IMMIGRATION CLINIC  
2018-2019 Syllabus

Seminar:  Tuesdays & Thursdays 3:30 – 4:30 p.m. PT/ 4:30 – 5:30 p.m. MT  
Moscow Room 108  
Boise Room 135

Professor Kate Evans  
Office: Room 13  
Email: katee@uidaho.edu  
Office: 208-885-6110  
Cell: 612-850-5340

Clinic Staff:  
Cindy Maylott – Clinical Services Coordinator  
Todd Bowman – Legal Administrator

Clinic Hours:  8:30 a.m. – 5:00 p.m.  
Clinic Phone: 208-885-6541 (use this number for clients)

COURSE COMPONENTS:  
The clinic experience is comprised of an in-class seminar, casework, and weekly team meetings. The seminar component is designed to help you develop important lawyering skills and provide you with substantive instruction in immigration law and litigation procedures. In the casework component, you will work as a student attorney on a team with fellow student attorneys. You will be responsible for handling all major facets of your cases: client communications and interviewing, legal research, case strategy, written and oral advocacy as required. Weekly team meetings with me will drive your casework, and are structured to ensure both case progress and student attorney accountability. Prior to each meeting, you and your team member(s) will provide written agendas documenting the progress of your case and the next steps you think are needed in the case. At team meetings you will discuss case strategy and any challenges presented, and then produce an updated supervision document that outlines the next week’s work.

TIME COMMITMENT:  
The Immigration Clinic is offered for a minimum of 3 credits, requiring at least 180 hours of total student time. All students must take the seminar portion of the course, which involves approximately 1.75 hours of student time per week. The bulk of student time will be spent on clinic case work. Clinic case work requires a minimum of 150 hours of time per semester. Case work includes your preparation for and attendance at weekly team meetings. This means you will be expected to devote approximately 10 hours per week to your clinic case work and team meetings. You will be tracking all of your time spent on clinic in Legal Files, the clinic’s case-management program. You will be working with real clients with real deadlines. There may be appointments or deadlines that do not neatly fit into the semester or class schedule for which you are responsible as the student attorney. Meeting a deadline may require more than 10 hours of case work in a given week. Please speak with me if you are concerned that you do not have enough work to reach the overall hour requirements.
Please keep your time entries up to date so that I can monitor caseloads and ensure that the case responsibilities are properly allocated.

Credit Hours for Coursework
In accordance with ABA Standard 310, the College of Law awards one credit hour for experiences that are reasonably designed to involve 50 minutes of classroom or direct faculty instruction and two hours of out-of-class student work per week, or at least the equivalent amount of work for academic activities including simulation, field placement, clinical, and other academic work leading to the award of credit hours.

The Course requirements outlined here with respect to case work and seminar preparation, in my professional judgement, are complex enough in nature that it is expected that the amount of out-of-class time it will take students to complete the assignments will meet the rule.

CLIENT COMMUNICATION:
Any written communication to clients (via letter or email) must be reviewed by me before it is sent. You must use your clinic email account for all clinic related email communications, whether to clients or others. Communications with clients regarding appointments should be discussed at the weekly case review meetings. You must maintain complete records of all your communications and attempts to communicate with your client in Legal Files as well as the corresponding paper file (with the exception of email with the client, which can be saved to the Legal Files matter through Microsoft Outlook). Complete documentation of all client communications is a basic aspect of competent lawyering and a requirement of the Rules of Professional Responsibility. Failure to fully document communications can have severe consequences, especially if we lose contact with a client, and it will prevent the student attorney who takes over after you leave the clinic from understanding the case.

ATTENDANCE:
You are expected to attend all seminar sessions and team meetings. Please communicate any absences as far in advance as possible. Unexcused absences from seminar or supervision meetings will affect your grade. Failure to attend a client meeting without advance notice will also result in a reduction of your grade. If you must cancel a client meeting, be certain to notify me, the client, and the interpreter (if relevant) as far in advance as possible.

GRADING:
You will receive a letter grade for this course. Your grade will be assessed based on attendance and participation in class, the quality of your journal assignments, and your case work, including your file management and preparation for your case supervision meetings. You will also have two formal performance evaluation meetings with me—a mid-year evaluation and a final evaluation at the close of spring semester.

In performing your case work, you will be graded on your ability to take responsibility for your cases and do everything necessary to provide zealous and legally sophisticated representation of
your clients. The following criteria reflect the range of experiences and demands you can expect in the clinic and are the basis for your evaluation.

I. ROLE ASSUMPTION

Having students assume the role and responsibilities of a lawyer is the foundation of clinical education methodology. Students will assume the role of an attorney in all of its manifestations.

A. Ethical Considerations

Professional responsibility is an indispensable feature of good lawyering. Knowledge of and adherence to ethical rules is obviously necessary to practice law. You will be expected to zealously represent your clients and to preserve client confidences. You will also be expected to identify the ways in which these obligations and others contained within the Idaho Rules of Professional Conduct affect your work on any case. As with any other issue, I expect that, having become familiar with the rules, you will recognize ethical concerns in your cases, consider the choices presented, develop a plan of action that will respond to the issues presented, and initiate discussion with your supervisor. The penalties for noncompliance with ethical obligations and zealous representation may include grade reduction or course failure.

B. Zealous and Responsible Representation

Professional responsibility is not limited to the ethical considerations of lawyering. It also includes attention to cases and to other clinic responsibilities, to effort in the representation of clients, and to management of one’s workload. Some specific factors are:

- Putting forth effort to provide zealous representation.
- Taking personal responsibility for a client’s case.
- Ensuring that cases are prepared for court filings and hearings.
- Maintaining appropriate relationships with clients, other attorneys, and court officials.
- Meeting deadlines imposed by the court, by your supervisors, and on your own initiative.
- Being punctual and attentive to professional obligations, including court appearances and meetings with clients, supervisors, witnesses, and other students.
- Maintaining electronic and hard copy files accurately and precisely, and complying with office procedures.
- Allocating time and effort to carry out tasks responsibly.
II. CASE PLANNING

This is a broad area that encompasses the development of a case theory, deliberation about alternative strategies, and judgment exercised in the context of fluid information and uncertainty. Planning is the single most important feature of good lawyering. Planning may occur in several areas in district court and appellate litigation. In developing and executing your theory of the case, you must plan investigation, research, and sometimes examination of witnesses. As you uncover new facts (or fail to uncover desired proof of expected facts) you must adjust your plan so that it corresponds to these developments. You must take into account changes in the law as well. In addition, you must devise a plan that supports the client’s long-term goals even if those mean limiting the potential beneficial impact of the case. This plan will necessarily be designed in accordance with your client’s directions. Some activities in this area are:

- Preparation for supervisory meetings.
- Initiative and creativity in raising issues and planning case.
- Developing a theory and strategy for each case, taking into consideration the evidence, statutes, regulations, and case law to develop a plan for using facts and law to the benefit of the client.
- Modifying and reassessing strategy in light of subsequent developments.
- Refining and improving work between planning and final draft or performance.
- Considering consciously the ethical, strategic, and client-specific issues in cases.
- Weighing consciously the risks and benefits attendant to different strategies.
- Making appropriate judgments and decisions and setting priorities given available information and resources.

To make this more concrete, I expect that, as the attorney responsible for the development of a case, you will come into team meetings having considered the various challenges you face and having identified several responses to them. You will be able to articulate these challenges and responses for your supervisor. I expect you to realize that rules of ethics, court practice, the state of the law, common sense, and many other factors may favor some responses and constrain you in implementing others. I do not expect that any of this will come naturally. Nor do I expect that each of you will enter your first supervision meeting with a plan equivalent to one that would be developed by an experienced lawyer. I do expect that your planning will show a serious application of time and effort and that, with time and effort, it will improve.
III. SKILLS DEVELOPMENT

Work in the clinic provides the opportunity to develop a wide variety of skills. Your performance in court will be evaluated, as will your performance of out-of-court lawyering skills.

- **Interviewing:** Structure, rapport, obtaining information.

- **Counseling:** Helping the client to understand his/her alternatives; keeping the client informed; remaining sensitive to the full range of your client’s needs.

- **Fact Investigation:** Planning, thoroughness, effort, creativity, persistence.

- **Legal Research:** Thoroughness, accuracy, appropriate analysis of relevant sources (i.e. statutes, regulations, and case law).

- **Writing:** Organization, structure, use of language and writing techniques that are appropriate to the audience, and are concise and persuasive. This is a major component of the class, and you will be expected to develop research memos and multiple drafts of a formal filing.

- **Court Filings & Evidentiary development:** Determining the evidence or exhibits necessary; obtaining them; using these in support of written and oral advocacy.

- **Oral Advocacy Skills:** Mastery of the fundamental argument and/or trial skills (cross examination, direct examination, opening, closing, etc.).

IV. EDUCATIONAL GROWTH:

Classroom work is an important aspect of your work in the clinic. Your thoughtful contributions will be essential to the success of the clinic. You are expected to be prepared for all classes, to participate in all discussions. I expect the same sort of preparation and participation from you in your supervision meetings. Some specific factors are:

- Preparation for class.

- Quality and consistency of class contributions including meaningful participation in discussion and analysis.

- Participation in simulations and execution of assignments, while remaining in role.

- Class attendance and punctuality.
V. REFLECTION & SELF-CRITIQUE

Reflection and self-critique are a critical feature of clinical learning. You should be doing it during and after every task you perform in the clinic. What I mean by reflection is not simply reviewing what happened. I expect that you will ask yourselves questions such as those listed below, and be prepared to discuss them with me. Then, when you are engaged in your next task, you will use what you learned through reflection to decide what to do.

To this end, you must complete **two journal entries each semester. The first one will be due on 10/25. The remaining entries will be assigned a due date based on your schedule and the timeline of your case.**

In your first journal entry you should identify several discrete activities that you completed during first half of the semester (e.g., a client interview, legal research, a draft filing) and address the following questions as they apply. Email me your journal entry (approximately 4 pages).

- What choices did you face in completing your activity?
- How did you come to make the decisions that you made? (E.g., Why did you choose to include one document and not another in a filing? Why did you emphasize one fact and not another? Why did you focus your client on one area and not another in an interview? Why did you choose one theory of the case or one appellate issue over another?)
- Did you overlook other options? Why do you think that happened?
- What led other people (clients, judges, opposing counsel, supervisor) to act as they did?
- How will the answers to these questions affect the way you approach your work in the future?
- What has surprised you about your clinical work? Why?
- What has your client taught you about her experience? What has your client taught you about yourself as a lawyer?
- What lessons can be drawn from your experience about the way in which the legal system actually works?
- How does that compare with your ideals of how the system ought to work?
- How has student feedback or discussion of other cases in the clinic affected your case work?
- What will you do differently to improve your future performance and why?
What will you try to replicate in the future and why?

Your second journal entry should be a blog post (maintaining confidentiality) about your case and your experience representing your client. I hope to post these on the Immigration Clinic website and circulate them through University of Idaho’s social media platforms.

A NOTE ON EFFORT:
Participation in this clinic requires hard work. Ethical obligations of competence and zeal require attorneys to work hard. It is expected that every student in the clinic will fulfill this obligation. Hard work is a minimum requirement of this course. It does not guarantee an “A” or “A-.”

CIVILITY:
In any environment in which people gather to learn, it is essential that all members feel as free and safe as possible in their participation. To this end, it is expected that everyone in this course will be treated with mutual respect and civility, with an understanding that all of us (students, professors, guests) will be respectful and civil to one another in discussion, in action, in teaching, and in learning.

Should you feel our classroom interactions do not reflect an environment of civility and respect, you are encouraged to meet with your instructor and discuss your concerns. Additional resources for expression of concern or requesting support include the Dean of Students office and staff (855-6757), the UI Counseling & Testing Center’s confidential services (885-6716) or the UI Office of Human Rights, Access, & Inclusion (885-4285).

Center for Disability Access and Resources (CDAR) Reasonable Accommodations Statement:
Reasonable accommodations are available for students who have documented temporary or permanent disabilities. Ideally, students in Moscow and Boise should meet with CDAR by the end of the first week of class to assess if any accommodations are needed for courses and/or examinations. All accommodation requests are then submitted by CDAR to Dean Dodge for final approval. CDAR serves as the sole evaluator of medical documentation and determines reasonable accommodations on a per semester basis. The College of Law does not have the authority to evaluate or grant disability accommodations without CDAR first submitting a recommendation. You may contact CDAR by:

- Calling 208-885-6307
- Emailing cdar@uidaho.edu

It is ultimately the student’s responsibility to seek a disability accommodation, and until an accommodation is approved by CDAR and Dean Dodge, no student will be entitled to receive any accommodations. To learn more about CDAR, visit its website at http://www.uidaho.edu/current-students/cdar. Moscow students may also visit CDAR in suite...
127 of the Pitman Center. Please review the College of Law Catalog and Student Handbook for more information on the disability accommodation process.

**Recording Class Sessions:**
Students may not electronically record classes unless they have the express consent of the instructor, except where the Dean of Students has allowed recording as a disability accommodation pursuant to a recommendation by CDAR. Recording classes without the instructor’s express consent violates the Honor Code. Students recording classes as a disability accommodation must follow procedures set down by CDAR. Students who are unable to attend class for reasons of illness or other exigencies must receive permission from the instructor before classes are recorded on their behalf. Contact the Law Library for recording equipment and information on recording procedures.

**CLASS SCHEDULE:**
I will determine the topics we will cover in each seminar session week to week based on the issues that are arising in our cases and the development of different education and outreach opportunities. Classes will include discussion of the substantive law and procedure governing our cases; lawyering skills; case rounds; and workshopping each other’s writing and case plans.

I anticipate covering the following topics over the course of the year. I also want to hear from you about what you want to learn and we will be sure to cover those topics:

- Introductions & clinic orientation
- Intake procedure & goals
- File management
- Forming an attorney-client relationship: representation agreements and counseling
- Immigration in the Supreme Court: past and present
- Statements of Facts
- Affidavit drafting
- Policy changes nationally & locally
- Community organizing
- Conducting Know Your Rights trainings
- Researching immigration legal sources
• Researching country conditions
• Brief writing best practices
• Federal court review of removal proceedings
• Oral Argument
• Immigration consequences of criminal convictions
• Client interviewing
• Amicus briefing
• Mock removal hearing