



Health Justice
Clinic

OFFICE MANUAL
2019-2020

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DUKE HEALTH JUSTICE CLINIC

CLINIC OFFICE MANUAL

I. INTRODUCTION

The Duke Health Justice Clinic provides legal representation in a variety of civil matters to North Carolina residents who are living with HIV and/or Cancer and who would not be able to afford private counsel.

This manual is designed to assist those who participate in the Clinic. It is not for distribution outside of our office. The manual contains basic office procedures and what you need to do. You should use this manual as a resource to answer questions you may have about how to accomplish basic office procedures or legal tasks. If you have a question about a procedure, check the manual first, then ask Allison or Hannah.

II. PROFESSIONAL RESPONSIBILITY

A. Rules of Professional Conduct

The conduct of attorneys in North Carolina is governed by the North Carolina Rules of Professional Conduct. All students providing legal representation must follow these Rules. You are expected to read these Rules and follow them while providing client representation in this Clinic. Your attention to professional rules will be factored into your grade for the course.

Below, we summarize and explain some of the professional rules that will be most relevant to your work with the Clinic. It is imperative that you understand these rules and keep them uppermost in your mind as you represent clients in the Clinic. A full set of the Rules and North Carolina Ethics Opinions are contained in the North Carolina State Bar Lawyer's Handbook (copy in Clinic office), and on the North Carolina State Bar web site.

1. Confidentiality

One of the most frequently encountered Rules is the requirement of confidentiality. (See Rule 1.6.) Everyone in the Clinic is ethically and legally bound to keep all client information confidential. This includes all information acquired during the professional relationship with a client. Rule 1.6. Information protected under Rule 1.6 is broader than that protected by attorney-client privilege. The information need not come from the client or have been given in

confidence. Under a strict reading of the rule, there is nothing that you know about your client that is not covered by confidentiality, though in general, the client impliedly consents to certain customary releases that are necessary for representation. Depending on the circumstances, however, the client may want the lawyer to keep confidential even basic information such as the client's name. The rule prohibits not only disclosures of confidential information, but also disclosures that could lead to the discovery of such information. (Rule 1.6, Comment 4) In addition, information of former clients (Rules 1.6, 1.9), and prospective clients (Rule 1.18) must be safeguarded.

This obligation of confidentiality is a very serious matter. A breach of confidentiality could cause you to be dismissed from the Clinic; for the supervising attorneys, such a breach could result in the loss of the right to practice law. Although confidentiality may seem like a straightforward concept, you may be surprised at its reach: We cannot even disclose the name of a client or acknowledge that a person is a client without proper authorization from our client.

Although all information about our clients is covered under the obligation of confidentiality, certain information is particularly sensitive: As discussed above, for most of our clients living with HIV, their HIV status is the single most sensitive piece of information. Also sensitive is the client's social security number. SSN's have become particularly sensitive because of the growth of identity theft and the potential damage to credit, personal, and financial status that can result from unauthorized disclosure. Even the client's date of birth, tied to her name, can enable identify theft. We also frequently handle client medical records in our disability work. These records are particularly sensitive.

The comments to the Rules of Professional Conduct point out that the lawyer's duty of confidentiality includes an obligation to adhere to practices that will protect the client's information. Comment 17 to Rule 1.6 states,

[a] lawyer must act competently to safeguard information acquired during the representation of a client against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision.

We take this obligation very seriously. We have strict procedures regarding handling and storage of client documents, files, waste paper, email, and phone messages. All communications about clients should be done with care. Do not discuss your case or client with anyone not affiliated with the Clinic. Never divulge client information to anyone, unless you are sure such a communication is authorized. Never leave documents or a client's case file in a location where others may see identifying information. Always close the door when you discuss clients in a supervisor's office or the clinic office, or when you are making a case-related phone call. Dispose of waste paper with client information by shredding. Many of the procedures outlined in this manual are specifically designed to ensure client confidentiality.

It is permissible to release client confidences or other information when we have the client's consent. In fact, it is often *necessary* to communicate with doctors, social workers and others who are helping our clients. We have a special form authorizing us to release information in those circumstances. Our client's consent is implied with respect to disclosures necessary for the representation, such as in negotiation with opposing parties, or discussions with courts or administrative agencies.

If you are ever unsure whether you may discuss the client with another person, please consult your supervising attorney before doing so.

2. Conflicts of Interest

Attorneys must avoid conflicts of interest. (See Rules 1.7 - 1.10). The most obvious conflict of interest would arise if the Clinic became involved in both sides of an adversarial matter. However, there are other, more subtle situations in which conflicts of interest -- real or potential -- may surface. The procedures set out in this manual are designed to prevent such conflicts. In addition to following standard office procedures, you should always be alert to the potential for a conflict of interest. If a possible conflict becomes apparent, you should immediately discuss it with your supervising attorney.

In assessing conflicts of interest, it is essential that you are very clear about who our client is. Sometimes, particularly in guardianship cases, client identity can become murky. Is our client the parent? The guardian? The child? Be sure to avoid giving the impression that there is an attorney-client relationship with anyone other than our original client. In some cases, it may be appropriate to form an attorney-client relationship with an additional party, but this should only be done in consultation with your supervising attorney.

If, while enrolled in the Clinic, you are also working in a local law office -- or if you have done so in the past -- you must monitor our cases and the work of your employer(s) to avoid a conflict of interest. Please let your supervising attorney if a potential conflict arises.

3. Competence

An attorney must handle cases competently. (Rule 1.1.) Competence requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation. N.C. Rules of Professional Conduct, 1.1. An attorney need not have these skills and knowledge before taking on a new case, and may learn them on the job. This is what you will be doing, guided by your supervising attorney. It will be your obligation to learn the law and skills necessary to competently represent your client, through class preparation, participation, outside reading, and consultation with your supervising attorney. We also ensure competence through

our requirement that *every letter, fax, or other document that leaves our office must first be reviewed and approved by your supervising attorney.*

4. Decision-making

Rule 1.2 of the N.C. Rules of Professional Conduct sets out general guidelines about the respective decision making roles of attorney and client. In the Clinic, we take a client-centered approach that maximizes the client's autonomy. Rule 1.2 echoes this approach, providing that an attorney must abide by a client's decisions concerning the objectives of the representation, and to consult with the client regarding the means which are to be pursued.

In some cases, you may believe that your client is making decisions that are not in her best interest. As long as the client has the mental capacity to make decisions, we must abide by the client's decisions, though, through counseling, we will try to help the client make an informed and thoughtful decision. There may occasionally be a client whose mental capacity to make decisions is suspect. If you ever believe this is the case, please consult with your supervising attorney, and refer to Rule 1.14, which addresses a lawyer's obligations to a client with diminished capacity.

5. Communication

The client's right to make decisions about her case cannot be effectuated without good attorney client communication. Rule 1.4 requires an attorney to keep the client reasonably informed about the status of the matter. The lawyer must explain matters clearly, in a way the client can understand, so that the client can make informed decisions. We try to communicate with our clients regularly, and in clear, direct speech and writing. You will find that writing in plain English is more of a challenge than you might expect, and we will work with you to convert your legalese to simple, understandable prose.

6. Diligence

All of the good work you do for your clients must be done with reasonable diligence and promptness. N.C. Rules of Professional Conduct, 1.3. To satisfy this ethical obligation you must develop work habits that enable you to keep your cases moving at an appropriate pace so as to advance your client's interests. Delay can cause great hardship to our clients. For example, in a disability case your client may have no other source of income. She will be depending on us to help her obtain disability benefits as soon as possible. The Comments to the Rule note that perhaps no professional shortcoming is more widely resented than procrastination. We hope you

will avoid that natural tendency of many lawyers. Your diligent work on your cases will be an important factor in your grade. If you feel that the demands of your other course work will not permit you to be diligent on behalf of your clients, please consider taking the Clinic in another semester.

7. Contacts with Unrepresented Parties

In the work we do, it is quite common to deal with unrepresented opposing parties or others with interests adverse to our clients. For instance, the opposing parent in a guardianship proceeding will almost always be unrepresented. We must be extremely careful in our dealings with unrepresented persons. Rule 4.3 sets out our obligations: If the interests of an unrepresented person are adverse to our clients, we must not give legal advice (other than the advice to secure counsel). We must also make clear that we are not disinterested, and if an unrepresented person appears to misunderstand our role, we must make efforts to correct that misunderstanding.

This rule does not mean we can never talk to an unrepresented person with interests adverse to those of our client, but it does mean that we must avoid giving legal advice, and be very clear that we do not represent the person. If you expect to be speaking to such a person, you should consult in advance with your supervising attorney about how to handle the contact.

8. Truthfulness

Several professional rules address a lawyer's obligation of truthfulness. Two are most relevant to our work. First, we must not knowingly make a false statement of material fact or law to a third person. Rule 4.1. This may seem as simple as scout's honor, but in conjunction with our obligation of confidentiality, it can become complicated. We are not permitted to lie to third persons about our client's case, but we are also obligated to keep our client's confidences. This can be particularly tricky when speaking to a friendly witness who is not aware of a client's medical diagnosis or other matters we are not authorized to disclose. Please consult your supervising attorney whenever you anticipate a collision between your confidentiality obligation and your duty of truthfulness.

The issue of truthfulness also arises in the context of legal proceedings before a tribunal. See Rule 3.3. In some instances, our obligation of candor to the tribunal may appear to conflict with our duty of zealous advocacy. This issue arises frequently in our Social Security Disability cases. You can expect further discussion of this issue during the semester.

B. North Carolina Rules overning Practical Training of Law Students

Law students who have completed the equivalent of three semesters towards their J.D. can be certified to practice before the North Carolina State Courts. (See Subchapter C of the Rules of the North Carolina State Bar.) Your course requirements handout gives the details of the certification process. To be certified, you must fill out the Certification Regarding Reading Canons of Professional Ethics (attached). You must also read the Rules Governing Practical Training of Law Students and become familiar with the North Carolina Rules of Professional Conduct and the opinions interpreting them.

Once certified, you may appear in court, with your supervising attorney present. Before appearing in court on behalf of a client, you must obtain the written consent of the client and the supervising attorney. The client must be given a clear explanation, prior to giving consent, that the student is not an attorney.

All court documents must be signed by a supervising attorney. A certified student's name may be typed on court documents, but the student may not sign the document. If the name appears on the court document, it must be clearly identified that s/he is a student certified under the rules, i.e. Jane Jones, Certified Law Student under the Supervision of Supervising Lawyer.

Students may (and should) sign their names to letters with the label of Certified Law Student, i.e. "Lucy Law Student, Certified Law Student under the supervision of Allison Rice, Supervising Attorney."

III. ADMINISTRATIVE PROCEDURES

A. Clinic Personnel and Equipment

1. Personnel

Allison Rice, Supervising Attorney

Room 2188

Phone: 919-613-7135 (office); 919-286-7506 (home); 919-819-1601 (cell)

Hannah Demeritt

Room 1175 (1st Floor, directly below Clinic suite)

Phone 919-613-8516 (office); 919-699-4747 (cell)

Sandra Pettiford, Clinic Administrator

Phone: 919-613-7169

2. Office facilities & equipment

Clinic Office: Suite 2174; Health Justice Clinic pod = 2179

Clinic Phone: 919-613-7169 (main number, with voice mail)

888-600-7274 (toll free)

Fax: 919-613-7262

We occupy an office suite on the second floor of the law school. The suite consists of a reception area, a student work area with five “pods,” a copy/supply room, faculty offices, a conference room, and two interview rooms. We share this space with the other direct service clinics, Children’s Education, Community Enterprise, Environmental Law and Policy, Civil Justice Clinic, Start Up Ventures, and the First Amendment Clinic. There are five separate work areas in the student space. You may work in any of the pods, but the materials and files for the Health Justice Clinic are together in pod 2179, so you will usually find this the most convenient area in which to work.

At each student work station there is a computer and phone. Each phone has a different number, but *you should not give out the number for your extension because the pod phones have no voice mail*. Instead, give out the main or toll free phone number. There is one shared multifunction copier/printer/scanner in the student work area (2179), and another in the copy room (2175). The multifunction machine in the copy room also serves as our fax machine. Also in the copy room are faculty and staff mailboxes, and supplies.

Our office manager, Sandra Pettiford, answers the phone and assists faculty. She is not normally available for student clerical work, but can make you a label on occasion if you ask nicely.

Working in the Clinic Office:

Plan on doing a lot of your client work in the clinic office. When you arrive in the office, please notify our administrator, Sandra Pettiford, that you are in the office and let her know your phone extension. Sandra has a sign-in sheet where you can list your extension. If you don't let Sandra know your extension, you will miss calls.

The student work area "the pods" is our confidential work area. You have this confidential space to talk on the phone, consult with faculty or student colleagues, and work on client files. Because of our obligation to keep client information confidential, no one other than clinic students and staff are permitted in the pods. You are welcome to bring your friends into the clinic office suite, but do not bring them into the pod area.

The clinic office is open to the public Monday through Friday, 8:30 - 5:00 p.m. At other times, it is open by card access only. During your time in the clinic, your student ID will give you 24/7 access. Because of confidentiality issues, *never prop open the clinic suite door when you are working after hours. If you need to leave for a break, bring your ID card with you.*

3. Computers

Equipment: There are computers for your use throughout the pod. You may use any work station. We have a variety of software, including Word, Excel, and Adobe Acrobat DC. Additionally, we work with our web-based case management system, Clio. Our computers are maintained by Duke Law Academic Technologies. Sandra, Allison, and Hannah can answer many basic questions about our computers and software. If they can't help you, please refer to the Clio Users Guide or contact the helpdesk. If your laptop is encrypted, you are also welcome to work on your own machine.

Logging on to the Computer:

Log in with your net ID and password.

DO NOT BEGIN USING A COMPUTER UNLESS IT IS DISPLAYING THE WINDOWS LOG-IN. RE-LOG-IN EACH TIME YOU BEGIN WORK SO THAT YOU HAVE ACCESS THE CORRECT DRIVES AND FOLDERS.

ALWAYS LOG OFF WHEN YOU ARE LEAVING THE CLINIC OFFICE.

Case Management Software -- Clio: We have a client case management/database system called Clio. Clio is used to varying degrees by the in-house clinics. It is available on the web.

You may access Clio the clinic computers or from your laptop, as long as it is encrypted. The helpdesk in the library will assist you in encrypting your machine.

Clio is used to maintain all of our client data, including client names, contact information, and demographic data. We use Clio to document all case activities, check potential conflicts, calendar appointments and deadlines, and keep time. The program also helps us produce some form letters and organize all client documents. You will receive training on Clio at the beginning of the semester. We use Clio extensively, we are not yet a paperless office. We maintain all case-related documents in both electronic and paper form while the case is open.

Word Processing: The Clinic computers have both Microsoft Word and WordPerfect software. All of our form documents are in Word. Some are also available in pdf format. See the Case Management/Clio Users Guide for information about document automation and saving documents to Clio.

Printing: There are two confidential printers that are used for all clinic printing. There is a printer in the clinic pods (2179) and one in the supply room behind Sandra's desk (2175). The clinic computers are set up to print from those printers. You can also set up those printers on your laptop. You should not print any clinic work to a printer elsewhere in the law school building. You may print to a confidential printer in your home.

Client documents/files: All of our client documents are stored and accessed through Clio. Those documents "live" in the cloud.

Scanning: We maintain an electronic copy of everything in the client file. Any incoming documents should be scanned and uploaded to Clio. Use the multi-function copier/printers to scan. The destination for scans is a folder called "Clinicscans." This is a secure drive, so you will need to take a few steps to access the drive. See Appendix 1, which has detailed instructions.

Form documents: We have developed numerous form documents that we use in representing clients. These include form letters, form wills, and a wide range of other materials. These form documents can be accessed via Clio Document Templates and our clinic web page. These boilerplate templates should always be customized and personalized.

PDF editing software: We use Adobe Acrobat DC to edit and save pdf documents.

Clinic Web Page: We maintain our Readings, course materials, form documents and other resources on the Clinic webpage. Many document made available in hard copy are also posted on the Web. Please notify Allison of any problems accessing web materials. Some of the pages are password protected. Use this username and password: User: aidsclinic Password: positive

Clinic Email: Use your Duke email for all clinic-related email, whether to faculty, clients, witnesses, etc. *For confidentiality reasons, never put a client's name in the subject line of an email.* In the body of an email, refer to a client by first name or initials unless that would be

confusing. All case-related emails going to people outside the clinic must be approved by a supervising attorney before being sent, and must be saved into Clio. **YOU MUST CHECK DUKE EMAIL DAILY.** Do not forward your Duke clinic-related email to another email account such as Gmail.

Client-related emails (other than with supervising attorneys) should be maintained in Clio. Copy them into the Notes.

B. Office Logistics

1. Office Hours

You will be required to commit to a minimum of six hours per week in the office, though you will need to spend more time than that per week to meet your hours and keep your cases moving. Your office hours must be in either a 4-hour block and a two hour block or in three 2-hour blocks. We recommend that you have at least some of your office hours early in the week (Monday – Wednesday). If you have office hours, you have priority for a workstation in the Health Justice Clinic pod. At other times, if there are no available workstations in the Health Justice pod, you may work elsewhere in the clinic pod space or work from your encrypted laptop.

The student work area can get noisy during peak times. If you need a quiet work space, you are welcome to use the conference room or interview rooms if they are available.

2. Phone

All calls to our clinic phone number go through the front desk. When Sandra is at her desk, she will answer calls and forward them to you. If you aren't in the office, she will send you an email with the phone message.

If Sandra is not at her desk, the phone will ring in the student work area. Please answer this phone if you hear it ringing. (Only one phone per pod will ring, but you can answer the call at any phone by selecting the 613-7169 button.)

Answering the phone: Please answer the phone as follows: “Duke Law Clinics, may I help you?” Handle calls as follows:

Calls for other Health Justice Clinic students or supervising attorneys: If you pick up a call for another student or supervising attorney, please send the message in an email. If the call is from or in reference to a client, and the caller does not know the name of the student representative, please put the client on hold and check on Clio. If you are still unable to determine who the call should go to, please check with Allison or Hannah.

New telephone inquiries:

If you take a call from a new Health Justice client, use the intake sheet (Forms, p. 15), and follow the intake procedures for incoming calls outlined in section IV.A.1 of this manual. (Don't use the pink message pad.) Hard copies of the intake sheets can be found in the office. The form can also be accessed via the course webpage. Give the completed intake sheet to Allison.

Calls for other Duke Clinics: If the call is for a student or faculty member of another clinic, please try to locate the person the caller is looking for and transfer the call. If the person is not available, please take a message and send it via email. If you take a new client call for another clinic, please forward the message to Sandra or can't figure out who should get the call.

Transferring calls:

- Get the caller's name and phone number, just in case you inadvertently disconnect them.
- Press **transfer** (next to the **hold** on the phone keypad). The present call is put on hold. The red **transfer** light blinks.
- Listen for the dial tone.
- Dial the extension to which you want to transfer the call. (Allison: 613-7135; Hannah 613-8516). Remain on the line.
- If this person answers, tell her who is calling for her. If she wants to take the call, press **transfer** again and the party on hold is transferred to her line. At this point, your line is released from the call and you can hang up.
- If there is no answer or the line is busy, press the button for the call (next to the blinking light). This will return you to the call on hold.

Outgoing Calls: Please use the clinic phones only for clinic-related calls. Just lift the receiver and dial. You do not need to dial "9".

3. Copying/Scanning

There are two multi-function printer/copier/scanner devices in the clinic. One is located in the clinic pods. The other is in the mailroom. You will be shown how to use these during your office tour. They are fairly self-explanatory. One important note: ***If you have copying mistakes with client-identifying information, please do not put them into the trash or recycling.*** There is a shredder near each of the multi-function machines, as well as a shredbox in the clinic student work area. Your scans will go to the Clinicscans folder. See instructions in Appendix 1 on how to access that folder. When you locate your document in the clinicscans folder, upload it to Clio and delete it from the Clinicscans folder.

4. Faxing

The multi-function machine in the mailroom also serves as our fax machine. All faxes should be sent with a Health Justice Clinic coversheet. The coversheet template is on the course web page and in Clio. Incoming faxes will be placed in your mailbox.

5. Supplies

Each work station in the Clinic office should have necessary supplies, including pens, paper, message slips, etc. Additional supplies are kept in the supply cabinets in the copy room. Please replenish the supplies at your work station whenever they are running low. If you notice that stocks in the supply cabinet are running low, or if you think of some supply that would help us operate more efficiently, please let Sandra know.

6. Correspondence

All clinic correspondence should be typed and printed on Clinic letterhead (Forms, p. 12), in standard business letter format, generally in at least 12 point type, and include the date. Please resist the urge to use a small typeface in order to fit a letter onto a single page. For clients with limited vision or literacy, you should consider using 13 or 14 point type. The Health Justice Clinic Letterhead is on our website and is a template document in Clio. **All letters must be hand-signed by you. (The file copy does not need to show your signature, but your signature must be on the letter sent in the mail)**

All correspondence must be approved in advance by your supervising attorney. You can create a “task” in Clio for your supervising attorney to review your document.

Correspondence should be mailed in Clinic envelopes, with a typed address. An envelope template is available on the web and on Clio. All you need to do is type in the envelope and print. For bulky items, use a large envelope and print a label. Sandra can answer your label questions or print one for you.

A hard copy of every piece of correspondence -- indeed every document produced -- must be kept in the client’s paper file. An electronic copy of every document must be kept in the client’s file in Clio.

All letters must include the following components:

Date (the date the letter is sent), in the following format: January 1, 2019

Inside name/address, e.g.: Mr. Joe Client
15 Your Street
Your Town, NC, 11111

Reference (optional): Re: Your appointment

Salutation: Dear Mr. Client

Body: The text of the letter, divided into appropriate paragraphs

Closing: Sincerely,
Susie Student
Certified Law Student
Under the Supervision of
[Name of your Supervising Attorney]
Supervising Attorney

Your Signature

Sign your name!!

Note of copies

cc: Jane Doe

Note of enclosures

Enclosures: [title of enclosed document]

Sample Business Letter

Duke Legal Project
Box 90360
Durham, NC 27705-0360

Carolyn ~~Upchurch~~, Director
Allison Rice, Supervising Attorney

Telephone: (919) 613-7169
Toll Free: (888) 600-7274
Fax: (919) 613-7522

November 12, 2007

Mr. James Jones
104 A Eight Circle
Your Town, NC 27834

Re: Written Designation for Standby Guardianship

Dear Mr. Jones:

I talked to Linda and she said the two of you haven't been able to meet to sign the Standby Guardianship papers I called you about.

We thought it may be easier to send you the papers directly. In order to complete them, you need to sign and date on the lines with the red flags. Your mother also needs to sign on the lines marked with blue flags.

You also need to have 2 witnesses with you and your mother sign these papers. Anyone who is over 18 years old, and who is not you, your mother, or your husband, can be a witness. The places where your witnesses need to sign are marked with yellow flags.

We have also given you a stamped envelope with our address on it. When you have signed these papers, please send them back to us. Once we get the papers, we will keep a copy in our file and send you a copy of them.

Thanks for your help. If you have any questions, please call us at (919) 613-7169 or toll free at (888) 600-7274.

Sincerely,
Emily N. Carter
Emily N. Carter
Certified Law Student
Under the Supervision of
Allison Rice
Supervising Attorney

Annotations:

- Every letter needs a date
- name and address
- regarding
- salutation
- Body of the letter, with readable length of paragraph
- Signature block -- with supervising attorney name
- Sign the letter

7. Mail

Incoming Mail: Incoming mail will be placed in your mailbox or your tray in the pod. Please check both regularly for incoming mail.

Outgoing Mail: Please place outgoing mail in the wire basket at Sandra's desk. She will bring it to the mail room. The mail goes out at about 12:30 p.m. each day. Our envelope template includes a mail code, so no postage is necessary, unless the letter is time-sensitive. Sometimes you will need to enclose a stamped return envelope. Get a stamp from Sandra. One stamp will be enough for 4 pages. If you have more, use the postal scale in the copy room to determine the correct postage amount.

Express Mail, Federal Express: Occasionally, we need to get something out quickly. Please consult with your supervising attorney if you think you need to use an overnight service. We can arrange for Sandra to prepare the necessary forms.

Certified Mail: We sometimes use certified mail for service of process. If you need to send a letter by certified mail, please give it to Sandra.

8. Case-related emails

You may have occasion to communicate with your client, social workers, witnesses, or medical providers by email. These emails should be reviewed in advance by your supervising attorney, sent via your Duke account, and saved in Clio (notes tab). In a particular case, your supervising attorney may authorize you to send non-substantive emails without prior approval, but you still must copy your supervising attorney on such an email. Do not use personal email accounts for case-related emails.

9. Client meetings

We generally meet with clients at their medical appointments, a case management agency, or at the Law School. You can decide which is most convenient for you and the client. We do not meet with clients at their homes, except in unusual circumstances. If you are thinking about a home meeting, consult in advance with your supervising attorney. We will generally be able to suggest an alternative or accompany you. You may not drive your clients to or from appointments, or anywhere else. If a client asks you for a ride, just politely decline and explain that our rules prohibit it.

Meeting at the law school:

Room: You can use one of our interview rooms for client meetings. Because the clinic conference room is not at all soundproof, we generally do not use it for client meetings. The

interview rooms at the law school have recording equipment that will enable you to videotape client meetings. You must schedule a room in advance, through Clio. Go to the Firm Calendar in Clio. Make a calendar entry that includes your name, the room, and the purpose, e.g. "Client meeting." You don't need to include the client name.

Parking: Clinic clients may park in the law lot, but will need a parking permit. There is one dedicated clinic client parking spot. Sandra maintains a desk calendar in the pod where you can reserve that spot. Technically, we are not supposed to have more than one client (for all clinics) in the Law Lot. We have alternate parking on Science Drive if the Law Lot space is unavailable. Before you schedule, please check the calendar to make sure the spot is available. As soon as you schedule a client meeting at the law school, get a parking pass from Sandra. Time permitting, you can mail the pass to your client. If there's a rush, we can scan and email the permit if the client has an email account. Otherwise, you will need to give your client the permit when s/he arrives for the meeting. A client arriving at the law lot should use the pass to enter the lot. If the pass doesn't work, the client can press the buzzer and explain that they are arriving for a clinic appointment. The pass is also needed to exit the lot.

For clients who are driving to the law school, you can provide directions, which are posted on our web page and also included in our form appointment confirmation letter.

Meetings at Medical Appointments:

We often meet clients at their medical appointments at Duke or UNC. We have directions to all of these facilities on the web. Make sure you will have a private room in which to meet. Call ahead to confirm that space will be available. Also, if you need to have any documents notarized, you must arrange in advance for a notary to be available (see below). We have parking vouchers for Duke Medical Center decks, which you can get from Sandra.

10. Notaries & witnesses

When your client is signing a Will or other documents, you will need witnesses and a notary. It is your responsibility to make arrangements for these ahead of time. If you are at the law school, other clinic students can serve as witnesses; Allison, Hannah, Sandra and some other clinic faculty are notaries.

Outside the law school, you will need to make arrangements for both witnesses and notaries. Many hospitals have notaries on staff, but they may not be able to notarize documents other than advance directives. You can solicit other clinic students to serve as witnesses, or try to find witnesses at the time of the signing. (Note that employees of the client's health care providers can't serve as witnesses for a Health Care Power of Attorney or Living Will.)

11. Working from home

Because of confidentiality concerns, we prefer that client work be done in the Clinic office. However, providing you can assure confidentiality, there are many tasks you can accomplish at home. If you work out of the office, please follow these guidelines:

- You can access Clio and clients documents through the web, but must use an encrypted device.
- Because you can access client materials remotely through the web, you should not save client information on a flash drive or unencrypted device.
- If you need to take a paper file home, please let the supervising attorney know that you will be doing so. Do not keep the file at home for any extended period; return it to the Clinic office as soon as possible.
- While working at home, be sure to preserve client confidentiality. Make sure your file or any documents on which you are working are not visible to other members of your household. Make sure any client-related telephone conversations are confidential. Finally, ensure that you print only to a confidential printer.

C. Supervision

You work will be supervised by the supervising attorneys, Allison or Hannah. When you are assigned a case, one of them will be designated as the supervising attorney on that particular case.

When you are enrolled in the Clinic, you are a professional responsible for the clients we represent. You are the attorney. However, you will be closely supervised in every case. You must keep the supervisor informed of all progress in a case. Progress reports are given both through weekly scheduled meetings and ongoing consultation (in person, by phone, or by email) between meetings.

Weekly meetings: You will meet with the supervising attorneys weekly at a standing meeting where we will discuss your cases and any other questions/issues you might have. If you have a conflict with a meeting, let us know and we will reschedule.

For each weekly meeting, you should bring the following items:

- Case files for your cases
- Weekly Supervision forms (including agenda)
- A pad and pen to take notes

For the first few meetings, you should also bring the following:

- Time report from Clio

Specific guidelines about supervision:

- **No letter or document should ever be mailed out, hand-delivered, faxed, emailed, or in any way sent out of the office unless a supervisor has reviewed, edited, and approved the document for transmittal.**
- All correspondence on which your name appears must identify you as “Certified Law Student under the Supervision of [Allison//Hannah], Supervising Attorney.”
- You may not sign court documents. When you prepare documents for filing in a court case, you will prepare them for the signature of your supervising attorney.

IV. CASE HANDLIN

Overview:

There are several steps in the process of handling a client's case. In most cases, the following basic steps will occur. These are summarized here, and detailed in the later sections of this manual:

- **Intake/Screening/Verification:** this is the process of screening and opening cases. Most of these steps are handled by others. It usually consists of these steps, usually, but not always, in this order
 - a telephone contact,
 - entering the case into our database, Clio.
 - checking conflicts
 - telephone follow-up and case acceptance/rejection decision,
 - formally "opening" the case and creating a physical file folder
 - assigning the case to a student.
- **Client Representation:** all of the activities involved in handling the case
- **Transfer of file:** If we don't complete our work in one semester, the file will be transferred to a new student.
- **Case Closing:** When we complete our work, we follow a particular set of procedures in closing the file.

A. Client Intake Procedures

Screening:

New clients come to us either by way of a cold call or through a referral from a case manager or social worker. Calls and referrals will generally go directly to one of the supervising attorneys.

Most new client cold calls are taken by Sandra and screened by the supervising attorneys. One of them will create a new client/case record in Clio. Occasionally a new client call will come straight through to the clinic pod. If you take such a call, get basic information about the case and fill out an Intake Form (Forms, p. 15). On the first call, you need only get the information on the first page. This includes the client's full name, address, phone, and the nature of the problem. Determine if there are any adverse parties, as we will need to check conflicts before we can proceed further. After you complete the form, give it to Allison, who will determine what follow-up is necessary.

All case acceptance decisions will be made by one of the faculty. Students may not make case acceptance decisions. When you speak with prospective clients you should never make a

commitment to take the case. Let the client know that the supervising attorneys make all case acceptance decisions. We base our acceptance decisions on whether the case is within our case priorities, client need, income/asset eligibility, availability of other resources, educational value, and student availability.

Case Assignment:

You will receive one or more cases at the beginning of the semester. The faculty will monitor each student's case load and assign additional cases so that you have enough work, but not too much. We will attempt to assign of variety of types of cases for each student.

After a case is screened and the decision to accept the case is made, the faculty member supervising the case will let you know that the case has been assigned to you.

B. Case Handling Procedures

When you are assigned a new case, you will begin work on the case, generally taking the following steps.

1. Initial Contact with Client:

Call the Client: When you have been assigned a new case, call the client and introduce yourself. In this initial call, you should also get any remaining intake information that has not yet been obtained, such as income, medical (HIV/Cancer) status, etc. You can do this by filling in any blank portions of the Intake Sheet and giving the intake sheet to the supervising attorney for entry into Clio. Once the case is officially "opened," you will get a paper file. You can make up your own temporary file in the meantime. If you don't receive a paper file in a short time, let us know.

After you have made telephone contact with the client (or if you have been unable to do so), send the client an introduction letter. If it is a new client, also send with 2 copies of the Representation Contract).

Initial Interview: Schedule an initial interview with the client. This should usually be done in person, but in some cases the client may not live nearby and the interview may need to be done over the phone. In the initial interview, you should get a detailed account of the facts, review and copy any pertinent documents, and fill out any specialized questionnaires/intake sheets. Review the checklists and/or protocols for the subject area of the case, and bring appropriate forms to the interview. Prior to the client meeting, discuss the case with your supervising attorney to determine whether any releases or other forms need to be signed, and what topics should be

addressed.

If possible, you should videotape the initial client interview. This is easily done if you are meeting with the client in the clinic office. You will need get the client's permission for taping and have the client sign a release.

2. Opening Memo:

Once you have done the initial interview, complete an Opening Memo (Forms, p. 26). The opening memo should provide a detailed account of the information obtained in the initial interview. The opening memo should include the information recorded on the interview questionnaires as well as any other notes that you take. *It should be thorough, with no relevant information left in your head – everything should be in the memo.* As with all documents, the Opening Memo must be reviewed by the supervising attorney before being finalized. Put a copy of the final version in the paper file. If you write your opening memo before you have conducted a detailed intake, you may need to revise the opening memo later to incorporate the new details obtained in the interview.

3. Consultation with supervising attorney:

Meet with the assigned supervising attorney about the case. You and the supervisor will determine the work to be done on the case and establish some internal deadlines to assure that all work is completed in a timely manner.

4. Paperwork:

Client Representation Contract: If we have not already sent the client a client representation, prepare one after interviewing the client and discussing the case with your supervising attorney. The Representation Contract will set out the work we are agreeing to do and the way we will work together with the client.

Releases: In many cases, we will need to obtain confidential information about the client. To do so, you will need to have the client sign an appropriate authorization to release information to us ("release"). In many cases, where we will be working with a social worker or case manager, it is helpful to have the client sign a Release to Third Parties (Forms, p. 24). This form permits *us* to share client information with others in order to facilitate our representation of the client. For medical releases, we ask the client to leave the date signed blank.

Social Security cases: In a new social security case, there will be other forms to fill out. Consult the Social Security protocols, in the Social Security Tab of the Clinic Binder.

Protocols: We have created detailed protocols or checklists for the most common types of cases that we handle. When you begin work on your case, you should determine whether there are protocols for the type of matter you will be handling. If there is a protocol, print out a copy and place it in the file. The protocols will guide you through the main steps involved in handling your case. Check off each step as you complete it.

5. Road Trips:

Each semester we take a number of “road trips” to remote locations outside the Triangle, such as Greensboro, Winston-Salem, Hickory, etc. A group of students and a supervising attorney will drive together to the road trip site and see 10-15 clients, generally to prepare Wills, Advance Directives, and standby guardianship paperwork. Our case handling procedures are compressed for these clients.

Before the Road Trip: One of the supervising attorneys will set up the road trip with a hosting agency, which provides us with a list of client names and phone numbers. Students who are going on the road trip are given several clients to call and complete intake sheets. In the call, students confirm that the clients will be coming to the road trip and get basic intake information on the Intake Sheet. Students return the intake sheets to the Supervising Attorney, who will bring them on the trip.

At the Road Trip: Students generally see at least two clients on the road trip. We provide folders with all the necessary intake sheets and questionnaires. You will do the intake, get the needed information and then consult with the supervising attorney. If the client wants to do Powers of Attorney, Advance Directives or a Standby Guardianship Designation, we can do this onsite with fill-in-the-blank forms. You will fill out the forms on your laptop, have them reviewed by the supervising attorney, and then execute them. We bring along our own printer.

If your client needs a Will, you will not have time to do the document on the trip. If you have time, you can complete the intake on the road trip. Often, it’s necessary to follow-up by phone to do the Will intake. Then, we prepare the Will back at the office and we will make a return trip to execute more documents.

After the Road Trip: Return the Intake Sheet to the Supervising Attorney, who will ensure that we have all the necessary information and formally open the file. You will then get a permanent paper file for the case. Email the supervising attorney to let her know which clients you saw, what documents were executed, and what documents remain to be completed. Prepare an opening memo for each case, and continue as usual.

C. After the File is Opened: Representing the Client

You are the client's legal representative and are responsible for the handling of the case, under the close supervision of Allison or Hannah. Begin work on the case in a timely manner, according to the plan agreed upon with the supervisor. Meet with the supervisor as needed for advice and review of work. Document all of your activities in detail, using memos to the file and Clio. Keep time records, as explained below. Calendar all client appointments and deadlines. Vigilantly maintain the file according to the file-keeping procedures.

Basics:

- Cases are to be handled in a **professional and timely** manner.
- **File Management & Attention to Detail:** In this clinic, you will have minimal secretarial support. You will need to type, mail, and file your letters and keep your files organized. While these clerical tasks may seem trivial and unrewarding, careful clerical work and file maintenance are essential to our endeavor. Most students are in the clinic only for a semester and are working jointly on the cases with their supervising attorneys. The supervising attorneys and any subsequent students must be able at any time to quickly figure out what is happening in the case, find documents in the file and follow the case history. Disorganized or incomplete files and notes can cause mistakes and expose us to malpractice liability. ***Thus careful file management is critical and is taken into account in your grade.*** This applies to both the paper file and the electronic file in Clio.
- **Professional attire:** Whenever you meet with clients or are otherwise in public representing a client (at the courthouse, an administrative agency, etc.), **you should be dressed professionally.** Appropriate attire for client meetings is business casual. Suits are not required, except for court or administrative hearings. Please dress conservatively when meeting with clients.
- **Respect:** Address people by their surnames unless otherwise instructed.
- **Client confidentiality** should be maintained at all times. Be discrete when you discuss your cases with supervising attorneys or other members of the class. With people who are not in the clinic, you may discuss your clinic work in a general manner, but should not disclose any client-identifying information.

1. File Maintenance: The Paper File

Proper maintenance of case files is a requirement of the clinic. Supervisors will review the file, supervisors and students will rely on information in the file, and students who come after a student will need the knowledge gained from previous students. The student assigned to the case is responsible for keeping the file current and in proper order at all times.

Here is the basic file-keeping style of the clinic:

Standard Manila files (documents, guardianship, other small matters).

Left side of the File (reverse chronological order – most recent on top)	Right Side of the File (reverse chronological order – most recent on top)
<p>Top</p> <ul style="list-style-type: none"> • Closing memo • Case Notes • Transfer memos, if any • Opening memo • Any checklist • Specialized intake forms (i.e. will intake, disability intake, etc.) • Releases • Printed Intake sheet • Intake sheet • Client Representation Contract <p>Bottom</p>	<p>Top</p> <ul style="list-style-type: none"> • Correspondence • Documents drafted by clinic, such as powers of attorney, wills, etc. • Pleadings, administrative memoranda, trial documents, etc. • Documents relating to the case, such as copies of insurance policies, contracts, etc. • Miscellaneous case-related documents <p>Bottom</p>

Complex Cases:

If you are working on a more paper-intensive case (which includes all disability cases), we will use a looseleaf binder instead of a file folder. (Sandra will set up binders with divider tabs.) A case can be transferred to a binder at any time if a standard file becomes inadequate for needed organization. In a binder, we use divider tabs in any sensible organizational system. The primary objective is to organize the file in such a way that, if necessary, another student (or your supervising attorney) could pick it up and understand what is going on in the case.

Social Security cases: Our largest files are Social Security cases, and we keep them in looseleaf binders so that we can more easily access our materials. The tabs used are the following:

- Intake Sheets (handwritten and long intake sheets)
- Case Notes
- Memos to file (Opening, Transfer, Memos regarding any research or other aspects of the case)
- Correspondence (Letters/Emails to client, witnesses, others; requests for medical records)
- Medical Releases (release forms only);
- SSA Correspondence/Forms (Letters to or from Social Security; Appeal documents, bar code, exhibit list)
- Expert Reports (Statements/Affidavits/Questionnaires from experts, e.g. physicians)
- Affidavits (Statements/Affidavits from others)
- Medical Chart (a hard copy of the medical chart)
- Educational Records (any school records that we obtain)
- Work Records (any work records that we obtain)
- SSA Memo (hearing or OTR memo)
- Tabs for each individual medical provider. Medical records from each provider are kept in a separate tab. We have tabs for a variety of different types of records and documents. You should add new divider tabs, with labels, for each provider. If we receive medical records electronically, do not print them out in hard copy, unless you prefer to work with the paper copies. Any paper records we receive are scanned, OCR'd and uploaded to Clio.

Almost every Social Security case will last for more than a semester, so be sure to organize with the knowledge that another student will almost certainly have to work on the file after you. If there is a paper copy of the Social Security file, it should be kept in a separate binder, marked as "volume II" with the client's name.

Other guidelines for the paper file:

- ***The paper file should contain a hard copy of everything relating to the case***, including letters, documents, file notes, emails, legal research, etc. All papers must be clipped in. Files should never contain loose paper. Handwritten notes of phone conversations or meetings should be shredded after they are incorporated into the case notes or a typed memo.
- ***You should generally not retain original client documents***. Scan the documents and save the copies in the file and Clio. Return originals to the client. If for some reason you need an original, or need a clean copy that does not have punched holes in it, fold it and put it in an envelope. Clip the envelope in the file and mark the envelope noting the contents.

- **Ink Stamps** We have ink stamps for a draft or copy. To avoid confusion, mark such documents with the appropriate stamp.
- **Shred drafts** after they have been replaced by a later draft or a final version of the document.
- **Do not keep handwritten notes.** They should be typed up and discarded.
- **Open files should be kept in the clinic office at all times** except when they are in use. They are to be filed alphabetically by the client’s last name. Do not remove files from the office unless you are going to meet with the client or have the ok of the supervising attorney. Remember to maintain confidentiality with regard to anything taken out of the clinic office.

2. File Maintenance: Electronic Files:

See **Clio Users Guide** for details on:

- Creating and storing client documents in Clio.
- Documenting activities in Clio
- Keeping time in Clio
- Email in Clio

- **What information is maintained electronically.** We maintain an electronic copy of work produced and documents received. We scan and save electronically any significant case documents that come to us in paper form. Scanning and saving documents to Clio will facilitate working outside the clinic office. Any work you produce (letters, documents, research) should be uploaded to Clio promptly, even if it’s not a final version.

- **Research:** If you write a memo reflecting legal research you have done, save it to Clio under your client’s name. If you do research without writing a memo, please record your research trail in a case note.

Documenting Activities in Clio:

As discussed above, every case opened by the Clinic is entered into our Clio case management database. This record will contain all client information. If there are changes in your client’s

address, phone, or other pertinent information, please update the information in Clio. Contact information should be updated in the client's contact.

You will also use Clio to document all activities in the case, using the Notes tab in Clio. (See the Clio Users Guide for details on how to do this.) Your supervising attorneys will do the same for any action they take on a case assigned to you. These notes are our primary record of what has been done and said; make sure it is detailed. There are several purposes for the case notes. First, the notes provide anyone working on the case, now or in the future, with a complete account of what happened. Also, it enables your supervisor to be completely up-to-date on case activity at all times. Our case notes are also our documentation for purposes of quality control and malpractice. Finally, if you should -- God forbid -- be hit by a car and in a coma, there should be no pertinent information locked in your brain. The case notes will enable any advocate to pick up the file and know what is going on.

Your case activities are documented separately from Time.

Time is kept separately in the Activities/time portion of Clio.

Your case notes must be **COMPLETE, DETAILED and UP-TO-DATE.**

Complete: Your case notes should include every piece of information that is at all relevant to the case or your work on it. Even unsuccessful activities should be documented, such as attempted phone calls, legal research that does not yield an answer, etc. Our case notes should tell us everything that has been done or attempted.

Detailed: By detailed, we mean the notes should say not only that you did something, e.g. "A conversation with client," but also what was said, by you, by the client, and what information might have been sought but not obtained. Your notes should include detailed descriptions of phone conversations, meetings with the client, research done, documents drafted, etc. If you have a meeting or conversation with the client or a third party, you should include everything potentially relevant to the case that you or the other person. If the information is lengthy, you may choose to write a memo to the file detailing the conversation and then refer to the memo in your Clio entry.

Even seemingly minor case events should be documented. If you make an attempt to call your client and get no answer, a busy signal, or leave a message, you should document the call in Clio. Also, include the number you called, even if it is available elsewhere in the client record. If you receive something in the mail related to the case, please note this in Clio.

Up-to-Date: Write your case notes in Clio immediately after you complete the activity. Do not rely on memory or handwritten notes on your legal pad. The supervising attorneys will from time to time be called upon to do something on a case, and we will need to be able to check Clio

so that we know where things stand. If you have failed to put your case notes into Clio promptly, it will impair our ability to be co-advocates.

Do not retain handwritten notes of activities - enter the information into Clio and then shred the notes. The Case Notes should be printed out at Fall Break and at the end of the semester and placed in the file, so that the file will be current at all times.

Example of CASE NOTE/Communications entries:

2/12/19 – Client came to the office to sign his Will. We gave original to client and advised him to keep it with his important personal papers. He said he does not want any additional assistance from the clinic at this time and I told him we would close the case.

2/11/19 Finalized will. Had it reviewed by Allison Rice, who approved it.

2/8/19 Called client. I asked him whether he had any sisters and brothers that he wanted to mention in his will. He said he has one sister, named Julia T. Smith of Oakland, Calif. He does want to mention her, and say that he is leaving her nothing not out of a lack of any affection but because she has been well-provided for by their parents. I agreed to include that in his will. I told him the will would be ready by the end of the week and we agreed that he would come to the office at 4 p.m. on Friday, January 12 to execute the will. I prepared a letter and sent him a parking pass.

2/5/19 -- Drafted client's will. Reviewed draft with Allison Rice. She suggested I ask client about siblings.

1/15/19 - Interviewed client. See notes on intake form & opening memo.

3. Time Keeping:

You are required to keep a record of your overall time spent on clinic work as well as time records for each client. Your Time is entered separately from Case Notes. Case Notes include lengthy details of activities. Time entries are brief.

You should record time for case-related work, office hours, client-related travel, research, studying the law relevant to your cases, supervision meetings, and administrative matters such as recording time and documenting your work. Time spent in class meetings or on class

preparation is not recorded and does not count towards your client representation time requirement.

Your time records are an essential part of documenting your work in the clinic and providing you with feedback.

During the semester we will monitor your time to make sure that you are working at a pace that will allow you to complete your hours by the end of the semester. You will need to include your weekly and total semester time on your supervision forms each week. This will help us make sure you are on track to complete your clinic hours by the end of the semester. Also, it will enable us to give you feedback about your productivity.

Instructions for Time Entry in Clio are in the Clio Users Guide

A few substantive guidelines on timekeeping:

Enter your time as soon as possible after you complete an activity. Enter your time into Clio daily if at all possible. If you wait too long, you will probably lose some time for which you would get credit. Also, the supervising attorneys want to be able to have an accurate accounting of your time throughout the semester.

Unlike your Case Notes, **your time entries should give just a brief description of your work.** For example: "Called Client. Researched guardianship statute." Other than that, it's fine for you to combine a number of tasks for one client in one time entry.

Make sure you **record the date on which the activity was done**, not the date the time was entered.

Avoid double-billing: For example, if you spend your two hour office block doing an hour of client work and an hour of administrative work, don't record both office hours and your client work. Rather, put in for one hour of client work and one hour of administrative time.

Don't cheat yourself: Make sure you give yourself credit for all the time you spend on your clinic work, including recording your case activities, timekeeping, doing background reading in preparation for a client meeting, etc.

Check your time periodically: Try to make sure you are keeping busy and pacing yourself through the semester. If your hours are low, consider asking for more work.

4. Client appointments and deadlines:

You should enter appointments and other important dates as calendar items in Clio. See the Clio Users Guide for detailed instructions on calendaring “events” and “tasks” in Clio.

5. Closing Files:

When work on the file is complete, you will need to take the following steps to close the file.

Closing Letter: When work on the case is complete, prepare a letter to the client closing the file (Forms, p. 28.) Personalize the letter as appropriate. Like all letters, this should be reviewed by your supervising attorney before it is sent to the client.

Closing Memo: Complete the closing memo (Forms, p. 32) and clip it in the left side of the file, on top. The closing memo should provide a brief summary of the work done (about a paragraph is usually sufficient) and be filled out completely.

File review/cleaning: Remove all drafts and duplicate materials from the file. Clip all papers into the file. Make sure the file contains a hard copy of every letter, memo, document or other work produced by student representatives. Make sure an electronic copy of all our work product is saved on the computer, in the client’s folder. If you did any client work on your home computer, please delete it so as to prevent any inadvertent breach of client confidentiality. Return any original client documents to the client Print out a final copy of the notes and clip it into the file.

Supervisor review: Give the file to your supervisor for approval.

Administrative Closing: The supervising attorney will review the file and close it on our system. Closed files will be returned to the closed file drawers. Check with Allison, Hannah, or Sandra if you need to locate a closed file.

6. End of Semester Procedures:

a. Discuss final steps with your supervising attorneys

As the semester comes to a close, you and the supervising attorneys will discuss each case to determine whether it is ready to be closed, or must be transferred for further work. You must complete this work on every case in order to complete the course.

b. Close or transfer each file

1. Closing the File:

See above, p. 34.

2. Transferring the file:

If, at the end of the semester, any of your client files need to be transferred to a new student, please take the following steps:

Organize the file: Make sure all activities have been entered into notes/communications in Clio. Minimize any handwritten notes and make sure all notes have been typed into Clio. Dispose of duplicates and extraneous materials. Clip all papers into the file. Print out the notes from Clio and throw away the old ones.

Transfer Letter: This is how we let the client know that you will no longer be working on her/his case. *Please personalize this letter* to reflect the work we have done and your relationship with the client. See Forms, p. 34.

Transfer Memo: This is for the file. You should give sufficient detail to ensure a smooth transition to the next student assigned to the case. Be sure to include any case deadlines. Clip the transfer memo into the file on the left at the top, and also email a copy to the supervising attorney. Touch base with the supervising attorney about each transferred case so she will know if any work must be done before the next group of clinic students begins work. See Forms, p. 35.

c. Print out case notes for all files

Shred the previous print-out and replace it with the final case notes.

d. Write and submit your final journal

You should have a total of five entries for the semester.

e. Print out final time report for Allison & Hannah

Your final time sheet must show at least 150/125/100 hours (the appropriate amount for your selected credit.) If it does not, you must consult with the supervising attorneys.

f. Delete any client-related emails and documents from your computer

It is important that you do not retain confidential client information on your personal computer. Please make sure any electronic information pertaining to a client has been printed out and placed in the client's paper file, or saved on the clinic drive. Then, delete all emails or

documents. If you wish to keep a copy of a particular document as a writing sample or for future reference, please discuss this with one of the supervising attorneys.

g. Remove all “temp” files from your laptop

h. Remove all personal items from the clinic office

If you leave materials in the clinic office after the semester is over, they may be discarded.

i. Schedule Exit Interview

We usually try to meet with each student when they are completely finished with the clinic. We will communicate with you about this as the semester comes to a close.

IV. CASE SELECTION AND CLIENT ELIIBILITY CRITERIA

The information in this section is confidential and should not be disseminated to prospective clients.

The Clinic will represent people living with HIV and/or Cancer free-of-charge, in the following categories:

- a. permanency planning for children;
- b. document preparation, including wills, living wills, health care powers of attorney and powers of attorney;
- c. government benefits cases, including Medicaid, Medicare, Social Security Disability, Supplemental Security Income, and Food Stamps;
- d. questions of insurance coverage, health care access, pensions and related matters;
- e. guardianship proceedings;
- f. employment and housing discrimination;
- g. other cases affecting the legal rights of persons with HIV or Cancer.

The Clinic will handle only civil matters and will not represent clients in traffic or criminal matters.

The following criteria will be used in prioritizing cases selected for representation by the clinic:

- Cases for people living with HIV or Cancer with legal issues that would give the students the best possible range of learning experience.
- Estate planning or permanency planning cases for people living with HIV or Cancer who are sick or dying.
- People living with HIV or Cancer with imminent court or administrative deadlines.

Representation will primarily be provided to people living with HIV and/or Cancer who meet the following financial eligibility criteria. (For detail, See Appendix A, Duke Law Clinics Financial Eligibility Guidelines):

Persons with incomes not greater than 250% of the Federal Poverty Income Guidelines.

Persons with income greater than 250% of the Federal Poverty Income Guidelines may be served if a client's gross income is primarily committed to medical or nursing home expenses. The Clinic may also consider the following factors in determining eligibility for the Clinic's services:

The availability of private legal representation at low cost with respect to the matter in which assistance is sought;

Consequences for the individual if legal assistance is denied;

The existence of assets, including both liquid and non-liquid, which are available to the applicant.

Group Representation: The Duke Health Justice Clinic may provide legal assistance to a group, corporation or association if the legal assistance will primarily benefit clients eligible for assistance under the above-stated guidelines, and if the group provides information showing that it lacks and has no practical means of obtaining funds to retain private counsel.

If a case has particular educational value to the students in the Clinic, the financial guidelines set forth above may be waived with the express permission of the Director. In all cases involving appearances by students in the state or federal courts, the client must be indigent according to the Rules Governing Practical Training of Law Students promulgated by the North Carolina State Bar or the comparable rules promulgated by the applicable federal court.

V. CLIENT RIEVANCE PROCEDURE

Any person who is not a client and who wishes to lodge a complaint about the Health Justice Clinic should be referred to the Director, who will respond to the complaint. Such complaints may come from opposing counsel, from public agencies, or from people who have been refused representation by the Health Justice Clinic.

Any client who wishes to complain about the handling of that client's case should be advised to contact the student's supervising attorney. If the client appears reluctant to do so, the student should advise the supervising attorney of the complaint and the supervising attorney will contact the client. The supervising attorney should arrange a meeting with the client to discuss the complaint. If the complaint is not resolved to the client's satisfaction at the meeting, the supervising attorney should advise the client of the client's right to take the complaint to the Director if the supervising attorney is someone other than the Director. If the client wishes to exercise that right, a meeting between the client and the Director should be arranged.

If the Director is unable to resolve the complaint to the client's satisfaction, she will advise the client of the client's right to take the complaint to the Associate Dean, and ultimately to the Dean.

This grievance procedure should be explained to the client by the supervising attorney during the initial meeting on the client's complaint. At that time, the supervising attorney should explain that the client's use of this grievance procedure will not prevent the client from attempting to resolve the problem through other available procedures, such as a complaint to the North Carolina State Bar.

In any case in which the client alleges potential actionable malpractice by the Health Justice Clinic, the Director will consult with the Clinic's liability carrier and the client will be advised to seek outside counsel to evaluate the claim.

VI. Duke Law Clinics Financial Eligibility uidelines 2019-2020

Individuals with family incomes under the limits automatically meet the financial eligibility guidelines for free legal services from the Duke Law Clinics. These limits represent **250%** of the 2017 Federal Poverty Guidelines.

Family Size	Annual	Monthly
1	\$31,225	\$2,602
2	\$42,275	\$3,523
3	\$53,325	\$4,444
4	\$64,375	\$5,365
5	\$75,425	\$6,285
6	\$86,475	\$7,206
7	\$97,525	\$8,127
8	\$108,575	\$9,048

The Directors of the individual clinics have the discretion to waive the above guidelines in cases which present exceptional educational value for students, and in which the client is deemed to be unable to obtain private counsel.

Tips for determining family income:

Explain that the Clinic represents only those with low incomes, and therefore, you must ask about the family income. Add that what is revealed will be kept confidential, and used for no other purpose other than to determine financial eligibility.

Ask what the sources of income are in the family. Does anyone work? If so, how many hours does that person work per week? Does he/she get paid by the hour? What is the hourly rate? (You do the math; multiply a week's wages by 4.3 to get a monthly amount.) If paid bi-weekly or monthly, ask for the gross figure (i.e., before taxes and other deductions).

Does anyone get money from another source besides a job, such as government benefits like Social Security or Veterans Benefits, or child support or alimony? (Do not add the value of Food Stamps, a housing voucher, or the like to the monthly amount. Just add cash benefits.)

If the client is over the limits, tell the client that the director of the clinic will have to make a determination about financial eligibility. The Clinics do not have a sliding fee scale.

Appendix 1

Scanning Documents in the Clinic Office

You can use the two multi-function machines in the Clinic suite to scan documents. The scans go to a secure network folder called “ClinicScans.” You pick them up, delete them from that folder, and upload them to Clio. You’ll have to go through a few hoops to access the ClinicScans folder. Please **DO NOT** scan to email.

1. Scanning

1. Use either copier/scanner
2. Choose “Scan to Network”
3. Choose “Secure ClinicScans”
4. Enter any settings (eg if your document is double-sided)
5. Scan

2. Picking up the Scan from the ClinicScans Folder

It is easiest to access the ClinicScans drive using a Clinic pod computer. Below are instructions for accessing the drive from a Clinic Computer, as well as from your own machine (PC or Mac). In both settings, you will need to first access the Protected Data VPN, and then map the ClinicScans drive. After you get your file from the ClinicScans drive, please **delete it** from that location.

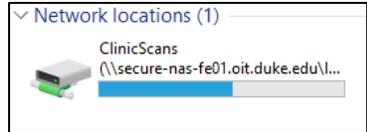
From a Clinic Computer.

Sign into the Protected Data VPN:

1. Launch the Cisco AnyConnect VPN client.
2. Type: portal.duke.edu and select connect.
3. From the Group drop-down menu select **Protected Data**.
4. Type your username and password (netid).
5. For second password, use a multi-factor code or type “push” and accept on your phone.
6. Select OK.

Map the ClinicScans drive:

1. On the desktop, you will see an icon for Map_Secure_NAS: 
2. Click the icon, and you will briefly see a black screen, which will then go away. The drive is mapped.

3. Browse your drives, and you will see the ClinicScans drive: 
4. Copy/move your file, and delete the file from the ClinicScans drive.

Mapping the ClinicScans drive on your Mac

1. Connect to the Protected Data VPN, using the steps above.
2. Open finder.

3. Select go > connect to server.
4. Enter: smb://secure-nas-fe01.oit.duke.edu/LAWCLINICS/ClinicScans in the server address (click the plus icon to save to your favorites).
5. Select connect.
6. You will be prompted to enter your netID credentials, then select connect.

Mapping the ClinicScans drive on your Windows Laptop

1. Connect to the Protected Data VPN, using the steps above.
2. Open the File Explorer
3. Right-click “This PC”
4. Select “Map Network Drive” from the drop down menu
5. Choose your drive letter
6. Type: [\\secure-nas-fe01.oit.duke.edu\LAWCLINICS\ClinicScans](smb://secure-nas-fe01.oit.duke.edu/LAWCLINICS/ClinicScans)
7. Select Finish
8. You will be prompted for you netID and password to mount the drive