

THE D.C. LAW STUDENTS IN COURT PROGRAM

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Overview

Credits:	6 per semester
Duration:	Two semesters
No. of Participants:	Up to 15 from CUA; others attend from American, George Washington, Georgetown and Howard law schools
Prerequisites:	Courses required for D.C. Bar Certification + 41 credits See DCCA Rule 48. Interview.
Faculty:	Civil Division: Hay, Day, Haney, Manlowe and Neal Criminal Division: Cook, Harris
Interviews:	Sign up for interviews at the Clinic & Externship Fair, or call to schedule an interview.
Time Commitment:	Avg. 20-25 hrs/wk.

Now in its 43rd year, the D.C. Law Students in Court Program (LSIC) is one of the oldest and most highly regarded clinical programs in the city. It is a unique consortium of law schools program with students from five D.C. law schools participating. LSIC civil division students represent low income clients in civil matters in D.C. Superior Court and local administrative agencies; criminal division students handle criminal misdemeanor and juvenile cases before the D.C. Superior Court.

Each year representatives from LSIC make more than two thousand court appearances in court. Law Students in Court works to fight the consequences of poverty, to prevent homelessness and to alleviate inequalities in the justice system.

Because of frequent court appearances, even weekly in the civil division, and the program's important role in providing legal services, there is a strong emphasis on "real world" litigation practice. This, however, is only the beginning of what the program seeks to do. The cases that students handle are the foundation for the clinic's goal of helping students to understand the theory and practice of law.

Under the guidance and supervision of experienced trial attorneys, students become litigators while working on cases for clients to whom they are assigned. Though a supervising attorney is directly involved in each case, the student attorney has

primary responsibility for the case-- representing his or her client in all phases of litigation from the initial interview, fact investigation, pleadings and motions, through to settlement or plea or trial.

The program offers a learning environment that focuses on case preparation and courtroom experience. It is a rare opportunity to benefit from a one-on-one working relationship with an instructor. Supervision and instruction are heavily geared toward litigation and the skills necessary for effective lawyering. Both classes and supervision promote reflection on what the role of a lawyer should and can be.

Time Commitment

LSIC is a two-semester program. The fall term begins with a mandatory, orientation the week before regular law school classes begin. There is reading over the summer in preparation for the year. After orientation classes and weekly seminars focus on developing skills needed as a student makes his or her first court appearance and takes on clients. Weekly seminar classes for the civil division are on Monday evenings from 6:00 to 8:00 p.m. Criminal division classes are on Thursday evenings from 6:00 to 8:00 p.m.

To participate in the program, plan on an average of 25 hours per week during the year -- this includes court days and court appearances, class time and preparation for class, case work and meetings with supervisors. Some weeks may not require that many hours; others may require more depending on the status of your cases.

Many students work while attending law school and also participate in clinics successfully; however, students should have somewhat flexible work schedules because mandatory court appearances may require adjusting work times.

Student Practice Rule Requirements and Course Credit

Student attorneys receive 6 credits each semester. Students must be eligible for certification by the D.C. Court of Appeals Committee on Admissions. The requirements are:

1. Successful completion of 41 semester credits
2. Courses in Civil Procedure, Criminal Procedure* and Evidence
3. Good standing with law school dean

* It is possible to get a waiver of the criminal procedure requirement for civil division participants.

Selection Criteria

Experience has shown that the best clinic students are those who really want a clinical experience. LSIC considers a desire to learn and willingness to work at learning skills and at providing quality representation. These attributes are important to success in litigation and are selection criteria for LSIC participation.

A completed application and interview at LSIC offices are required. In the civil division, a second option is available: to observe in court one morning to see the court in action and meet with a supervisor there. Call our offices to schedule an interview or sign up to observe at court. Bring a current resume with you. Dress is casual for interviews.

Investigation

Part of effective, competent representation is investigation. Given the necessity of investigation and the urban location in which the clinic operates, investigating carries with it a certain amount of risk. LSIC has been in operation for thirty years and investigations have been done routinely. However, no one can make you a guarantee; you should be aware that investigation is a requirement of LSIC participation.

Clinic Advantages

You don't have to want to be a trial lawyer to benefit from a clinical program. Once you have handled a case in court or prepared for trial, you will never look at a case the same way again. Your new insight will make you a better lawyer whether or not there is a courtroom in your future legal career. Remember, for all but a few trial specialists (a smaller number than you would think), a lawyer's job is to keep clients out of court.

The program will enhance what you have already learned about procedure, substantive areas of law, evidence and professional responsibility. You will also be exposed to training and practice in negotiations, interviewing and counseling, alternative dispute resolution and developing attorney-client relationships.

Other Requirements

Orientation attendance is mandatory. Part of your and our responsibility to clients is to ensure that you meet ethical and professional standards required by D.C. Rule of Professional Responsibility 1.1 (competence and skill necessary for representation). We start orientation generally the week before regular law school classes begin for the fall term with reading to do over the summer.

There is a malpractice insurance contribution which is required. It and a supplies fee for the year. A textbook on trial techniques and practice is also required.

Criminal Division Program

Students in the criminal division represent adult clients charged with misdemeanors and juvenile clients charged with both felonies and misdemeanors. Types of cases include: possession (and sale) of illegal drugs, assault, threats, theft, shoplifting, unlawful entry, prostitution, and unauthorized use of a vehicle.

Criminal Division students are appointed cases under the Criminal Justice Act and first meet their clients in the cellblock on the c-level (basement) of D.C. Superior Court. Student attorneys begin their representation immediately by interviewing their clients in the cellblock and, later that day, arguing in court for their release pending further proceedings.

Student attorneys are responsible for all aspects of the criminal case. They litigate against attorneys from the United States Attorney's Office (adult) and the Office of the Attorney General for the District of Columbia (juvenile). They meet with the assigned prosecutor for discovery conferences and plea negotiations.

Student attorneys prepare for trial by conducting detailed client interviews, taking measurements and photographs at crime scenes, tracking down and interviewing defense and government witnesses, and subpoenaing witnesses and materials for trial.

Student attorneys are responsible for every aspect of the trial, including pre-trial legal research, and preparing and arguing suppression motions. They prepare direct and cross examination questions, opening statements and closing arguments. Whether before a jury or the judge alone, the student attorney is solely responsible for making objections and argument. Supervising attorneys provide on-going assistance throughout the preparation process and during all court proceedings.

Post-trial and post-plea, student attorneys are responsible for sentencing arguments, show cause hearings, bench warrant returns, and any post-trial motions.

Beginning with the class of 2008-09, the criminal division may argue a limited number of cases before D.C. Court of Appeals. Students will have the opportunity, depending on individual interest, to draft appellate briefs (usually on a denied Constitutional argument or Pretrial Discovery issue) and argue before a three judge D.C. Court of Appeals panel.

Class meets once a week, Thursday nights from 6 to 8. Lectures and exercises are designed to hone trial advocacy skills and to help individual students prepare their cases. Each student will act as the lead attorney in two to three cases per semester. Hours spent in court and at the D.C. Law Students in Court office will vary depending on the work required for an individual case.

The Criminal Division does not meet in the summer; students participate in the fall

and spring semesters.

A case handled by a CUA student:

“Paul” was sixteen years old, large for his age and in the eighth grade. Increasingly embarrassed and upset about being in school with much younger kids, he was having a very bad day. When a security guard confronted him in the hallway of his junior high school over some perceived infraction, Paul allegedly pushed the security guard down a flight of stairs and then struck the school principal. He was arrested and charged with multiple counts of assault and threats.

Student attorney Liz Latwin (Columbus School of Law '06) was appointed to the case. At the initial hearing, she argued for and secured Paul's release from juvenile detention to the custody of his parents. Capitalizing on her interest and prior experience in special education law, Ms. Latwin recognized that Paul's alleged delinquent behavior stemmed from his learning issues. She assisted Paul's family in navigating the school system's bureaucracy and secured a more appropriate educational placement for him from the District.

In court, Ms. Latwin negotiated a favorable plea agreement with DC's Office of the Attorney General and convinced the judge to place Paul on a period of supervised probation. The judge was so impressed with Ms. Latwin's advocacy that the judge requested Ms. Latwin assist Paul's family in a civil suit against the family's medical provider for its failure to properly diagnose and treat some of Paul's underlying physical and emotional concerns. Today, Paul is thriving in his new school placement, he has successfully completed his juvenile probation and his family continues to stay in touch with Ms. Latwin.

A case handled by a CUA student:

“Joe” was in the wrong place at the wrong time. Joe was seated in a car with a second man in the parking lot of the Hechinger Mall late one night last year. Police officers had staked out the scene due to a rash of robberies. Police officers claim to have observed “suspicious activity” within the car. Officers approached and then saw an open bag of jewelry on Joe's lap, still with the price tags on. Concluding that the jewelry had been recently stolen, officers ordered Joe from the car and detained him. A records check on the scene revealed an outstanding arrest warrant for Joe. Officers placed Joe under arrest and a search pursuant to that arrest revealed crack cocaine in Joe's pocket. It was starting to look like a long night for Joe, but his luck was about to change.

The next morning, student attorney Heidi Waltz (Columbus School of Law '06) was appointed to represent Joe. After meeting with her client at DC Jail and investigating the scene of his arrest, Ms. Waltz concluded that the officers' observation post would not have allowed them to view Joe's car at all, let alone the individuals inside. She filed a motion to suppress the tangible evidence on Fourth Amendment grounds, arguing that the police officers lacked reasonable, articulable suspicion to detain and search her client.

At a trial, the United States Attorney's Office argued vigorously that the police actions were proper. After an evidentiary hearing at which Ms. Waltz cross-examined the police officers and led her own client through his version of the events, the judge granted the motion to suppress and the government was forced to dismiss all of the charges against Joe.

Civil Division Program

Types of cases: Civil division cases are mainly landlord and tenant cases; this area of the law is a surprisingly complex area of the law with many intricate twists and turns. Issues involve mainly property and contracts law, but can intersect with receiverships, torts, administrative law, guardianship and probate and bankruptcy. Representation in small claims cases usually involves consumer issues; there is representation in a limited number of regular civil cases. For interested students, there is limited opportunity to work on consumer bankruptcy petitions.

Court days: Students on their court day routinely interview potential clients and, if the case is not one in which representation will occur for one reason or another, students will negotiate with opposing parties, most of whom are represented. Students often appear in a limited capacity before the sitting judge. Because most tenants do not have representation, LSIC students are often the only access to legal information and assistance for tenants in Landlord and Tenant Court, all of whom face eviction. To really see what a difference representation can make in our advocacy system, just observe in either Landlord and Tenant or Small Claims Court for a brief time.

Litigation track: Landlord and tenant cases and small claims cases are on a litigation fast track compared with regular civil cases. Students can often begin a case and finish it within two semesters. LSIC students deal with the case from initial pleadings, investigation and discovery, motions practice and pretrial preparation, negotiation and either settlement or trial. Cases are jury triable. Some cases involve administrative proceedings, usually in conjunction with a court case.

Office intake: Approximately two or three times each semester, students are in the office instead of going to court on their court days. At the office they will interview potential clients who walk-in or call-in for assistance with civil legal matters. Some of these cases become program cases.

Summer program: Students may begin in the summer and continue through the Fall. The summer session is compressed and students who elect this option must be able and willing to concentrate on clinical responsibilities. Summer orientation begins mid-May. Seminars are on Tuesday evenings. The summer session finishes up in early August.

A case handled by a CUA student attorney:

WW is a quiet man of 71 years, now retired, who lives alone in an apartment in Southeast D.C. This apartment has been his home for nearly 20 years. His favorite activities are watching television and on Saturdays, listening to jazz through headphones. Because of his age and deteriorating health, WW's long-time neighbors stay with him from time to time and his niece comes a couple of days each week. They cook and clean, pay his bills and take him places he needs to go.

He was sued fro eviction because he did not vacate his apartment after being given a 30-day Notice To Correct or Vacate. The notice alleged that he had violated his lease "by subleasing his apartment without permission and acting in a loud and boisterous manner, disturbing other tenants and creating a nuisance." On the first trial date, the judge decided he needed help so continued the trial and referred WW to Christopher Dunn (Columbus School of Law '05).

In investigating what was really going on, it appeared the complaint was a pretext. In truth, a bit of a soap opera was occurring in the building. Another neighbor downstairs had a turbulent relationship with her boyfriend. After drinking bouts, the two would argue loudly in the hallways in the wee hours of the morning. The noisy neighbor was a friend of the building manager. The management company had received complaints from other tenants in the building about noise and disturbances late at night. Management relied on information from the building manager and brought the suit against WW, instead of the building manager's friend.

Chris represented WW at the second trial date. He prepared a motion to dismiss because the notice was legally defective and also prepared for trial -- his witnesses were prepared and in court ready to go. When the case was called before the judge, the landlord's attorney suddenly dismissed the case!

**To schedule an interview at the clinic office,
sign up on Clinics Day or call the LSIC office, 202-638-4798
806 7th Street, N.W., Third Floor
Gallery Place – Chinatown Metro Station**