved. There is no page length requirement; we are looking for quality, not quantity. See [Looking Back Paper Issues to Address](https://ufl.instructure.com/courses/347538/pages/looking-back-paper-issues-to-address)for the topics that must be covered in completing the Looking Back Paper.

**Transfer Memos.** Prior to the end of the semester you will be required to write a transfer memo for the cases assigned to your team. See [Guidelines for Writing Transfer Memo](https://ufl.instructure.com/courses/347538/pages/transfer-memo). Transfer memos MUST be completed for you to receive a passing grade in the course.

**Presentations.** There may be times where students will be asked to present on juvenile law on campus and in the community. All students are expected to participate in these endeavors.

EXPECTATIONS

I assume, and expect, that you will complete all assignments and learn what the readings teach, so you can benefit from observing and analyzing demonstrated skills, and begin to practice those skills yourself. I will not micro manage you, or ask if you finished the readings; we might not even discuss them, as they are intended to help you develop your skills and understand the theory behind the choices that you will make as you engage in the practice of law, not "be on the test."

**ADDITIONAL INFORMATION**

ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565) by providing appropriate documentation. Once registered, students will receive an accommodation letter which must be presented to the instructor when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester. https://drc.dso.ufl.edu/

DIVERSITY POLICY

GTC includes a diverse group of students, staff and clients. We celebrate differences in culture, race, religion, sexual orientation, gender identity and expression, age, life choice, and physical and mental abilities. We strive to create a safe space where each person can fully self-express and feel supported and safe physically, socially and personally. Our expectation is that each individual involved in the clinic be respectful of the humanism in all.

RELIGIOUS HOLIDAYS

The Florida Board of Education and state law govern university policy regarding observance of religious holidays. The following guidelines apply:

Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith. Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence. Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances. If a faculty member is informed of or is aware that a significant number of students are likely to be absent from class because of a religious observance, the faculty member should not schedule a major exam or other academic event at that time.

A student who is to be excused from class for a religious observance is not required to provide a second party certification of the reason for the absence. Furthermore, a student who believes that he or she has been unreasonably denied an education benefit due to religious beliefs or practices may seek redress through the student grievance procedure.

ONLINE COURSE EVALUATIONS

Students are expected provide feedback on the quality of instruction in this course by completing online evaluations at [https://evaluations.ufl.edu (Links to an external site.)Links to an external site.](https://evaluations.ufl.edu/).  Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at [https://evaluations.ufl.edu/results/ (Links to an external site.)Links to an external site.](https://evaluations.ufl.edu/results/).

COURSE ETHICS

UF students are bound by The Honor Pledge which states, “We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: “On my honor, I have neither given nor received unauthorized aid in doing this assignment.” The Honor Code specifies a number of behaviors that are in violation of this code and the possible sanctions. Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with your professor. The student honor code can be located at [https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/ (Links to an external site.)Links to an external site.](https://www.dso.ufl.edu/sccr/process/student-conduct-honor-code/).

Specific to the SKILLS component, because we use so many role play exercises, there are many opportunities to game the system. For example, we know of instances in which students have traded role play instructions to make the exercise "easier" and the students appear better prepared. If you read any confidential instructions than your own, or access any other information regarding the SKILL component exercises during this or earlier semesters, we consider this to be an honor code violation.

If you obtain the wrong instructions for a role play, notify your professor **immediately** so the problem can be corrected.

No matter what you do in your future legal life you will use the essential skills of client interviewing and counseling. It takes years of practice to master the science and art of these skills, but you can learn the essentials in a relatively short time.

HEALTH AND WELLNESS

U Matter, We Care: If you or a friend is in distress, please contact umatter@ufl.edu or 352 392-1575 so that a team member can reach out to the student.

Counseling and Wellness Center: 392-1575; and the University Police Department: 392-1111 or 9-1-1 for emergencies. [http://www.counseling.ufl.edu/cwc/Default.aspx (Links to an external site.)Links to an external site.](http://www.counseling.ufl.edu/cwc/Default.aspx)

Sexual Assault Recovery Services (SARS): Student Health Care Center: 392-1161.

University Police Department: 392-1111 (or 9-1-1 for emergencies).  [http://www.police.ufl.edu/ (Links to an external site.)Links to an external site.](http://www.police.ufl.edu/)

Below is a list of classes and assignments.  When you click on a class or assignment, it will open a window in the calendar which provides further information.  You can also access our classes and assignments through the calendar directly.  I am still in the process of updating the class and assignment descriptions so don't be alarmed if you touch on a class or assignment and there is no information describing what you should do.  This information will be updated prior to the date of the class or the date the assignment is due.

**Class Schedule**

Please note this schedule may change as we proceed in our semester. Changes will be communicated via Canvas.

Schedule Notes:

\*All classes will take place over Zoom unless otherwise noted.

\*All reading noted for Monday must be read before Monday’s class. Some weeks have additional assignments listed. Please complete this work if you do not have enough client/class work to meet your recorded hour requirements for the week. Please expect to be assigned substantial additional work as the semester progresses.

\*Our Wednesday guest speakers will likely finish speaking by 10. We will often meet immediately following the guest speaker in our Zoom classroom.

**Week One (Week of August 24th)**

Monday:

Read: [Dependency Case Management Flowchart](https://www.flcourts.org/content/download/215991/1961892/Floridas_Dependency_Flow_Chart_page1.pdf), [Dependency Case Management Flowchart](https://www.flcourts.org/content/download/215992/1961898/Floridas_Dependency_Flow_Chart_page2.pdf) (Page Two), [Children in Court](https://www.flcourts.org/content/download/215998/1961934/Floridas_Dependency_Benchbook_ChildrenInCourt.pdf). (Hyperlinks will be posted in Canvas course)

Lecture Topic: Gator TeamChild: Overview of the Clinic Experience; The Dependency Court Process: From Investigation to Adjudication

Wednesday: Guest Speakers: Heather Flynn (Onboarding Procedures) and Colleen Miller (Incorporating Pro Bono Practice into Private Practice & Managing Conflicts)

Read: Chapter 1 and 2, *Representing Children in Dependency and Family Court*

Friday:

Watch: [Do AALs need to disclose the location of their child client?](https://robertlathamesq.org/category/top-menu/page/3) (3D13-1025 – RLR v. State of Florida – Attorney Client Privilege)

**Week Two (Week of August 31st)**

Monday:

Read: Chapter 3 and 10, *Representing Children in Dependency and Family Court*

Lecture Topic: The Dependency Court Process: From Adjudication to Permanency

\*Specially Set Guest Speaker at 2:50 pm: Dr. Benjamin Lacy (PTSD and Other Mental Health Issues from War)

Wednesday:

Guest Speaker: Cynthia Yanez (our clinic social worker)

Friday:

Assignment Due: Research the [Expunction Process](https://www.fdle.state.fl.us/Seal-and-Expunge-Process/Seal-and-Expunge-Home.aspx) from FDLE’s website. Draft a one page overview that summarizes the types of expunctions available to juveniles. Review our expungement client’s file (AH) and write an outline describing the type of expungement he received, the process followed by prior interns, any issues they seemed to encounter, the current status of the case, and what needs to be done next.

Choose first book to read.

**Week Three (Week of September 7th)**

Begin recording office hours.

Monday:

Read: [Introduction to the Florida Department of Juvenile Justice (DJJ)](http://centerforchildwelfare.fmhi.usf.edu/kb/trcurriculum/IntroToDJJ-TrainerGuide.pdf); Review flowchart on [DJJ Website](http://www.djj.state.fl.us/youth-families/juvenile-justice-process).

Lecture Topic: The Delinquency Court Process Overview

Wednesday:

Guest Speaker: Dean Michelle Smith (Clinic Interviewing & Counseling with Consideration of Inclusion and Multiculturalism Concepts)

Read: Full case file of assigned case, including clerk docket lines

Friday:

Assignment Due: [Technology Assignment](https://ufl.instructure.com/courses/361513/assignments/3720393)

Additional Assignment:

Watch: [To transform child welfare, take race out of the equation](https://www.ted.com/talks/jessica_pryce_to_transform_child_welfare_take_race_out_of_the_equation/transcript?language=en)

Read: [Racial Disproportionality and Disparity in the Child Welfare System](https://www.childwelfare.gov/pubPDFs/racial_disproportionality.pdf#page=2&view=Prevalence)

Research how child welfare professionals can combat implicit bias in their work and write a short summary (less than 750 words) explaining your findings.

**Week Four (Week of September 14th)**

Monday:

Read: [*Confidentiality, Consultation, and the Child Client*](https://scholarlycommons.law.hofstra.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1603&context=faculty_scholarship)

Read: [Annette Ruth Appell, Representing Children Representing What?: Critical Reflections on Lawyering for Children, 39 Colum. Hum. Rts. L. Rev. 573 (2008)](https://1.next.westlaw.com/Document/If06a9db97ecc11dd93e7a76b30106ace/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Read: [ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings](https://www.americanbar.org/content/dam/aba/administrative/child_law/aba_model_act_2011.pdf)

Lecture Topic: Model Rules for Lawyers Representing Children

Wednesday:

Guest Speaker: Ms. Rachel Rickleen (General Counsel Work in the Federal Government including ethics, rulemaking, and professional responsibility)

Assignment Due: Draft of Notice of Appearance, Introduction to the Court, Consent to be Represented by CLI on assigned case.

**Week Five (Week of September 21st)**

Monday:

Virtually attend Levy County court docket

\*Specially Set Guest Speaker at 2:50 pm Guest Speaker: Matthew L.M. Fletcher, Professor of Law and Director of the Indigenous Law & Policy Center at Michigan State University College of Law

Wednesday:

Lecture: Guest Speaker, Mandy Harrell (Psychotropic Medications/SIPP placement overview)

Read:

[SIPP - Disability Rights Florida](https://disabilityrightsflorida.org/resources/disability_topic_info/rights_in_a_statewide_inpatient_psychiatric_program_sipp_for_children_under)

[Suitability Assessment Guidelines](https://myflfamilies.com/service-programs/community-based-care/docs/SuitabilityAssessmentGuidance.pdf)

Friday:

Assignment Due: Draft Objection to Psychotropic Medication OR Objection to SIPP placement on the RL case or on your assigned case if it could hypothetically fit with the facts.

**Week Six (Week of September 28th)**

Monday:

Assignment Due: Draft Motion to Transport Child for Court Due.

Lecture Topic: Case Rounds

Wednesday:

Guest Speaker: Judge Meshon Rawls (The Value of Clinical Experience in Law School; A View from the Bench)

Friday:

Assignment Due: Choose topic for next week’s statute presentation and indicate choice by signing up (sign-up sheet is with Coreen). Research a statute that deal with children’s online conduct. For example, you could research COPPA, a cyber-bullying statute, an anti-revenge pornography statute, or a bill focused on online threats on school campuses.

Assignment Due: Submit September reading journal entries. Choose next book and begin reading.

**Week Seven (Week of October 5th)**

Monday:

Assignment Due: Statute Presentation

Lecture Topic: Student Presentations. Present your statute research to the class – prepare a handout or power point presentation. Each presenter has up to twelve minutes to present.

Wednesday:

Guest Speaker: Dr. Joy Gabrielli (Motivational Interviewing)

Friday:

Assignment Due:Mid-Term Evaluation.Submit a mid-term evaluation, approximately two double-spaced typed pages, which outline: (a) what skills you need to improve, (b) which areas need more explanation by the instructor, and (c) what goals you have set for the rest of the semester.

\*Specially set class: Clinical Roundtable at 3:45 PM

**Week Eight (Week of October 12th)**

Monday:

Read: [Stacey B. Steinberg, Sharenting: Children's Privacy in the Age of Social Media, 66 Emory L.J. 839 (2017)](https://1.next.westlaw.com/Document/I842df2883b7711e798dc8b09b4f043e0/View/FullText.html?transitionType=Default&contextData=(oc.Default))

Lecture Topic: Children’s Privacy on Social Media

Wednesday:

Guest Speaker: Sophia Crus-Perez (Cultural Diversity)

Friday:

Assignment Due: Prepare memos summarizing progress of each assigned case.

**Week Nine (Week of October 19th)**

Monday:

Assignment Due: Present abstract for final semester capstone project to the class. (Additional instructions will be provided before Spring Break)

Lecture Topic: Capstone Abstracts

Wednesday:

Lecture: TBD

\*Thursday (specially set class at 2:45 pm) Guest Speaker: Giselle Martinez (Immigration Law Overview)

Friday:

Assignment Due: Create reading list for capstone project, submit planned reading list.

**Week Ten (Week of October 26th)**

Monday:

Read: Chapter 4 and 5, *Representing Children in Dependency and Family Court;* Anne C. Dailey, Laura A. Rosenbury, The New Law of the Child, 127 Yale L.J. 1448 (2018)

Assignment Due: Propose two new theories or laws that could guide children’s rights in the future. Submit a 300-500 word overview of your idea and be prepared to present it to the class.

Lecture Topic: Reframing Children’s Law

Wednesday:

Guest Speaker: Corrine Edwards (Secondary Trauma and Compassion Fatigue)

Friday:

Assignment Due: Submit October reading journal entries. Choose next book and begin reading.

**Week Eleven (Week of November 2nd)**

Monday:

Read: Chapter 11 and 12, *Representing Children in Dependency and Family Court*

\*Specially set lecture – hold 2:50 PM for Dr. Dennis Velez

Case Rounds

Wednesday:

Guest Speaker: Dr. Dennis Velez (Medical Ethics, Lawyers, and Working with Physicians; Racial and Gender Bias in Medicine)

Friday:

Assignment Due: Submit outline of your Capstone Project.

**Week Twelve (Week of November 9th)**

Monday:

Reading List to be provided by student presenter.

Lecture Topic: Capstone Presentations Day One

Specially set lecture at 2:50 PM): Mr. Keith Green, racism in the Navy

Wednesday:

Guest Speaker

Friday:

Assignment Due: Draft of Case Transfer Memos. Each draft must be peer reviewed by two students who are not in your group. Peer reviewers must give substantive feedback on a separate sheet of paper.

**Week Thirteen (Week of November 16rd)**

Monday:

Lecture Topic: Capstone Presentations Day Two

Reading list to be provided by student presenter.

Wednesday:

Guest Speaker: TBA

Friday:

Written Final Capstone Project Due

End recording office hours

**Week Fourteen (November 23rd)**

Monday: Final Transfer Memos Due

Assignment Due: You are not required to read a book for November. However, at the end of this week, please submit your final journal entries (which should include references to reading materials assigned by your peers for their presentations) and include 300-600 words reflecting on your clinic experience.

Wednesday: Ada Hammond (Employment Discrimination and Human Rights)