

OFFICE MANUAL

CLINICAL LAW OFFICE

University of South Carolina School of Law

This manual contains policies and procedures of the Clinical Law Office, and all students enrolled in a client-contact clinical course are responsible for understanding and following them. Note that instructions from a professor specific to a particular clinic may, at times, supersede certain aspects of the procedures in this manual.

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INDEX

PAGE

I.	CASE MANAGEMENT	
	Clio Software	3
	Getting Started on New Cases/Client Interviews	3
	Retainer Agreement/Agreement of Legal Representation	3
	Recording Work and Time/Weekly Reports	3
	File Security	4
	File Organization and Subfiles	4
	Team Work/Collaboration	5
	Pleadings and Other Forms	5
	Closing Cases	6
II.	CASE WORK	
	Work Approval	7
	Photocopying	7
III.	WRITTEN WORK	
	Procedures for Use of Computers	7
	Format of Written Work	7
	Letters	8
	Standard Paragraph	8
	Signature Block	8
	Copies	8
	Enclosures	9
	Memoranda	9
	Email	9
IV.	GENERAL POLICIES	
	Determination of Client Indigency	10
	Supervision	10
	Preparation	11
	Appearance	11
	Relations with Judges	11
	Gifts	11
	Seeking Advice from Other Members of the Faculty or Lawyers	11
V.	INFORMATION ABOUT OFFICE	
	Facilities	12
	Keycard & Keypad Entry	12
	Faculty & Staff	12
	Coffee	13
	Messages and Mail	13
	Travel	13
	Business Cards	13
	Telephones	13

CASE MANAGEMENT

Clio Software

The Clinical Law Office uses Clio as its case management system. This is a comprehensive computer based system designed to address all aspects of case management including client and matter information, contacts, conflicts checks, time keeping, document and data storage and retrieval.

In addition to Clio, the office maintains hardcopy files on all cases. Much of the material in this manual was developed prior to our adoption of the case management software, thus it is geared toward various aspects of the hardcopy file; we have attempted to relate this information to the equivalent functions in Clio throughout, though you may get different instructions from your clinical professor during the semester.

Getting Started on New Cases/Client Interviews

The professor/supervising attorney in charge of each clinic is responsible for providing instructions on how to prepare for and conduct initial and subsequent client interviews and other meetings related to the case work. These instructions may, at times, supersede certain aspects of these common rules.

Retainer Agreement/Agreement of Legal Representation

Students are responsible for discussing with the responsible attorney on each case the following matters, before agreeing to undertake representation of any client:

1. The scope of the work which the particular clinic is agreeing to undertake and the description of this work is to be inserted in the Agreement. (Although a general description is anticipated, it should be clear when the clinic's obligations will be completed.) It is safer to limit the scope of representation narrowly at first than to leave it vague or open-ended. You can always agree to do more than originally promised.
2. At what point should the agreement be executed? In some cases, the agreement will not be signed at the initial client interview. Sometimes, it is a good idea to give clients a copy of the form at the initial meeting to enable them to review it and ask questions before they are asked to sign it, but again, please check with individual supervising attorneys for the particular clinic policy on this.
3. Are there any special clauses which should be inserted in the agreement before it is executed due to the particular circumstances of the new case? If so, do so before the Agreement is signed.

IMPORTANT: Professors along with student attorneys are authorized to sign the Agreement on behalf of the Clinical Law Office.

Recording Work and Time/Weekly Reports

Although we do not bill our clients in this office, you will learn how to bill and keep time through Clio. You cannot bill clients by the hour unless you keep time, nor can you request payment from public funds on appointed cases unless you can document the time you spent on a matter.

Although many law firms require full day accounting from the firm members in order to manage their offices effectively, you are required to account only for the time you spend working on cases.

Follow any specific instructions from your professor regarding the method of timekeeping for your clinic.

File Security

Reconstruction of a lost or damaged file will cost time and money, if reconstruction is possible at all. Client files often contain original papers or data that cannot be reproduced, therefore, protection of the file is essential. All active client files of the clinical law office are kept in file cabinets in the Clinic Office or in the supervising attorney's office unless someone is doing work on a case that requires use of the client file. Files should not be stored in your message slots in the Clinic hall.

It is strongly recommended that no file be taken out of the clinical law office unless absolutely necessary. If you do remove a file from the office, promptly return it as soon as you have completed the necessary work. Obtain the supervising attorney's permission before taking a file. Never leave a client file in your car, your home or anywhere else that it may be stolen or damaged.

Another important aspect of file security is our obligation to protect confidences of our clients. Be alert to possible conflicts. Students should not go into any file to which they are not assigned.

No one is ever to be given privileged information or allowed access to client files (including clients). Electronic files are subject to the same level of protection as paper files, as appropriate.

File Organization and Subfiles

As a case progresses, it will quickly become unwieldy unless it is divided into subfiles.

Most of the clinics' cases will require subfiles sooner or later. As soon as it is clear that we have undertaken representation, consider which subfiles are likely to be needed and ask the Administrative Assistant to create file labels. (For cases in which judicial action is expected, subfiles will always be needed.) Following is an example:

The tabs on all subfiles in the clinical law office have a standard format.

Doe, Jane

(client's name)

17-001

(office file number)

Pleadings

(description of files contents)

Whenever you believe it is appropriate to create additional subfiles, consult with the responsible attorney to decide how many are needed.

Subfiles that are most commonly created in litigation type clinics include:

1. Pleadings
2. Planning Documents/Work Records
3. Case Preparation and Research Notes and Memos
4. Discovery
5. Documents/Exhibits
6. Client's Papers
7. Appellate Briefs and Records

(Note - originals of documents/exhibits should not be hole punched for inclusion in files)

The subfiles you should create will depend on the nature of each case and the stage it is in.

(Some clinics use different subfiles, be sure to check with the clinic professor regarding your specific clinics.)

Team Work/Collaboration

Lawyers today commonly work in teams or in organizations requiring cooperative work.

In the clinical program, law students work in collaboration with clinical professors, and in most clinics, with other law students. When more than one student is assigned to work on a case, the goal is not only to lighten each student's load but also to improve the quality of service to the client.

The supervising attorney will usually not become involved until the students on a team have discussed the issues and have developed team proposals for work division, case strategy, or problems which require faculty guidance. Ordinarily, all written work should be reviewed by all team members before it is submitted for faculty review.

Before scheduling a meeting with the responsible attorney on any issue, consider whether the other members of the team should be present. Ordinarily, all meetings about case strategy and proposed action should be attended by **all** team members.

Pleadings and Other Forms

Please note that a number of pleadings and other forms from existing files are available for you to use rather than drafting every pleading or agreement from scratch. This can be a tremendous time saver for you. Before attempting to draft a pleading or agreement, be sure to check with the supervising attorney to see whether a similar pleading or form is available. You also may be able to find examples of pleadings and other documents useful to your case through the computer network system.

Closing Cases

Files should be closed as soon as our representation is completed and all necessary papers (such as final orders, releases, etc.) are in the file. When you have completed all work on your case, please put the case file in your professor's box. The administrative assistant will close the case in Clio.

A. Checklist for closing of cases:

1. Prepare a closing memorandum
 - a. If you have any question as to whether a closing memorandum is necessary in a particular case, check with the supervising attorney.
 - b. The closing memorandum should comply with the standard requirements for interoffice memoranda and should reflect the nature of the case, summary of the facts, the action taken, and the final disposition.
2. Return any papers which belong to the client. No originals of client papers should be included in closed files. For originals that remain in the file, have photocopies made, and return the originals to the client.
3. Organize and purge the file
 - a. If you have properly organized and maintained the file during the semester, this should pose very little problem.
 - b. Purge the file of any unnecessary papers, e.g. handwritten notes or research which have been incorporated in memoranda, duplicate photocopies, photocopies of cases or other research which has been cited in pleadings or memoranda, etc. There should be no loose papers when the file is submitted for closing.

B. The responsible attorney will then duplicate your review of the file.

C. When the review of the file has been completed, it will be turned over to the administrative assistant for physical transfer from open to closed files and completion of the necessary administrative paperwork.

CASE WORK

Strict compliance with these procedures is required. Please become acquainted with them at the outset. If you have a suggestion for improving either the procedures or the instructions, please pass them on to Professor Cherry or the Administrative Assistant.

Work Approval

All of the written work must be produced through the clinic office. If you prepared your draft on your computer, it should be saved as a Clio document. **No work product on client cases should be prepared at any other office.** If work is done on a computer outside of the clinics, it should be saved to Clio, not the hard drive of the computer.

Before the administrative assistant is allowed to prepare a final document or copy work for you, it **must** be approved by one of the clinical professors. The standard procedure for obtaining approval is to notify the supervising attorney that a draft document has been added to the client's Clio file. He or she will review the draft and approve it or give you comments for revisions. It is your responsibility to proofread your work before it leaves the office.

Photocopying

Because of staff limitations it may not always be possible to make immediate copies of all documents obtained from clients, when this occurs you should let your clients know that you will make copies as soon as possible and mail the originals to the clients (send short cover letters with them). Any initial documents received from clients or other sources concerning a case should also be scanned and uploaded into Clio by the administrative assistant. In situations where there is a large volume of documents or where you have other questions about the appropriateness of scanning and linking documents, check with your supervising attorney.

There will be some cases in which we will need to retain originals during the course of our representation. Check with the supervising attorney. If we keep the original, send the client a copy to have until we finish with the original. Originals of clients' papers should be kept in a separate subfile.

WRITTEN WORK

Procedures for Use of Computers

The clinics have a dedicated server for the storage of all client work and documents. Each clinic has a dedicated portion of this server that is accessible only by the faculty, the administrative assistant, and the students working in that clinic. The username is lawclin. Please see the administrative assistant for the password. It is changed periodically. You must log on using this information in order to gain access to the server.

Any written work produced on a computer outside of the clinic should be saved to a flash drive and then saved to Clio. If you have any questions about how to save and store data under this procedure, please ask the administrative assistant.

Format of Written Work

All written work done by you should conform to the rules set out below to give a uniform appearance to all written work produced by the Clinical Law Office.

Letters:

A. Standard Paragraph

The Clinic has developed the following standard paragraph for use as an introductory paragraph in many of your letters. Please check with your professor or check your specific clinic manual to determine if this should be included.

The University of South Carolina Law School operates a clinical education program which provides free legal assistance to qualified clients. The Student Practice Rule of the South Carolina Supreme Court allows second and third year law students enrolled in the clinical program to provide legal services under the supervision of approved attorneys.

The object of the standard paragraph is to identify the Clinic Program and its purposes and should be used in your initial correspondence with individuals who may not be familiar with the Clinic. To include the standard paragraph in a letter, you need only note "Std. Para." in place of the first paragraph and the administrative assistant will include it in full.

B. Signature block:

Please follow the signature block specified by your professor. If none is stated then follow the below example. Although you will sign letters you write, the name of the responsible supervisor should also appear so that anyone who calls the office after getting a letter will know who to ask for if you're not here. The appropriate signature block (unless otherwise required) for letters is:

Sincerely,

STUDENT NAME
Student Attorney

PROFESSOR NAME
Attorney at Law

C. Copies:

1. When a copy is desired, it should be noted at the bottom left of the letter. Example:

cc: John Doe

 - a. It will appear on the typed original as "cc: John Doe". The full address will not be typed unless you say "type cc: address, too."

2. A copy will be sent to the named individual, and it will be noted on the file copy, but it will not be noted on the original. Example:

bcc: John Doe
14 South Green Street
Cayce, South Carolina 29169

 - a. A blind carbon should be used only when there is some particular reason that you

believe the carbon copy should not be noted on the original. You should check with the responsible attorney if you think a blind carbon is needed.

3. When and to whom
 - a. As a general rule you should send copies of all correspondence to the client. This will keep the client informed of what is being done in his case.
 - b. Anytime a letter is sent to a court on a pending case, a copy should be sent to the opposing counsel.
 - c. Again, there is no set rule establishing all situations in which carbon copies should be sent, and you must use your own judgment based upon considerations of professional responsibility, courtesy, and the effective representation of your client. When in doubt, consult the responsible attorney.

D. Enclosures:

1. If material is to be enclosed with the letter it should be noted at the bottom left of the letter by "Enclosure" as well as in the letter.
2. If photocopies must be made, the original should be attached to the rough draft of your letter when you submit it for approval.
3. Let the administrative assistant know if an enclosure will require a larger than standard size envelope.

Memoranda

The appropriate heading for a memo is:

TO: File, John Doe, 18-001
FROM: NAME
RE: Procedure for Withdrawal Due to Conflict
DATE: September 4, 2019

All file memos are to be routed through the supervising attorney. This may be done through Clio.

Email

Email communication regarding client matters is subject to pre-approval by the clinic professor. All approved email should be copied to the clinic professor. All email regarding client matters should have the following footer and should include the supervising attorney's email, if it is the policy of the particular clinic:

YOUR NAME
Student Attorney, _____ Clinic
University of South Carolina School of Law
1525 Senate Street
Columbia, SC 29208
Phone: 803/777-2278
Fax: 803/777-3401

"This email is intended only for the person to whom it is addressed. Any review or other use of this information by persons or entities other than the intended recipient or any retransmission without the consent of the sender is prohibited. The views or opinions by the sender of this email are not necessarily those by the institution."

GENERAL POLICIES

Determination of Client Indigency

The Clinic must comply with the South Carolina Appellate Court Rule 401, the Student Practice Rule, which limits student attorney representation to cases "on behalf of any indigent person," on behalf of the State, or on behalf of a non-indigent person or non-profit organization referred to the Clinic by a state or federal court, department, agency, institution, or other department of the University of South Carolina or the Charleston School of Law. To ensure compliance with this rule, all Clinics follow the following procedure:

1. If a potential client is a person or a non-profit organization and is referred to the Clinic by one of the entities listed above, no further action is required.
2. If a potential client has been deemed indigent by a court, or a public defender's office, legal services office, or similar institution, the Clinic may rely on that indigency determination unless the determination is more than five years old or the Clinic becomes aware of any fact which would call into question the accuracy of that indigency determination.
3. If neither of the two above provisions apply, the Clinic will conduct an indigency screen on the potential client. Generally, a potential client will be considered indigent if the client's financial situation places the client at or below 200 percent of the federal poverty line. However, the Clinic may consider individuals above 200 percent of the federal poverty line to be indigent if, following consideration of their full financial situation including income, debts, and assets, a Clinic faculty member concludes that the potential client cannot reasonably afford an attorney to represent the client on the specific legal issue(s) presented. In addition, the Clinic will consider a potential client indigent in certain special circumstances that render an indigency screen impractical, such as when the potential client is in foster care.

Supervision

Your place in the clinical law office is similar to that of an associate in a law firm in which the clinical professors are the partners, and you are expected to assume full responsibility for the cases which are assigned to you. You are encouraged to exercise independent and creative thought in your position; but

you will be working as a team with a clinical professor on every case, and you are required to coordinate and collaborate very closely with that person. You must obtain approval from the responsible attorney before taking any action that could affect the case of one of your clients.

Preparation

The key to success in law practice is preparation. Any lawyer can interview clients, write briefs, conduct negotiations and try cases; but only lawyers who give proper attention to preparation prior to execution can consistently excel.

One of the primary goals of this course is to teach good habits and methods of preparation, not just to give you an opportunity to practice some of the skills of your chosen profession. You should consider preparation as important for meetings with clinical professors, interviews with clients and letter writing, as it is for trials, negotiating sessions, and brief writing. If you give appropriate attention to preparation, you will feel more confident with all levels of work on your cases and this course (and law practice).

Appearance

There is no dress code for the office, but this is a law office and everyone is expected to help it maintain an appropriate professional atmosphere.

For court appearances, conservative business attire is required. For other meetings and events, consult with your clinic professor.

Relations with Judges

As a general rule, only communicate with judges in open court or in legal pleadings. If you have written communication with a judge, you must send a copy of the letter to the attorney handling the case for the other side. Never telephone or visit a judge about a case without prior approval from the responsible supervising attorney (see Model Rules of Professional Conduct, 3.5).

Gifts

Some clients will be quite appreciative of the work you do for them and may try to pay you or give you a gift to demonstrate their gratitude. We cannot accept large gifts from clients but if a token (nominal) gift is offered by a client, please discuss this with Professor Cherry.

Seeking Advice from Other Members of the Faculty or Lawyers

It is widely accepted practice for a lawyer who doesn't know the answer to something to seek information from another member of the Bar. From time to time, you will find yourself in situations where it may be appropriate to seek information from other members of the faculty and from practicing attorneys.

However, there are some rules to be followed: **First, you should check with the supervising attorney**

before seeking outside advice. There are quite a few reasons for this. The major ones are to avoid improper imposition upon the time of others, and to ensure that you have given sufficient independent thought to the question before attempting to rely on someone else.

The second rule is to be especially sensitive to the need to maintain client confidences. Only the clinical professors are considered members of our law firm. There is no attorney/client relationship existing between our clients and any other member of the bar or the law faculty. In fact, actual conflicts may exist.

INFORMATION ABOUT OFFICE

Facilities

Rooms 354-A and 354-B are reserved for your client interviews and phone calls requiring confidentiality. Please don't occupy the interview rooms unless necessary since others may need to use them.

You are encouraged to work on cases in the open student areas and the student offices. Because of the need for security of files and of equipment, only clinic students are allowed in the open student areas and student offices.

The official office hours are 8:30 a.m. to 5:00 p.m. You will be able to use your Carolina card to access the office after hours and on weekends.

Keycard & Keypad Entry

Students will have access to the front door and back door with their Carolina card. There is also a keypad entry door inside the Clinics Office. Students will be given the code each semester by their professor. Do not give out the code to anyone outside of the Clinics Office.

Faculty & Staff

Jaelyn Cherry, Director, Room 357	cherryja@law.sc.edu
Christopher Church, Room 369	cchurch@law.sc.edu
Ann Eisenberg, Room 356	ameisen@law.sc.edu
Kenneth Gaines, Room 359	gaineskw@law.sc.edu
Bennett Gore, Room 355	cbgore@law.sc.edu
Josh Gupta-Kagan, Room 370	jgkagan@law.sc.edu
Lisa Martin, Room 358	lvmartin@law.sc.edu
Claire Raj, Room 372	rajc@law.sc.edu
Emily Suski, Room 368	esuski@law.sc.edu
Lisa Davis, Administrative Assistant	lisa@law.sc.edu
Robin Burger, Paralegal for Bennett Gore	rburger@law.sc.edu

Coffee

Coffee is available for you and your clients. You are welcome to store your cups in the storage room, but please try to keep the area clean.

Messages and Mail

Each student will be assigned a slot in the message racks in the hallway in which your messages, mail, etc., will be placed. The administrative assistant will email you when you receive calls regarding your cases. Please check your email frequently.

Travel

We cannot reimburse you for local trips. If an out of town trip is necessary and you will be using your car, reimbursement may be available on a limited basis if you obtain permission in advance to make the trip. Prior to travel, you will have to complete a Travel Authorization form. Otherwise, you will not be reimbursed.

Business Cards

Clinical Law Office cards will be provided for you to carry and give to your clients. Do not use these cards for any purpose other than clinic business.

Telephones

1. The central telephone number for the office is (803) 777-2278. The exception is the Veterans Legal Clinic, and that telephone number is (803) 777-3398. With caller ID, clients will have access to the numbers for other phones from which you call them. It is important you stress that they call (803) 777-2278 or (803) 777-3398. This will ensure that all calls come through the main number where the Administrative Assistant can make a record of any messages and voice mail is available. **Do not give out the number of or receive calls on clinic cases at law offices where you clerk.**
2. There are telephones for student use in the interview rooms and student offices. Dial 9 to get an outside line. For long distance, dial 9 + 1 + area code + number.
3. Any long distance call must be approved in advance by a clinical faculty member.
4. Every telephone call related to a case should be recorded in Clio and should contain a detailed summary of the conversation. A hardcopy of this record should be printed and placed in the client's file.