

**LOYOLA UNIVERSITY NEW ORLEANS COLLEGE OF LAW
STUART H. SMITH LAW CLINIC AND CENTER FOR SOCIAL JUSTICE**

EVALUATION STANDARDS FOR STUDENT PRACTITIONERS

PART 1: LAWYERING SKILLS

1. INTERACTION WITH CLIENT AND COUNSELING SKILLS.

Student:

- a. treats the client with respect
- b. listens to concerns/issues voiced by client
- c. has knowledge of legal issues involved in interview (*not appropriate for "first time" interview, unless student has advance notice of the type of case)
- d. keeps client informed of progress of case by appropriate correspondence, telephone and personal contact
- e. returns telephone calls timely, including any calls related to the case
- Did you foster an effective attorney-client relationship with your clients?
- Did you respond in an empathic manner to your clients?
- Did you foster confidence in your clients?
- Did you advise your clients of significant developments in the case and of such major work products as briefs in support of motions?
- Did you advise your clients of significant dates, delays, and changes in schedules?
- Did you assist your clients in making all significant decisions in their cases by providing all needed information and by helping the clients to structure the decision making process?
- Did you educate your clients so that they will be better able to protect their own interests in the future?

2. PROBLEM IDENTIFICATION IN CLIENTS' CASES.

Student:

- a. elicits facts necessary to determine legal issues
- b. accurately identifies legal problems/issues of client
- c. recognizes difference between legal and non-legal issues
- d. recognizes need for further information in determining legal issues
- How creative were you in developing theories of the case to accomplish your clients' goals?
- Did you develop sufficient facts to identify all appropriate theories?
- Did you identify factual inconsistencies in order to discard inappropriate theories?
- How effectively did you implement the theories of the case?
- Did you develop sufficient facts to establish emotionally sensitive theories?
- Did you anticipate legal and factual arguments from adversaries and others?
- Did you develop sufficient substantive knowledge to implement all appropriate legal theories?
- Were you able to use procedural and evidentiary rules to your clients' advantage?

3. RESEARCH SKILLS ON BOTH SUBSTANTIVE AND PROCEDURAL ISSUES.

Student:

- a. has researched applicable state/federal procedure and substantive statutes and cases
- b. has copies of applicable statutes and cases in file
- c. develops necessary memoranda based on research to assist in developing an appropriate "legal theory" of the case and to assist the supervisor
- d. prepares memoranda which accurately synthesizes law and facts
- e. has researched appropriate court rules
- Did you conduct sufficient legal research to identify all possible theories?
- Did you utilize the full range of legal authorities available?
- Did you acquire sufficient substantive knowledge to develop all appropriate legal theories?
- Did you develop sufficient legal precedents to establish legally persuasive theories?
- Was your legal research comprehensive and reliable?
- Did you identify all applicable rules of procedure?
- Did you develop sufficient substantive knowledge to implement all appropriate legal theories?

4. ORAL AND LEGAL WRITING SKILLS (LETTERS, PLEADINGS, BRIEFS).

Student:

- a. prepares letters, pleadings and briefs which are grammatically correct and free of spelling and typographical errors
- b. prepares pleadings in compliance with the Federal or Louisiana Code of Civil or Criminal Procedure and relevant court rules
- c. writes briefs which clearly advocate for the client's cause
- d. writes letters which are clear and to the point
- e. gives supervisor letters, pleadings and briefs with sufficient time to allow editing and revisions
- Did you express your thoughts with precision, clarity, and economy?
- Did you express your thoughts in an organized manner?
- Did you express your thoughts in a format targeted to your intended audience (whether clients, adversaries or others)?
- Did you identify and use appropriate non-verbal aspects of oral communication?
- Did you identify and respond to verbal and non-verbal clues from others?
- Did your oral advocacy advance immediate and long-term objectives?
- Did you use proper grammar, vocabulary, and pronunciations?
- Did you articulate and enunciate clearly?
- Did you identify and use appropriate non-verbal aspects of written communication?
- Did you respond effectively to the positions expressed by others?
- Did your written advocacy advance immediate and long-term objectives?

- Did you use proper grammar, vocabulary, and sentence structure?

5. CASE EVALUATION FOR PURPOSES OF STRATEGIC DECISIONS OR SETTLEMENT.

Student:

- a. keeps in mind goal of litigation and what client wants out of litigation
- b. is able to assess settlement offers in terms of client goals
- c. is able to make strategic decisions based on goals of litigation
- Did you assist your clients in making all significant decisions in their cases by providing all needed information and by helping the clients to structure the decision making process?
- Were the goals of the client reviewed throughout the course of litigation so that the student and the client understand what the goals are at any given time?
- Did you inform the client of any and all settlement offers?

6. PROFESSIONAL RELATIONSHIPS: ABILITY TO INTERACT WITH OPPOSING COUNSEL AND OTHER LEGAL PERSONNEL; NEGOTIATION SKILLS.

Student:

- a. maintains appropriate contact with opposing counsel (initiates negotiation where appropriate, clarifies positions, etc.)
- b. makes effort to analyze negotiation and litigation styles of opposing counsel and formulates appropriate strategies for dealing with said counsel
- c. takes initiative in contacting juvenile court district attorneys and Office of Community Services' workers, managers, and attorneys to obtain/discuss information related to the case
- d. writes out plan for negotiation
- e. mails courtesy copies of all pleadings to opposing counsel
- f. maintains professional attitude toward opposing counsel.
- Did you interact effectively with adversaries?
- Did you interact effectively with court personnel?
- Did you interact effectively with witnesses?
- Did you respond courteously and with due consideration?
- Did you respond from positions of strength rather than from positions of weakness?
- Did you interact in a considerate and respectful manner with office staff?
- Did you interact effectively with your partner (if any)?
- Did you simply divide all tasks or did real collaboration take place in your work?

7. COURT APPEARANCES: PREPARATION OF SELF AND WITNESSES; DEMEANOR IN COURT; QUESTIONING SKILLS; PRESENTATIONS TO COURT; ABILITY TO SPOT AND MAKE OBJECTIONS.

Student:

- a. properly prepares self for trial
- b. properly prepares client and witnesses for trial
- c. maintains appropriate demeanor in court
- d. develops questioning skills appropriately
- e. presents proper arguments which are responsive to case development at the time of delivery
- f. has the ability to spot and make objections

- Did you timely prepare a trial plan?
- Did you prepare specific questions for trial and review them with supervisor
- Did you develop questions designed to elicit information from parties and/or witnesses appropriate to the purpose of the hearing?
- Did you meet with client and witnesses prior to trial to prepare, including anticipating cross examination by opponent(s)?
- Did you determine need for cross-examination and purpose of cross-examination; and if cross-examination was necessary or advisable, did you prepare appropriate questions?
- Did you anticipate objections to evidence and testimony?
- Did your court performance reflect preparation?
- Were your physical appearance and utterances appropriate to court behavior?
- Did you arrive on time in court to meet with client and witnesses?

8. RECOGNITION OF ETHICAL ISSUES AND PLAN FOR RESOLUTION OF ANY ETHICAL PROBLEMS.

Student:

- a. has knowledge of professional rules of conduct
- b. conducts him/herself in light of those rules
- c. is able to spot ethical problems
- d. timely addresses ethical questions and proposes possible solutions
- Did you identify and address all possible conflicts with the Code of Professional Responsibility?
- Did you identify and address possible conflicts with other ethical, ideological, or personal considerations bearing on a case or the attorney-client relationship?
- Did you consult with the clinical supervisor appropriately?
- Did you advise the clinical supervisor of sensitive and significant matters?
- Did you advise the clinical supervisor of delays and changes in dates and schedules?

PART 2: CLINICAL PERFORMANCE

1. SELF-INITIATION AND SELF-INFORMATION SKILLS ON CASES; ABILITY TO PROCEED WITHOUT UNDUE RELIANCE ON SUPERVISOR.

- Did you take necessary steps on your own to move cases without unduly relying on supervisor?
- Did you seek out necessary facts on your own?
- Did you appropriately document gathered information in the file?

2. PROMPTNESS OR LACK OF PROMPTNESS IN COMPLETING WORK; GETTING WORK TO SUPERVISOR WITH ENOUGH LEAD TIME TO PERMIT EDITING AND IMPROVEMENT.

- Did you develop a time-line?
- Did you complete work as set forth in time line?
- Did you give supervisor enough lead time to permit editing?
- Were you on time for all meetings (office, court, class)?

3. CASE AND TIME MANAGEMENT; ABILITY TO BALANCE WORK IN ALL CASES AND WITH OTHER CLASSES. MAINTAINING RECORD OF EVENTS IN FILE.

- Were you able to accomplish tasks in an appropriate amount of time?
- Did you neglect cases?
- Did you appropriately determine and inform supervisor when other classes must take priority?
- Did you do so in advance, giving supervisor time to make other arrangements to handle case?
- Did you maintain copies of all correspondence, pleadings, memoranda, etc. concerning the case and properly affixed same to files?
- Did you appropriately maintain the physical integrity of the file?
- Did you maintain status and contact sheets updated?
- Did you coordinate your efforts with others?
- Did you consistently follow office procedures or have a reasoned and approved departure from those procedures?
- Did you meticulously maintain case files and document case activities?
- Did you commit the time required for course credits?
- Did you maintain a level of productivity that conformed to applicable standards?
- Did you meet all deadlines?
- Did you leave casework until the last minute?
- Did you allocate all of the time, effort, and other resources necessary to meet obligations to clients?

4. COMMUNICATION WITH SUPERVISOR. DOES THE STUDENT KEEP THE SUPERVISOR INFORMED OF THE PROGRESS OF THE CASE?

- Did you keep supervisor informed of progress of case on a weekly basis?
- Were you prepared to discuss cases with supervisor at their meetings?
- Did you inform supervisor of all court dates?
- Did you seek input from the supervisor in setting court dates?

5. REFLECTIVE SKILLS DEVELOPMENT.

- Can you effectively criticize your own performance?
- Are you able to identify your strengths and weaknesses in the various areas of legal work?
- Did you gain insights about your future role as an attorney?
- Did you identify the aspects of lawyering that are important to you and the parts that are distasteful to you?
- Did you learn about the kinds of legal work that you want to do?
- Did you learn about the way that the legal system enforces norms?
- Did you learn about the value and limitations of lawyers in our legal system?
- Did you learn about the political and social contexts in which effective individual case analysis must take place?
- Did you gain insights about your future identity as an attorney?

6. PERSONAL DEVELOPMENT.

- Did you grow as an advocate during the course of the clinic?
- Compared to your performance in the various aspects of lawyering at the beginning of the year, did you grow as an advocate during this year?
- Did you learn as much as you could have about yourself as an attorney?

- Did you do all you could have done to maximize the benefits you obtained from the clinical experience?

7. CLASS PARTICIPATION.

- Did you regularly attend class?
- Did you regularly read the assignments for class?
- Did you analyze the issues raised in the readings prior to class?
- Did you participate regularly in class discussions?
- Were you prepared to discuss developments in your cases in an effective manner with other students during grand rounds?

8. SPECIAL RECOGNITION.

- Are there any aspects of your work in clinic that are not otherwise described in the preceding criteria which deserve special recognition?

ANY OTHER RELEVANT COMMENTS TO PROFESSOR TO CONSIDER FOR GRADING PURPOSES:
