

SUPERVISION HYPO

It is the beginning of the second semester, 2/2/18. The student, Sally Smith is an editor on Law Review and a hardworking law student. She is a single, white female and wants to be a prosecutor. She is a student attorney in the year-long Family Advocacy Clinic (FAC).

Sally is given a copy of an intake sheet from HarborCOV (a local DV agency). The intake briefly identifies a new potential client, Eva, a history of the family law case, and a copy of two recently filed complaints at issue (Eva's complaint for modification and the father, Mike's complaint for contempt). Sally learns from the paperwork that Eva and Mike have a 2008 Judgment regarding their now 11-year-old child, Lily. The order includes, among other things, a provision for Mike's parenting time with Lily.

Eva is a 40-year-old African American women. She has been the primary caretaker for Lily and also has a 14-month-old son, Joey, with her current boyfriend. She told advocates at HarborCOV that things had been going well with Mike until recently. A few months ago Eva stopped bringing Lily to Mike's apartment because Lily told her that she is afraid of some men living at her father's house. In addition to filing for contempt, Mike alleges that Eva recently abused Lily and reported her to the Department of Children and Families (DCF). The contempt and modification cases are scheduled for a hearing on 2/16/18.

Prior to the first supervision meeting on 2/2/18, the supervisor, Valerie, reminds Sally that she needs to conduct a conflict of interest check, review the client's paperwork, meet with the client and submit a Supervision Agenda for the first discussion about the case/upcoming hearing. It is now 2/2/18 and Valerie is meeting Sally for their weekly supervision. Prior to the meeting, Sally confirmed that there are no conflicts.

Sally has had two family law cases in the FAC over the past five months; Eva's case will be her third case. The prior cases involved child custody, parenting time, and a few allegations of bad parenting. Sally has been a decent student so far in the clinic but hasn't really pushed herself as much as she can – and she was told this during her mid-year evaluation meeting in December 2017.

Supervision meeting/script:

Supervisor, Valerie: Hi, Sally, how are you doing today?

Sally: I'm okay. Just really frustrated with this new case.

V: Well what's going on?

S: Eva blew me off twice! And now she refuses to speak with me!!

V: OK, let's talk about this. When did you have meeting scheduled with your client, Eva?

S: She was supposed to come and meet with me in the clinic last Friday but she didn't show. I waited all morning for her. We rescheduled for yesterday and again, she blew me off and didn't even text me. And now she won't respond to my texts.

V: I can see how that's really frustrating for you since you were expecting to meet with your client. There may be understandable reasons why your client hasn't been able to come in to meet you here at the clinic. Can you think of any reasons why your client hasn't been able to meet you?

S: I guess she isn't taking her case seriously.

V: Have you tried to schedule a meeting at HC – you know, since Eva lives close to the agency?

S: I don't feel comfortable going there.

V: Why?

S: It's a really sketchy neighborhood. And it's pretty far from school. ***

V: Let's talk about the case and the kind of things you are thinking about doing to prepare for the hearing. Your supervision agenda only describes meeting with the client, having her sign releases, and getting court documents. You have a hearing in a *two weeks*, what else do you think you need to prepare for the case?

S: I think I have this under control. This case is pretty similar to my other case with Maria. I can't really prepare anything until I meet with the client... it's not my fault that she isn't prioritizing her case.

V: Well, in December we talked about how as lawyers we can move our cases forward with some strategic planning and critical thinking. For example, what can you learn about the case without meeting your client?

S: Um, I'm not sure...

V: OK, let's start from the beginning. What is the case on for in two weeks?

S: You said it was on for a contempt hearing and a modification hearing. ***

V: So, in preparation for this hearing involving these two issues, what do you think you need to do to *fully understand* the issues? You said you were going to get a copy of the judgment from the court, what else would you need to do?

S: I do have to go to court to get a copy of the judgment. And once I review the judgment, I will understand the history of the case and what will need to be done for the hearing.

V: Well, you have a copy of the modification/contempt complaints. What questions do you find yourself asking about next steps?

S: Our client wants to change the visitation and has concerns about Lily's safety at Mike's house. And Mike says that Eva is in contempt.

V: That's great you've identified the key issues in the case. What legal standards apply to the contempt and modification case?

S: I'm not sure, I haven't done that research yet. Let me get back to you about that.

V: What else is Mike alleging about your client?

S: That Eva is abusing Lily.

V: That's pretty serious. DCF is involved at this point. Can you imagine how that must make Eva feel?

S: If she didn't abuse Lily, then she has nothing to worry about. I never thought that I would be representing an abusive parent in the clinic. Is it too late to get another case? Given that I want to be a prosecutor after I graduate...

V: Well, Sally, there's a lot to unpack there. First, Eva's case has been assigned to you so you won't be getting a new case. Let's take a step back and look at your role as the student attorney representing Eva. You mentioned Maria's case, but that case didn't involve allegations of abuse/neglect, right??

S: That's right.

V: So Maria's case is different for that reason, but also for a bunch of other reasons. Do you think Eva's case requires a different strategic plan and approach?

S: Yeah, I guess so. But I don't know what to do if Sally refuses to meet with me.

V: I agree it would be very difficult to prepare fully for the court hearing if you *never* are able to meet with Eva. But there are things you can be doing to prepare for the hearing and for your meeting with Eva. Also, there may be ways to encourage Eva to meet with you. We can talk about some strategies...

Supervision Techniques

Roleplay

- Student as client
- Prof as client
- Exaggerated – notice/clue to student

Validate student's experience/concern

Tease out list of client's priorities and client's goals

Have student reflect on the client, require student to focus on the client

Journal assignment/free write – reflect on the student's perspective, why didn't want go to meeting, etc.

Quick write – “day in the life” of client during supervision

Ask student to think about last time student lied/avoided meeting

Have student take ownership – why did student make the choice to blow off work/classes

Reframe the narrative – student didn't blow off, different priorities

Habits

- Similarities/differences
- Three rings

Model empathy for student

Pair up with student/talk alum who has had similar experiences

Very directive approach. Get over yourself!

“Reward” for good work; “compliment sandwich”

Have student identify issues before assuming she doesn't know what is going on

Reality testing - pushing student to ID what “real” life is like

Testing against professional norms

Acknowledging “fear of failure”

Empower student

Consequences for lack of work

Help student understand: if rise to the challenge, there are rewards/learning/better prepared as attorney

Let student know your expectations

Help student understand what “critical thinking” means

Give student examples and have student analyze the issues