Tips on Experiences, Time, and Expectations

Welcome to the Criminal Justice Clinic. The following memorandum will review three key areas that you need to know to have a very successful semester. Read this memorandum now, and refer to it whenever you have any questions about your work in the clinic, the experiences you are having, keeping track of your time at the clinic, and the expectations for you in the clinic.

I. Introduction

The key thing to remember is that the Criminal Justice Clinic is foremost an adult experiential educational experience built on your delivery of legal services to clients. While in the clinic, you will be working at and will be part of the St. Louis Public Defender Office. You will be asked to do the same things that all of the lawyers in the office have done, and continue to do, though the range of responsibilities you will have will be geared to your abilities and the opportunities that arise. By the end of the semester, you will eventually have the same responsibilities that a lawyer in his or her first year of practice as a public defender has.

The orientation process takes place over the first several weeks of the semester, with much of the orientation taking place in the first two to three weeks of the semester. As you become oriented to some aspects of your work, you will also be given ongoing responsibilities for the types of work that you have learned to do during the orientation. The process begins with intake interviews of potential clients, proceeds to you assisting with an Associate Court docket, and by the third or fourth week arrives with you starting to run an Associate Court docket on a weekly basis.

Throughout the semester, you will do intake interviews one morning a week and run an Associate Court docket on a different morning each week. You will also be involved in bond negotiations and hearings, plea bargaining, and preliminary hearings throughout the semester. You will also do legal research, write motions, participate in probation revocation hearings, discovery, and hopefully have an opportunity to second chair in a serious felony case. There will be a number of other experiences, such as meeting with witnesses, participating in depositions, and other experiences that may vary from student to student depending on how many opportunities arise and your availability.

You will receive supervision and assistance with your preparation from both the faculty member teaching the clinic and the public defenders with whom you are working. You will never be expected to do anything that you are not capable of doing. Because everyone progresses at different rates, however, it will be important for you to speak up if you feel you need more preparation or if you are not ready to do something.

II. Experiences

Review the Experience Checklist during the first week of classes. Some experiences are observations and the rest are experiences that you should be able to do during the semester. There may be a few experiences that will not be possible simply because of the way that cases are scheduled or the types of services that clients need during the time that you are in the clinic. You should start by completing the observation requirements as early in the semester as you are able. You can start working on these requirements even before you establish a regular schedule at the Public Defender Office by going to the St. Louis County Courthouse and observing the court proceedings in any of the courtrooms. Once you have a regular schedule and are assigned to work
primarily with one or more lawyers at the Public Defender, work closely with your lead attorney and the other attorneys in your group to complete as many experiences as possible. If you have any difficulties, see your faculty (Peter Joy or Emily Hughes) or Pat Brayer.

If you want to do something in particular, for example, visit a client in prison, spend extra time with an investigator, be involved in a case with DNA or other scientific evidence, please see your faculty and work out a plan to accomplish this goal. The earlier you take this initiative, the more likely you will be able to achieve these goals.

The more you put into the clinical experience, the more you will get out of it. This means being prepared, keeping on top of your weekly intake interviewing and Associate Court docket obligations, and taking the initiative to seek out work when there is a lull and you are completely caught up. The more initiative you show, the better your experience will be.

III. Time

A. Making a Schedule

You are expected to work a minimum of three and one-half (3.5) hours for each unit of credit you will be receiving for this course each week. If you are receiving six (6) credits, that means you will be working at least 21 hours a week in the clinic. During the first week of classes, the time expectation is only 11 hours to allow you to ease into your routine.

Most of your time working in the clinic will be spent in Clayton at the office of the Public Defender, in the courts, and in holding areas for incarcerated clients. You should plan a work schedule with the Public Defender Office that accounts all of your time. You will receive credit for two (2) hours of seminar class every week, although the class will not week some weeks toward the end of the semester.

If you are unable to be at the Public Defender Office for any reason (including illness or any other personal reason), make sure that both your lead attorney and Pat Brayer know where you are, if it is clinic work that you are doing, or the reason why you will not be at the office. If they are not available, you must leave a message for them. If you are unable to reach your lead attorney and Pat Brayer, please let your faculty know why you are not at the Public Defender Office when you are scheduled to be there. You can always leave a voice-mail for your faculty (Peter Joy, 935-6445 or Emily Hughes, 935-6452), or send an e-mail, joy@wulaw.wustl.edu or eahughes@wulaw.wustl.edu, depending on who your faculty member is.

In the past, a few interns have not been at the Public Defender Office when scheduled, and they have not informed anyone that they would not be there. This is not consistent with the requirements and expectations for this course, and it can result in either a forced withdrawal from the course or a failing grade. Unless you have an emergency, there is no excuse for not letting anyone know why you are unable to meet your scheduled commitment. If you have not contacted anyone and you do not appear, both the lawyers with whom you are meeting and your faculty will be concerned and we will try to find you.

B. Keeping Track of Time

You will use the time sheets distributed at the first class to keep track of your time on a weekly basis. You should turn in your time sheet from the previous week at the start of each Tuesday’s
class. There is information on the clinic website describing the timekeeping system, and the back of the time sheets contains instructions and examples. You may also use the Excel timesheets, and submit your timesheets via e-mail.

You must keep your time sheets current. If you fall behind more than a week in reporting your time sheets, it will reflect inattention to office procedures on your part.

C. What Counts as Time

Your time working at the Public Defender will comprise most of your time. Completing observations off the experience checklist count as time. Going out to the scene of an alleged crime, calling witnesses, doing research at the PD or at school, and attending the seminar class count as time. Time spent traveling to or from your home/school and the PD does not count. Preparation for the seminar classes does not count. When you take a lunch or coffee break, it will not count at time you are working.

In terms of the time expectation, the first week’s expectation will be approximately one-half the regular time. If you get behind at the start of the semester, you will make up any deficit during the semester. You should start doing the observations from the experience checklist during the first two weeks of the semester when things will be slower for you. You should never be more than 20 hours behind in your time expectations.

D. Doing Other School Work at the Clinic

While you are working at the clinic, you are expected to be doing clinic work. Think of this aspect of the clinical experience as you would a job. No employer would want you working a second job while being compensated for the first job. If you do other school work at the clinic, or engage in excessive personal activities such as spending a lot of time on e-mail, surfing the web and private calls, you may not count this time as time working at the clinic. You are on your honor to comply with this.

E. Making the Best Use of Time

Occasionally, you will find that you have some time on your hands without a project. Use this time to complete some of the observations from the experience checklist, be sure you have prepared your docket for the following week and made all your jail visits, and be sure you have completed all of the paperwork. If you still have time on your hands, start with the lawyer or lawyers with whom you are doing Circuit Court work and try to find a project that will help you complete some new experience or repeat some other experience. If you still have time on your hands, see Pat Brayer or talk with your faculty so that we can find something interesting for you to do.

IV. Expectations

You are expected to develop the mind set of a lawyer working hard for his or her clients. A good lawyer is a vigorous, imaginative, hard-working, conscientious, committed, and responsible advocate. A good lawyer is also a team player in the office setting, and works to help others in the office. This includes pitching in when there is a need, not shirking work one does not prefer to do, keeping on top of paperwork and office expectations. You are also expected to keep current with
your timesheets, weekly journals, and your hours. Your effort counts, and so does your concern
for your clients.

If you work hard for your clients, keep your commitments to the lawyers and the faculty supervisor
with whom you are working, keep your time commitment and report it weekly, turn in your weekly
journals, complete as many of the experiences as possible, and use this clinic to learn how to learn
from your experiences, you will successfully complete the course. Any intern who fails to do these
things, will not.

The Criminal Justice Clinic, like all of the in-house and hybrid clinical courses, are graded on a
modified pass/fail basis. The grades are HP94, P, LP78, F70. The Faculty Rules state: “The
number of ‘High Pass’ grades awarded . . . may be as low as zero, and shall not exceed one-third of
the number of J.D. candidates who receive grades in that course. In practice, it should be rare for a
faculty member to award one-third of the J.D. candidates a grade of ‘High Pass’.” (See Faculty
Rule C.2(h).)

You will be evaluated in this course based upon your performance doing the tasks practicing
lawyers do, class participation, your journal entries, and following course and office procedures.
In evaluating each student intern, your faculty will consult with the lawyers with whom you work,
but ultimately the faculty member is responsible for awarding the grades. Your faculty member
considers many aspects, including but not limited to: commitment to clients, effective
interviewing, fact investigation, identifying and resolving ethical issues, negotiating, legal
evaluation and analysis, research, writing, advocacy, teamwork, and initiative. A more complete
list of the evaluation factors is found in the Clinical Goals portion of the Criminal Justice Clinic
materials.

The lawyers in the Public Defender Office with whom you are working often focus on their
commitment to their clients and may not always be as forthcoming with feedback on your work as
perhaps you and I would like. You are encouraged to ask the lawyers with who you are working
for specific feedback. You are also encouraged to ask the lawyers in the office “why” things are
done the way they are done if you do not understand something. You should also feel free to talk
with Pat Brayer or your faculty member if you are having difficulty working with a particular
lawyer, or if you are uncertain about why something occurred.

Most students do very good to excellent work in the clinic, and awarding the High Passes is a
difficult task that merits a few special words because only a very limited number of High Passes
may be awarded each semester. The key thing to remember is that you should focus on doing your
best for your clients and try your best to learn from your experiences. In addition, here is a
roadmap to gaining the most out of the clinic and doing your best. Remember that your clients
come first, always treat them with respect, and go out of your way to serve your clients and assist
the lawyers with whom you work. Read carefully and digest all of the materials you receive, and
refer to the materials you receive before asking questions where the materials may provide the
answers. Learn from your successes and your mistakes, and do not make the same mistake twice.
Grasp the law and procedure you are learning well. As a legal intern, you have been granted a
limited license to practice law, under the supervision of practicing attorneys and your faculty
member, so comport yourself professionally at all times while doing docket and in interactions
with clients, court personnel, prosecutors, judges, and others. Seek to improve and reach
proficiency in tasks that you do repeatedly such as client interviews, completing case related
documentation, bond negotiations, bond hearings, preliminary hearings, and other work that you do.
Complete your journals in a thoughtful and timely manner consistent with the instructions, come to
class well-prepared and participate, and follow office procedures and other course requirements. In the end, the students who do the above the best relative to other students in the clinic, and who are among the best students who have taken the clinic in the past, will learn the most and do the best in the clinic. There is nothing else that can be added in response to the question, “What do I have to do to get a High Pass in the clinic?”

V. Final Words

If you have any questions or difficulties during the semester, if you become overworked or overwhelmed with work in the clinic, if you find it difficult to manage your obligations in the clinic and your other courses or with personal matters, see your faculty member as soon as the question or issue arises. All of these time management issues can be resolved if you identify them early.

In the last analysis, your experience in the Criminal Justice Clinic will depend on the real effort you put into your role as an attorney for the clients you are assisting. Remember that every thing you do, including your writing, communications with clients, and oral advocacy reflect on how you are doing in the role as a practicing lawyer. You are expected to improve and develop your lawyering skills and professional values over the course of the semester. Most importantly, you are expected to be truly responsible to your clients and their cases. If you are, you will have a wonderful experience, earn the respect of clients, and earn the respect and notice of the lawyers with who you are working.

Good luck! Peter Joy or Emily Hughes looks forward to working with.