

OFFICE OF **CLINICAL LEGAL EDUCATION**
IN-HOUSE CLINICS

SUMMER 2010
APPLICATION
POLICIES & PROCEDURES

Introduction:

Summer Clinic is a wonderful opportunity to gain valuable experience and skills while representing clients. As you may know, the Office of Clinical Legal Education represents low-income clients for free in a variety of legal matters. Students perform a range of activities that lawyers perform, including interviewing and counseling clients; handling hearings; drafting complaints, motions, and other legal documents; negotiating; and handling case investigations. The clients are YOUR clients, as you work under the guidance of experienced faculty.

During the summer, the Clinic is smaller, with fewer students and faculty. Because the timeframe is condensed (eight weeks), the pace is fast and exciting.

Additionally, enrolling in Clinic in the summer may be less competitive than during the school year, because many students are out of town in the summer. In order to make this opportunity available to you, we have relaxed some of the pre- and co-requisite requirements. Students enrolling in Summer Clinic are required to enroll simultaneously in Professional Responsibility in the summer (if they have not already completed the course), but no other prerequisites are required. Summer Clinic is a different experience from Clinic during the academic year. Therefore, enrolling in Summer Clinic does not affect your ability to enroll during the academic year.

Areas of Representation:

For Summer 2010, students will be handling cases in the Criminal Defense Clinic and the Securities Arbitration and Consumer Law Clinic. We ask you to express your preferred subject area and will try to accommodate your preference.

Office of Clinical Legal Education Responsibilities:

Summer Clinic is offered for 4 credits. It runs throughout the Law School's eight week summer term, May 25th through July 14th. It requires a 25-30 hour time commitment per week. Included in the 4 credits will be regular seminars which will meet from 10:30 a.m. to 12:20 p.m. In the early part of the summer term, these seminars will meet daily. The number of seminar classes will diminish as the summer moves along and you are better equipped to represent your clients.

3. 2Ls² who have applied before for an in-house Clinic, but were not selected.
4. All remaining 2Ls who have not taken an in-house Clinic.
5. 3Ls who have previously taken an in-house Clinic.

All forms are available at:

http://www.law.syr.edu/academics/clinicaleducation/inhouse_clinics.aspx

If you have any questions, please contact Sue Davie at sedavie@law.syr.edu.

² “2L” means those who have completed their first year by the time Clinic starts.

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PRE-CO REQUISITES

Criminal Defense Clinic

- Professional Responsibility (Pre/Co Requisite)

Securities Arbitration/Consumer Clinic

- Professional Responsibility (Pre/Co Requisite)
- Commercial Transactions (Suggested Pre/Co Requisite)
- Securities Regulations and/or Corporations (Suggested Pre/Co Requisite)

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APPLICATION FORM

**PLEASE SUBMIT BY NO LATER THAN 4 PM ON THURSDAY, FEBRUARY 25, 2010.
A CURRENT RESUME AND CONFLICT OF INTEREST FORM MUST BE ATTACHED.
STUDENTS MUST BE IN GOOD ACADEMIC STANDING.**

NAME: _____

MONTH AND YEAR OF GRADUATION: _____

LOCAL ADDRESS: _____

SUMMER ADDRESS IF DIFFERENT: _____

LOCAL PHONE: _____

E-MAIL ADDRESS: _____

CLINIC PREFERENCE:

Please rank your interest in the substantive areas listed below.

_____ CRIMINAL DEFENSE CLINIC
4 credits for the summer session

_____ SECURITIES ARBITRATION AND CONSUMER LAW CLINIC
4 credits for the summer session

Have you taken a clinic in the past (including summer)?

Yes _____ No _____

If so, which one and when? _____

Did you apply to a clinic before?

Yes _____ No _____

If so, which one and when? _____

Have you taken an externship in the past (including summer)?

Yes _____ No _____

If so, which one and when? _____

On what kinds of cases did you work?

DECLARATION:

I have read the description of the Office of Clinical Legal Education responsibilities and I understand the time commitment that will be required of me. I am able and willing to commit to spend the required 25-30 hours per week for Summer Clinic. This time will be spent during regular business hours. I also understand that I may need to spend additional time if and when my cases require it

I have read the Selection Process and Deadlines sections of this application and I understand the selection process and deadlines.

I agree to take Professional Responsibility during summer 2010 if I have not yet completed it.

Dated:

(Signature of Applicant)

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CONFLICT OF INTEREST

Policy for Pre-Registering Clinic Students

A conflict of interest check must be performed on all new cases. Clinic records are examined to determine whether there are any conflicts of interest between a prospective client's case and other cases handled by the Clinic or a prospective client's case and the activities of students and faculty members in the Clinic. The discovery of a conflict does not necessarily require the rejection of a case, but could trigger the disclosure requirements set forth in the New York Rules of Professional Conduct, Rules 1.7, 1.8, 1.9, 1.10 and 1.11.

The Clinic takes conflicts of interest very seriously. In a clinical setting, where ethics and professional responsibility are taught and valued, any and all conflicts and potential conflicts will be handled in a manner that complies strictly with New York law and the New York Rules of Professional Conduct.

In order to analyze a potential conflict of interest, all Clinics (CRC, CDLC, CDC, DRC, ELC, LITC, and SACC) are considered as one law firm. Past, present or future employment, volunteer work, and pending job applications of a student enrolled in a Clinic could create a potential conflict of interest. To eliminate such existing conflicts or risks of conflicts, you are required to complete and return a Conflict of Interest form with your application materials.

You should not start employment at a law office or in a court once the semester begins without discussing with your Clinic Professor the risk of a conflict of interest posed by that position. Due to the nature of the operation of the Clinic, it is not possible to "wall off" a particular case or student that poses a conflict of interest, as may be the practice at other law firms. All Clinic Students talk among themselves about Clinic cases and clients. To require a particular case to be banned from such discussions due to a conflict of interest would interfere with the Clinic's educational process, and is logistically and administratively impossible to accomplish.

The Clinic attempts to inform students as early as possible of the potential conflicts that will be or may be created if they work in certain offices within Syracuse. For example, offices that present a likelihood of conflict include, but are not limited to: Vera House, Hiscock Legal Aid, the Onondaga County DA's office, the New York Attorney General's Office, the US Attorney's Office for the Northern District of New York, Syracuse Corporation Counsel, Legal Services of Central NY or Legal Aid of Mid-NY, Bond, Schoeneck and King, the Onondaga

County attorney, any local City, Family, County, Supreme or Federal Court judges.

Merely working at these offices will not automatically create a conflict of interest, but working at such offices during the pendency of cases that involve one of the Clinics may create a conflict in violation of the New York Rules of Professional Conduct, Rules 1.7, 1.8, 1.9, 1.10 and 1.11.

To avoid conflicts, each student should take the following steps:

- 1.** Complete and submit the Conflict of Interest Form entitled “Initial Form” with your Clinic application.
- 2.** Students accepted into Clinic will be asked to complete an “Updated Conflict of Interest Form” just before the start of Clinic. We will then enter those employers into our database, so we are aware of potential conflicts with these employers as we consider new cases in the Clinic. It is your responsibility to update this form as necessary and inform your Clinic Professor of any additions.
- 3.** All Clinic Students must review a list of all open Clinic cases that will be available during your computer training. You must alert your Clinic Director immediately if there is any case that is or appears familiar to you. These case lists will be sent to you regularly to review for any new potential conflicts.
- 4.** If you are considering applying for legal employment while enrolled in the Clinic, you must notify your Clinic Professor. The Clinic will be compiling and distributing a list of current opposing counsel, so you can know the employers with whom a potential conflict may arise. Together, you and your Clinic Professor can discuss potential conflicts.
- 5.** If you formally apply for employment while enrolled in the Clinic, please alert your Clinic Professor as to all employers from whom you receive an offer to interview, an interview itself, or an offer. (You do not need to apprise Clinic Faculty of general letters of inquiry regarding employment.)

Your cooperation on these issues will assure that you and the Clinic are acting in compliance with the New York Rules of Professional Conduct.

Revised 2/12/10

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CONFLICT OF INTEREST FORM

INITIAL FORM

NAME: _____ **DATE:** _____

The purpose of this form is to determine if there are any real or potential conflicts of interest which would jeopardize the confidentiality and loyalty required of you in the clinic. Therefore, please take your time to answer these questions thoughtfully and completely. (Attach additional sheets if necessary.) You are obligated to submit any updates or changes to this form while enrolled in the Clinical Program.

1. Have you worked or volunteered for a law firm, legal services office, corporate legal department, governmental agency, judge, hearing examiner, or in the securities industry legal or non-legal entity prior to applying for the clinic?

Yes

No

2. If yes, where have you worked? [List all, starting with most recent. Give dates and locations.] For each position, indicate whether or not it is in the Third¹ or Fourth² Judicial Department.

3rd Dept.

4th Dept.

3. On what type of cases did you work at each location?

¹ Third Judicial Department includes the following counties: Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren, and Washington.

² Fourth Judicial Department includes the following counties: Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, Wyoming, and Yates.

4. Are you presently employed or volunteering at any of the offices listed in question #1 or are you planning on being employed or volunteering at any office during the semester(s) you hope to enroll in clinic?

Yes

No

5. If yes, where are you (or will you be) employed or volunteering? Indicate if this is in the 3rd or 4th judicial department.

3rd Dept. **4th Dept.**

6. On what type of cases are you (will you be) working?

7. Please state any entities to which you have applied for future employment, including law firms, legal services offices, corporate legal departments, governmental agencies, judges, or hearing examiners, and legal or non-legal entities in the securities industry. If you have had any communication beyond sending your resume, please list them. (You do not need to include potential employers to whom you have sent a resume but heard nothing further. If you hear from them subsequently, you are required to update this form.)

8. Are there any other personal, financial, or family interests that could present conflicts of interest for you in the clinic? If so, please identify them here.

9. Have you been enrolled in the Syracuse University College of Law Externship Program or the Clinical Program before?

Yes No

10. If yes, please indicate below the semester(s) in which you were enrolled (including summer sessions), the clinic or the placement at which you worked, and the kinds of cases handled.

11. Please state any other non-legal job, volunteer position or Board affiliation you will hold during the upcoming academic year or summer session while enrolled in the Clinical Program.

***Please Note:** You have an obligation to submit any updates or changes to this Conflict of Interest Form while you are enrolled in the Clinical Program. Contact Sue Davie at sedavie@law.syr.edu with any questions or updates.*