

Clinics

FREQUENTLY ASKED QUESTIONS

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How will COVID Protocols Affect my Clinic Experience?

Just as lawyers have learned to practice law differently during the COVID pandemic, the clinics have learned to adapt to the new reality of practicing law under circumstances no one could have imagined before COVID. While students still appear in court or meet with clients and witnesses in person (following University protocols and with appropriate COVID safeguards in place) when no other alternatives are available, much of the work you will do in the clinics can be done using remote technology. One of the benefits of taking a clinic during these times is that you will learn, among other skills, how and under what circumstances law can be practiced in non-traditional ways. And you will be given flexibility to design your own experience, subject to faculty supervisor approval. So, for example, if you wish to appear in court in person, and such appearance can be done safely and in compliance with University protocols, that is possible. On the other hand, if you would prefer to appear remotely, and other circumstances permit that (i.e., the court consents, your client consents, and your supervisor approves), that is also possible. Understand, however, that your clinic experience is unlikely to be available entirely remotely – there are some aspects that will require in-person appearances. If you have any questions about this, please ask one of the faculty supervisors before signing up for a clinic.

What are the Clinical Programs?

The Law College currently offers five clinical courses, all of which use a selection process to determine enrollment – the Civil Clinic, the Criminal Clinic, the Weibling Entrepreneurship Clinic, the Children’s Justice Clinic and the Immigration Clinic. The Civil, Criminal, and Entrepreneurship Clinics are one-semester courses, while the Children’s Justice Clinic is an academic year-long course in which selected students commit to enrolling for both the fall and spring semesters. For the 2021-2022 year, two students will have an opportunity to enroll in the Immigration Clinic’s year-long (summer, fall, spring) 12 credit hour course, and 6 students will have an opportunity to enroll in the semester-long 6 credit hour course in the spring of 2022.

Enrollment in clinics is restricted to students who will have attained senior standing by the semester in which their desired clinic is offered.

Children’s Justice Clinic

In the Children’s Justice Clinic, students under faculty supervision are appointed to serve as Guardians ad Litem (GAL) for abused and neglected children in the Lancaster County Juvenile Court System. As a student GAL, you are required to: 1) protect the child’s best interests and 2) ensure the child has a voice in the juvenile court. Students in the CJC participate in an intensive classroom component prior to representing child clients. The majority of these sessions are scheduled the week before the fall semester starts. Students selected for the CJC will meet with Professor Paxton to determine which days are most convenient for everyone. The foundation portion of this training focuses on courtroom skills, federal and state child welfare laws, the child welfare process, child development, and trauma in young children.

After the foundations portion of the CJC, weekly seminars are held throughout the fall and spring semesters to improve students’ knowledge and skills on important child welfare matters. Human trafficking, special education, psychotropic drugs and trauma are a few examples of the topics covered. Seminar is weekly on Monday from 3:00-5:00 p.m. During the second semester, students participate in case rounds where each student presents on a particular legal issue, or when appropriate, on one of their cases.

The CJC is offered for 8, 10 or 12 total credit hours (4 to 6 per semester and students must register for both the fall and spring semesters). The CJC is taught by Michelle Paxton. The Center on Children, Families and the Law provides multidisciplinary consultation and expertise during both semesters. Throughout both semesters, students will regularly participate in Reflective Practice over the noon hour with an expert from the Center on Children, Families, and the Law every other Friday from 12:00-1:00. These sessions equip the students to handle the emotional nature of these cases and improve their capacities to represent such vulnerable clients.

Civil Clinic

Civil Clinic students will have an opportunity to represent clients in a variety of civil legal matters, including full-service representation in the areas of estate planning and post-conviction relief (pardons, conviction set-asides, and record sealing). Students may also represent low-income clients in a limited-scope capacity in the areas of family law (divorce, custody, visitation), consumer

protection, landlord-tenant, guardianships, name changes, and other general civil matters, and have opportunities to lead or participate in one of the Clinic's outreach projects (Project descriptions are available at <https://law.unl.edu/civil-clinic-outreach/>). In addition, each semester at least five Clinic students will have the opportunity to participate in an Advance Directive Clinic, an off-site program where students work with senior citizens in out-state Nebraska in drafting their estate planning documents (more info available at <https://law.unl.edu/civil-clinic-outreach/advance-directive-clinic/>). Civil Clinic is offered for 6 credit hours in the fall and spring semesters; in the summer term (start and end dates for the summer term will be posted in the course description), students can register for either 4 or 6 credit hours. The Civil Clinic has a classroom component that meets once during the week preceding the beginning of the semester (typically the Friday before classes start), and then once each week during the fall and spring semesters (and slightly more frequently in the shorter summer semester). The classes are scheduled for a time that is mutually convenient for the students and faculty. The focus of the first few classes is Clinic office orientation, client interviewing, litigation planning and fact investigation, motion practice, and negotiation. After these initial classes, the weekly sessions will be replaced by "case rounds." Case rounds are led by Clinic student teams who will present on one or more topics of their choosing to their Clinic colleagues. Each team will present once per semester.

Criminal Clinic

The Criminal Clinic is a 6 credit hour courtroom litigation course where students spend much of the semester at the courthouse and conduct hearings an average of twice per week during the semester. Professor Schmidt obtains cases from the Lancaster County Attorney's Office and assigns them to students to handle on behalf of the State of Nebraska. The assigned cases are primarily misdemeanor and low-grade felony cases, such as theft, assault, trespassing, controlled substances, false reporting, weapons charges, etc.

Before heading downtown, students undergo a thirty (30) hour classroom component consisting of lectures, homework and practical application exercises. The seminars provide the students with the necessary background to perform successfully in the Criminal Clinic. Special attention is placed on the ethics, process, and logistics of charging and trying criminal cases. Additionally, there may be follow-up classes later in the semester during the scheduled class time for Criminal Clinic. The classroom component does not fulfill the Law College's seminar requirement.

Following the classroom component, the class heads downtown to the Lancaster County Attorney's Office to begin working on their cases. Office hours are held from 8:30 a.m. to 11:30 a.m. and 1:30 p.m. to 4:30 p.m. and students are required to have at least one in the morning (8:30 a.m. – 11:30 a.m.) and one in the afternoon (1:30 p.m. – 4:30 p.m.). This is necessary to accommodate the court schedule and allow each student the opportunity to conduct a variety of hearings. During the spring and fall semesters, students will have three 3-hour office hours sessions per week. During the summer semester, students will have four 3-hour office hours sessions per week.

While at the County Attorney's Office, students are involved in virtually every step of the criminal justice system: determining appropriate charges after reviewing law enforcement investigations, meeting with witnesses, preparing for and conducting court hearings, negotiating

pleas and presenting sentencing arguments. The insight and experience is valuable to any individual interested in trial work and those specifically interested in criminal law - prosecution or defense. The Criminal Clinic is taught by Steve Schmidt.

Entrepreneurship Clinic

The Weibling Entrepreneurship Clinic is a 6 credit hour course in which students, under close faculty supervision, advise and represent startup business clients in a variety of early-stage legal matters. Typical matters include entity formation, contract drafting, intellectual property protection (particularly trademark), and advising on other transactional issues (such as employment, financing and regulatory). The Clinic includes a required classroom component (which does not fulfill the Law College's seminar requirement). The first 2 weeks of the semester consist of about 15 hours of "boot camp" training sessions. For the remainder of the semester, weekly 2-hour sessions will be held. There is also a required outreach component consisting of at least one presentation to a University or community organization relevant to startup companies regarding timely legal topics. The Entrepreneurship Clinic is taught by Brett Stohs.

Immigration Clinic

The Immigration Clinic is a course in which up to eight students are permitted to enroll for the spring 2022 semester. Two students will be selected for the summer and fall sessions of 2021. Students enrolling in the Immigration Clinic, under close faculty supervision, represent low-income clients with immigration problems. Most of the work is in the areas of deportation defense, family-based immigrant visas, asylum applications, special immigrant juvenile visas, naturalization applications, and other types of immigration cases that are assigned to students from time to time at the discretion of the supervising faculty member. Additionally, students work on limited-scope projects, such as the Attorney of the Day Project and Bond Hearing Project in Immigration Court, "crimmigration" analysis memos to assist criminal defense lawyers advise their non-citizen clients of possible immigration consequences involved in state court criminal proceedings, and the Quick Counsel Project in which brief counsel and advice are provided to selected clients. Students taking Immigration Clinic may not take another Clinic. Students in Immigration Clinic can expect to engage in the following types of activities: factual development and analysis, frequent client interviewing and counseling, preparation of immigration applications and supporting documentation, attendance with clients at immigration interviews, appearing in Immigration Court on behalf of clients, state and federal court appearances (as dictated by clients' legal needs), legal analysis and planning, frequent creation of written work product (including but not limited to legal memoranda, briefs, letters, and so forth), analysis and resolution of professional ethics issues, and other skills necessary to function effectively as lead counsel on a variety of immigration cases. The Immigration Clinic has a classroom component that meets for two hours per week during the course of the semester at a time mutually convenient for students and faculty.

What Will I Learn in Clinic?

The primary goal of the clinics is to expose you to the practice skills that give you a head

start when you enter the practice of law. Toward that end, you have all of the rights and responsibilities of a practicing lawyer, which means that you will learn numerous specific skills during your work on cases. Because clinic cases are real cases, clinic students' experiences will not be uniform. However, students will have an opportunity to develop a number of legal skills during their time in the clinic. For example, in the Civil, Criminal and Children's Justice Clinics you almost certainly will analyze factual and legal issues, draft pleadings, interview clients and witnesses, conduct informal and formal discovery, engage in negotiations with opposing parties, and prepare and argue pretrial motions. Depending on the posture of your cases, you will also conduct trials, write briefs, and argue appeals. Similarly, in the Entrepreneurship Clinic you will likely draft agreements, form a legal entity, and advise clients on complex legal and business issues. In the Immigration Clinic, you will have close contact with clients and with administrative agencies and courts involved in administering U.S. immigration laws. In all Clinics, you will be exposed to law office management techniques that include time-keeping and time-management skills.

Where Are the Clinics Located?

The Civil, Entrepreneurship, Children's Justice, and Immigration Clinics are located in the Schmid Clinic Building, the Law College's clinical wing on the south side of the law school. Although Criminal Clinic students continue to operate out of the Lancaster County Attorney's Office located on the fourth floor of the Justice and Law Enforcement Center at 575 So. 10th Street in Lincoln for the bulk of their time, they also use facilities in the clinical wing for non-case-related activities, such as classroom work and other activities as determined by Professor Schmidt.

Which Clinic Should I Take?

That depends on your interests. The most obvious differences among the Clinics are whether you wish to handle litigation matters, administrative matters, or business and transactional matters. Among the three litigation Clinics, you should also consider the type of cases handled – criminal, civil, or juvenile. Another important difference among the litigation Clinics is the area of concentration. The Civil Clinic, because of its civil caseload, primarily deals with procedure prior to trial, such as case evaluation, drafting pleadings and discovery, conducting motion hearings, negotiating settlements, and counseling and advising clients on their options. Although some cases do go to trial, most matters will be settled or otherwise resolved prior to trial, as is typical in a civil practice setting. Civil Clinic students will also have opportunities to work on non-litigation civil matters, including estate planning and limited-scope representation in a wide variety of general civil matters, as well as policy and outreach projects. The Criminal Clinic, on the other hand, tries many more cases than the Civil Clinic despite the fact that many cases are plea bargained, resulting in no trial. Students taking the Criminal Clinic will be in the courtroom nearly every day they are present in the Clinic. The Children's Justice Clinic is, in some ways, a hybrid of the Civil and Criminal Clinics. A good portion of your experience will be participating in court hearings but you will also

be conducting home visits with your child clients, participating in family team meetings with all parties, and drafting reports for the court. Given the young age of many of our child clients, they are unable to communicate their wishes, requiring the student GAL to consult with parents, foster parents, therapists, teachers, and other providers affording students to work collaboratively with families and experts. One basis, therefore, in selecting among the litigation Clinics is whether you are interested primarily in trial experience, experience with procedure prior to trial and appellate work, or regular court experience along with specialized training and advocacy in child welfare-related matters.

Are there Pre- or Co-Requisites?

All Clinics

The major prerequisite for all clinics is that you must be of senior standing. ***You are responsible for determining whether or not you will be of senior standing during the semester or year you plan on taking Clinic.*** If you are unsure, you should check with the Registrar in the Dean's Office.

Children's Justice Clinic

Legal Profession is a prerequisite.

It is helpful for students to take Trial Advocacy prior to or while participating in the CJC. ***Students must be available to participate in the intensive classroom sessions the week before the fall semester starts.***

Civil Clinic

Pretrial Litigation is a pre- or co-requisite.

Legal Profession is a prerequisite.

Criminal Clinic

Trial Advocacy is a prerequisite. ***Trial Advocacy will be offered in the summer and fall, so you may still apply for Criminal Clinic even if you haven't yet taken Trial Advocacy. Students who receive a Criminal Clinic slot who have not yet taken Trial Advocacy will receive a priority in summer and to some degree fall Trial Advocacy. Essentially, if you receive a Criminal Clinic slot in the fall semester and have not yet taken Trial Advocacy, you must take summer Trial Advocacy. If you receive a Criminal Clinic slot in the spring semester and have not yet taken Trial Advocacy, you must do so in either the summer or fall semesters. Additionally, please keep in mind that if you receive a Trial Advocacy slot due to applying for Criminal Clinic, you are committing to taking both Trial Advocacy and Criminal Clinic during the assigned semesters.***

Legal Profession is a prerequisite.

Entrepreneurship Clinic

Business Associations is a prerequisite.

Legal Profession is a prerequisite.

Immigration Clinic

Legal Profession is a prerequisite. Although there are no other substantive courses that are pre-requisites for Immigration Clinic, students who plan to take the Immigration Clinic only in the spring semester are strongly encouraged to take Professor Shavers' Immigration Law class, offered in the fall semester, prior to enrolling in Immigration Clinic for the spring semester.

How Many Hours a Week Will I Be Working?

ABA standards require students put in a minimum of 42.5 hours of work for each credit hour earned in the course. So, for example, in semester-long clinics in which students are enrolled for six credit hours, that equates to a total of 255 hours. Over the course of 15 weeks, that comes out to 17 hours of clinic work each week. In the Immigration, Civil and Children's Justice Clinics, which can carry a credit hour load of 4 credit hours per semester, that equates to a total of 170 credit hours, which, over the course of a 15-week semester, comes out to a little over 11 hours of clinic work each week. Summer clinics are typically fewer weeks (10 to 12), so the hours per week requirement will be significantly higher. Total hours include all client work and related meetings, all classroom meetings, class preparation and written reflections, outreach presentations, project work, networking events, and other supplemental activities assigned by faculty in furtherance of the clinic's pedagogical goals. The total hours can vary from week-to-week depending on the demands of the cases and projects.

As part of your overall hours, each clinic requires a set number of "office hours":

Children's Justice Clinic: Students in the Children's Justice Clinic are required to be present and be available in the Clinic for six (for 4 credit hours) or nine (for 6 credit hours) office hours per week that are not all consecutive. In addition to your scheduled hours, students must spend whatever additional time is necessary to attend court hearings, home visits, family team meetings (which are often not scheduled during their office hours) and complete their case work.

Civil Clinic: Students taking Civil Clinic for six credit hours are required to be present and available in the office for three hours on each of three weekdays that are not all consecutive (e.g., M-T-Th = ok, M-T-W = not ok). Students taking Civil Clinic for four credit hours are required to be present in the Clinic offices for two hours on each of three weekdays that are not all consecutive.

Criminal Clinic: For the fall and spring semesters, students in the Criminal Clinic have scheduled office hours for nine hours a week. For the summer semester, students in the Criminal Clinic have scheduled office hours for 12 hours a week. In addition to the scheduled hours, the students must spend whatever additional time is necessary to attend their court hearings (which are often not scheduled during their office hours) and complete their casework.

Entrepreneurship Clinic: Students taking Entrepreneurship Clinic are required to spend at least six hours per week of “face time” in the Clinic office during regularly scheduled office hours spanning at least 3 weekdays that are not all consecutive.

Immigration Clinic: Students taking the Immigration Clinic are required to be present in the Clinic for three hours on each of three different days during the week.

Will I Need A Partner?

In each clinic, student work is performed in teams of two. Students participating in the Criminal, Civil, and Immigration Clinics will need to identify and select a partner prior to the start of the semester; partners will not be chosen for you. For the Entrepreneurship and Children’s Justice Clinics, partners will be assigned during the first week of the semester based on individual student preferences, schedule compatibility, and client needs.

How Are Students Selected for the Clinics?

All students will be selected by an application and selection process held in the spring. In other words, students interested in taking any clinic during the upcoming summer, fall or spring must apply and register in the spring. The application deadline will be announced in StoryVita and by email to student listservs. To apply for a clinic, students complete an online application form.

The following, in order of priority, are the factors taken into consideration by clinic faculty in selecting students:

1. Ensuring that every student who wishes to participate in a clinic is given an opportunity to do so;
2. Ensuring that enrollment in each clinic meets the minimum requirements necessary to effectively manage its caseload;
3. Making all reasonable efforts to place students in the clinic that has been identified by the student as his or her top choice;
4. Making all reasonable efforts to accommodate student preferences as to the semester in which they would like to take a particular clinic;
5. Making all reasonable efforts to place students in their highest ranked alternative clinic if their top choice is filled to capacity, or if due to priorities 1 and 2, it is in the best interest of the clinical program to place a student in a clinic that has been identified as a 2nd choice or lower; and
6. Making all reasonable efforts to place into a second or third clinic each student who

indicated a preference to participate in more than one clinic.

Other considerations include:

- Completion and/or intention to take all pre-requisites and co-requisites;
- Conflicts of interest (due to current or prior employment);
- Early graduation;
- Participation in programs of concentrated study; and
- Post-graduation plans.

When there is a choice between two similarly situated applicants for a particular clinic slot, and the above considerations provide no additional guidance, the choice will be made by the toss of a coin, or, in the case of more than two applicants, a true lottery.

Students may only take one clinic in any given semester; however, students wishing to be considered for more than one clinic during the course of a year will have an opportunity to indicate this preference on the application form. **Students in the CJC are only eligible to take an *additional* clinic during the summer. Students taking the Immigration Clinic are not eligible to take any other clinics during the year.**

IMPORTANT NOTE: If you submit an application and do not revoke such application prior to the date determinations are made, it shall be an irrevocable commitment on your part to register in the course upon being selected. Simply put, **once selected for a clinic you may not drop.** There are substantial administrative challenges associated with switching students after the selection process has been completed, particularly when students who were not selected for a clinic have since enrolled in their other courses. If you have extenuating circumstances that conflict with your clinic obligations, you should discuss the matter with the relevant clinical faculty member and Assistant Dean Marc Pearce to evaluate whether an exception can be made in your case.

I am Participating in a Program of Concentrated Study – Does that Matter?

Yes. If you are participating in the Litigation Skills Program of Concentrated Study, you have priority over non-Program students to get into the Civil, Criminal, or Children's Justice Clinic. In order to prevent manipulation of the Clinic application and selection process, the Dean's Office will verify that all Program students signing up for a clinic have a realistic chance of completing Program requirements before such students are given priority over non-Program students in the lottery.

I Am Already a Clerk – Why Should I Take Clinic?

Unlike the typical dynamic of a clerkship, in a clinic, *you* will be lead counsel on all the cases. For example, in Civil Clinic, you meet with and interview clients and witnesses, you handle

the hearings, you draft, sign and file the pleadings, and if a matter goes to trial, you conduct the trial, and you argue the appeals. In Criminal Clinic, you review police reports to determine if charges should be filed, you draft the charges, you direct further follow-up investigation, you interview witnesses, you negotiate with pro se defendants and defense attorneys, you conduct hearings, bench trials, and possibly even jury trials. In the Entrepreneurship Clinic, you conduct client interviews, draft agreements, and advise on complicated issues of corporate formation, governance, and other issues relevant to each client. In the Children's Justice Clinic, you meet and interview child clients, parents, foster parents, teachers, therapists and other providers, review extensive discovery, draft, sign, and file Guardian ad Litem reports and other pleadings, participate in pre-hearing conferences, family team meetings, and advocate in a variety of court hearings. Depending on the status of the case, you may even file and prove a motion to terminate parental rights. In the Immigration Clinic, you will meet with clients, appear in Immigration Court on their behalf as lead counsel, attend interviews at the USCIS office with clients, and take a lead role in development of clients' cases. In short, in clinic, **you** are the primary responsible attorney, you are "first chair," which gives you direct experience that you will not get in most clerking jobs.

Another reason to take clinic even if you are clerking is that the primary purpose of the clinics is to develop your legal skills. As a result, the main factor in selecting clinic cases is the educational value they present for the clinic students. Clinic faculty carefully monitor the number of cases and the type of cases selected in order to maximize students' learning opportunities. The clinic faculty also make every effort to work closely with students on each case so that the students will have an opportunity to discuss strategy, think through legal options, and understand why a course of action is best. By contrast, firms for which you clerk are mainly concerned with completing work on the cases – that is how firms remain financially viable. That goal often means that clerks' education about or participation in the cases takes a backseat to the business of representing clients and making money. This is not to say that the firms' approach is wrong – it is simply a different focus than you will find in the clinics.

As a former student put it, "I didn't realize it at the time, but clinic was the last time – heck, the only time – I had a chance actually to think about why I was doing certain things. In retrospect, I really appreciate the fact that I could reflect on what I was doing and why."

Can I Take Clinic and Also Clerk?

We recommend that students do not clerk and take clinic at the same time. However, if you decide to do both, you should be mindful to not overcommit your time. Our experience suggests that students who take a clinic while clerking are not able to commit the same level of time and energy in clinic as students who are not clerking. Importantly, if you decide to do both, you must realize and commit to the notion that clinic responsibilities take priority; that is, when a conflict over time or scheduling arises, the clinic wins. This is because in the clinic, you are the primary responsible attorney.

The potential for conflicts of interest may also govern whether you can clerk and take a clinic at the same time. Although the bright line rule has been altered by the Nebraska Supreme Court,

there are still some conflict considerations that apply. As part of the online application, you will be asked to complete a series of questions intended to identify any potential conflicts of interest. If the clinic faculty members identify a conflict, you will be notified as soon as possible so that you and the faculty can discuss your options. In most instances there are steps that can be taken to work around potential conflicts, including shielding the student from particular matters or types of matters on either the clinic side or the employer side. However, due to the types of matters litigated by certain clinics, conflicts may be unavoidable, and your employment as a clerk may prohibit you from participating in a particular clinic. For instance:

Criminal Clinic: Students employed at a firm that practices criminal law in Lancaster County cannot at the same time participate in the Criminal Clinic.

Children's Justice Clinic and Civil Clinic: Students employed at the Lancaster County Attorney's Office cannot at the same time participate in either the Children's Justice Clinic or the Civil Clinic.

IMPORTANT NOTE: If you are selected for a clinic, it is your responsibility to inform the appropriate clinical faculty member of any anticipated or actual changes in your employment situation. This responsibility continues from the time you are selected for clinic through the end of your clinic semester.

Can I Take Multiple Clinics?

Yes, if there are available slots, you can take multiple clinics. However, there are three restrictions on your ability to take multiple clinics. First, you cannot take more than one clinic during any given semester. Second, if you are selected to be in the Immigration Clinic, you may not take any other clinic. Third, if you are selected to be in the Children's Justice Clinic, you may not be in any other clinic during the fall and spring semesters; however, since the Children's Justice Clinic does not operate during the summer, you may apply to be in a summer clinic during the summer preceding your enrollment in the Children's Justice Clinic.

Please note that a top clinic selection priority is to ensure that all students who apply are able to participate in at least one clinic; only when that priority has been satisfied will slots be made available to students seeking a second or third clinic.

What If I Have Questions Not Answered Here?

Email us or come see us. The Children's Justice Clinic, Civil Clinic, Entrepreneurship Clinic and Immigration Clinics are located in the Schmid Clinic Building on the south side of the Law College. You may also contact:

Ryan Sullivan at sullivan@unl.edu or Kevin Ruser at kruser1@unl.edu regarding questions about the Civil Clinic;

Kevin Ruser at kruser1@unl.edu for questions about the Immigration Clinic;

Brett Stohs at bstohs@unl.edu for questions about the Entrepreneurship Clinic; and

Michelle Paxton mpaxton@unl.edu for questions about the Children's Justice Clinic.

The Criminal Clinic is located in the Lancaster County Attorney's Office on the fourth floor of the Justice and Law Enforcement Center at 575 South 10th Street in Lincoln. If you have questions regarding the Criminal Clinic, you should contact:

Steve Schmidt at steven.j.schmidt@unl.edu