



Demand for Justice Program/ U.S Department of state/INL

Office Manual

Live Criminal Law Clinic

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## **Chapter I**

### **CASE MANAGEMENT**

#### **Maintenance of records**

Each student shall file properly in the file cabinet case related documents including client and matter information, contacts, time keeping, documents etc. The key should be given to the Legal Officer at the end of the day. Files should not leave the office without authorization from Junior Advocate.

In addition to the hard copy files, the clinic maintains electronic copies of files on all cases.

#### **Getting Started on New Cases/Client Interviews**

##### **A. In General:**

The advocate in charge of each case 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.

##### **B. Common Rules for Interviews Conducted at the Clinic:**

**NOTE: ALL INTERVIEWS ARE TO BE RECORDED UNLESS THE CLIENT OBJECTS.**

- a) As soon as the date and time for the interview are known, please add the interview at Clinic Calendar.
- b) Check interview room for availability immediately before interview.
- c) Meet client in reception area and introduce yourself.
- d) During initial interviews, please remember to do the following:
  - 1. Explain operation of the clinic;
  - 2. Explain your status and role and that of the advocate. Clients will often assume that anyone connected with the supervising advocate is an advocate, and, therefore, you must take special precaution to advise all clients, opposing counsel, court personnel, and others with whom you may come into contact with, that you are a law student working in a clinical program under the supervision of an advocate. This precaution will avoid

any misconception and protect you from unintended and unnecessary problems or the appearance of practicing law without a license.

3. Explain the purpose of the interview;
4. Explain the ethics and confidentiality rules you are bound by;
5. Get the necessary paperwork completed;
  - Consent to Representation form
  - Authorization and Release form
- e) Let the person know what to expect next (timetable, efforts etc) and give your name and our office phone number (business cards are available).
- f) Escort the person out.

In addition to these instructions, a few additional steps are required in order to record meetings with clients. You are expected to make sure that the equipment is operating properly and is turned on before the client has arrived.

Be sure to let each client know that they are being recorded and seek their permission to do so. If a client objects to the meeting being recorded, check with your supervising advocate before beginning the interview. If this is not practical, conduct the interview without recording the meeting, but make sure you are conducting the interview in the presence of a witness

After the interview is over you prepare the memo summarizing the interview.

### **Agreement of Legal Representation**

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

1. The scope of the work which the Clinic is agreeing to undertake and the description of this work to be inserted in paragraph 3. (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. We can always agree to do more than originally promised, but it is hard to take it back once we have signed a contract.)
2. At what point should the agreement be executed? In most cases, the agreement will not be signed at the initial client interview. It is probably a good idea to give clients a copy of the form at that meeting to enable them to review it and ask questions before they are asked to sign it. Schedule another meeting for signing the agreement.
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?

**IMPORTANT:** Only advocates are authorized to sign the Agreement on behalf of the Clinic.

## **Reporting**

Students should submit a biweekly report

The report should contain concise, but descriptive notes about all work done on the case. You should include meetings with clients and supervisors, research, drafting, telephone conversations, court appearances and anything else you spend time doing for your client.

Students are responsible for recording and reporting time spent consulting with a supervising advocate about a case as well as any other duplicated time, e.g., at trial. Be sure to indicate clearly the name of every advocate or student in the clinic who was involved for that time.

Accurate and complete recording of work and time is not a habit that many of us could master by relying on our memories for very long. If you do not have a place to record daily activities (including a calendar), you need to purchase a small pocket diary and carry it with you always so you can make notes in it when you do casework away from the office or do not have the file at hand.

## **Calendar**

The Legal Officer will open a calendar and enter all hearing dates and time. You must notify the Legal Officer of all important dates for inclusion in the calendar. You are expected to notify the Legal Officer if appointments or other dates get changed.

You are also expected to check your Calendar every day. This is the only way the system will work and you will get the reminders.

## **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 Clinic are kept in file cabinets of the Clinic or in the supervising Advocate's office unless someone is doing work on a case that requires use of the client file.

It is strongly recommended that no file be taken out of the clinic 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 Advocate's permission before

taking a file. Never leave a client file in your car, your carrel, your home or anywhere else that it may be stolen or damaged.

Another important aspect of file security is our obligation to protect confidences and secrets of our clients. No student may open any file to which they are not assigned.

No other people are ever to be given privileged information or allowed access to client files (including clients). An exception to this rule is the Legal officer who is also the administrator of the Clinic. Electronic files are subject to the same level of protection as paper files, as appropriate.

### **Team Work/Collaboration**

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

In the Clinic, law students work in collaboration with Clinic Advocate and with other law students. When more than one student is assigned to work on a case, the goal is to improve the quality of service to the client.

The supervising Advocate should 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 to the supervising Advocate for review. Advocate's word is final.

Before scheduling a meeting with the responsible advocate 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.

### **Closing Cases**

Files should be closed as soon as 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 case box.

A. Checklist for closing of cases:

1. Prepare a closing memorandum for the advocate

- a) If you have any question as to whether a closing memorandum is necessary in a particular case, check with the supervising advocate.

- b) The closing memorandum should reflect the nature of the case, summary of the facts, the action taken, the final disposition and the future impacts.
- 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 advocate 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 Legal Officer for physical transfer from open to closed files and completion of the necessary administrative paperwork.

## **Chapter II**

### **GENERAL POLICIES**

#### **Supervision**

Your place in the clinic is similar to that of an associate in a law firm in which the clinic advocates 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 clinic advocate on every case, and you are required to coordinate and collaborate very closely with that person. During the first part of the semester, at least, you must obtain approval from the responsible advocate 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 advocate can interview clients, write briefs, conduct negotiations and try cases; but only advocates who give proper attention to preparation prior to execution can consistently excel. This obvious point is too often neglected in the legal profession by advocates who are either too lazy or too ignorant to prepare their cases properly. Although experience makes preparation easier, it does not make it less important.

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) will not only be painless, but enjoyable.

### **Conflict**

As you begin to familiarize yourself to a new file or a new client, be alert to any possible conflicts of interest you may have that would prevent you from working on the matter. The KBA Ethics Rules and the IBA Professional Code of Ethics are good resources for guidelines to identify potential conflicts.

### **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 and personal hygiene.

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

Please be attentive to the appearance of the interview rooms and the workroom and be careful to avoid boisterous conduct and language while clients are present.



### **Relations with clients**

It is suggested that you avoid dealing with clients on a first name basis unless you just find it too uncomfortable to do it any other way. If you become too personal, it may affect your independence of thought and the client may find it more difficult to relate to you as an advocate. Try to be sensitive to your client as a person and be straight with your client at all times. Do not make unrealistic promises or predictions. It is better to be frank and firm rather than to let your sympathy govern your judgment.

### **Relations with others**

You will deal with many different types of people in law practice, and you each will develop your own style and approach to the situations you encounter. The cardinal rule for you to remember while in the clinic is to remain calm and civil no matter how much anger or frustration you experience.

### **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. The policy of this clinic is that no gifts will be

Accepted (the clinic prohibits payment). If a problem arises in this regard, see the Legal Officer.

### **Seeking Advice from other KBA members**

It is widely accepted practice for an advocate who doesn't know the answer to something to seek information from another member of the KBA. From time to time, you will find yourself in situations where it may be appropriate to seek information from other members of the KBA.

However, there are some rules to be followed: First, you should check with the supervising advocate 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 and secrets. Only the Clinic Advocates are considered members of our Clinic. There is no advocate/client relationship existing between our clients and any other member of the bar. In fact, actual conflicts may exist.

## Chapter III

### INFORMATION ABOUT OFFICE

#### **Facilities**

Our office space and equipment is limited. You are encouraged to work on cases in the staff room. The conference room is reserved for your client interviews and phone calls requiring confidentiality. Please don't occupy the interview room unless necessary since others may need to use it. Computers are available.

The official office hours are \_\_\_\_\_. You may obtain after hours access through the following procedure on an as needed basis.

#### **Personnel**

<u>Name and surname</u>	<u>e-mail</u>
<u>Artan Qerkini</u>	
<u>Kushtrim Palushi</u>	
<u>Pajtesa Fera</u>	
<u>Donike Dobruna</u>	
<u>Diellza Kuliqi</u>	
<u>Edona Ahmetaj</u>	

#### **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.

**Supplies**

You will be provided with pens, pencils, legal pads, etc. Should you need them certain special supplies may be available in some circumstances, but you will need to consult with your clinic advocate regarding such circumstances.

**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. Check with your supervisor in advance concerning the possibility of reimbursement and the necessary procedures. Usually, out of town trips will be made in the clinic car.

**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.

## DISCIPLINARY MEASURES

Anyone who fails to comply with the rules set in this manual will face disciplinary measures. These measures consist of:

- a) Oral notification
- b) Written notification
- c) Removal from the clinic
- d) Reporting to the Law faculty with which you are enrolled

## CONCLUSION

Once again, Welcome to the Demand for Justice Criminal Law Clinic! You are in for a wonderful experience! If any questions or concerns arise, please do not hesitate to ask the program staff for help.

