

**Spring
2014**



UNIVERSITY of
DENVER

STURM COLLEGE OF LAW
LEGAL EXTERNSHIP PROGRAM

**HYBRID IMMIGRATION
PROJECT (HIP)
SUPPLEMENT TO THE LEGAL
EXTERNSHIP PROGRAM
HANDBOOK**

WORKING DRAFT

Updated January 21, 2014

Professor Lisa Graybill

**University of Denver Sturm College of Law
HYRBID IMMIGRATION EXTERNSHIP
Legal Externship Program Handbook Supplement
Professor Lisa Graybill
Spring 2014**

TABLE OF CONTENTS

I. INTRODUCTION

- A. HIP Handbook Supplement
- B. HIP Purposes and Goals
- C. Hybrid Model
- D. Experiential Learning Methodology

II. GRADING

- A. Field Work Component
- B. Course Component

III. TIME COMMITMENT

IV. PLAN OF SUPERVISION

- A. Case/Project Team Meetings
- B. Other Supervision

V. TIME RECORDS

VI. DOCUMENTS, EMAIL, FILE MAINTENANCE AND ORGANIZATION

VII. VISITING DETAINEES AT THE AURORA DETENTION CENTER

APPENDICES

- A. Student Certification (due first day of class)
- B. Student Weekly Calendar (due first day of class)
- C. Student Case/Project Assignment Preferences (due first day of class)
- D. First Written Assignment: Learning Goals Memo (due first day of class)
- E. Final Written Assignment: Final Self Evaluation
- F. Class Topic List
- G. Class Evaluation Forms

I. INTRODUCTION

A. HIP Handbook Supplement

This document (HIP Handbook Supplement) is intended to supplement the information contained in the Legal Externship Program Handbook (LEP Handbook), and is applicable only to the Hybrid Immigration Externship Program (HIP). In addition to the LEP Handbook and this HIP Handbook Supplement, you will also be required to comply with the policies and procedures of our partner organization, the Rocky Mountain Immigrant Advocacy Network (RMIAN), including but not limited to those portions of RMIAN's Internship Manual that have been or will be provided to you. In the event any conflict arises between the policies and procedures set forth in either the LEP Handbook or materials provided by RMIAN and this HIP Handbook Supplement, please bring the conflict to the immediate attention of Professor Graybill.

B. HIP Purposes and Goals

The primary purposes of the HIP are to provide you with the opportunity: 1) to become responsible, reflective lawyers through working with clients to help solve their legal problems; 2) to develop integrated advocacy skills through the use of various modes of lawyering such as direct representation, policy advocacy, and community legal education; and 3) and to examine the institutional, ethical and personal issues inherent in lawyering.

The secondary purpose of the HIP is to provide high-quality legal services to individual immigrants or groups of immigrants who are unable to secure representation without the assistance of RMIAN or another non-profit or pro bono legal service.

My overarching goal in this course is to assist you in your professional development as attorneys. A professionally effective and personally gratifying practice of law requires a breadth of perspective, a depth of insight, and a systematic approach to legal planning and decision-making. I and the attorneys at our partner organization, RMIAN, will make every effort to provide opportunities for you to identify and develop practical wisdom and judgment, as well as litigation, advocacy and other dispute resolution skills. To that end, the field work component of the HIP will involve multi-modal or integrated advocacy. In collaboration with RMIAN, HIP students will represent individual immigrants in bond hearings. Students may also engage in researching and drafting a report on access to counsel or another topic to be determined by Professor Graybill in collaboration with RMIAN. The course component of the HIP will involve seminar classes and written assignments.

Of equal, or perhaps greater, importance to this endeavor are your own goals and expectations for yourself. In recognition of this, you will be asked to identify your learning goals at the

beginning of the semester. This will provide me with a basis for determining how to most effectively supervise you to make your HIP experience as rewarding as possible.

C. Hybrid Model

The HIP is a hybrid program which integrates aspects of DU's clinical and externship programs. The HIP fits the model of an externship into the extent that HIP students will work under the supervision of attorney(s) at RMIAN to represent individuals and engage in legal advocacy on behalf of immigrants' rights. The HIP is similar to a clinic to the extent that all students enrolled in the HIP will participate in a 3-credit seminar; will be able to share attorney-client and work product privileges; will work together in teams on the projects or cases assigned; and will be primarily responsible for their clients' cases.

Supervision of client representation will be provided by a Supervising Attorney at RMIAN who meets all the criteria to be a Supervising Attorney in the Legal Externship Program. Clients will be represented by student attorneys appearing under the supervision of the RMIAN Supervising Attorney. The ultimate responsibility for the client representation is RMIAN's. Supervision of policy and legal education work will be provided jointly by Professor Lisa Graybill and a Supervising Attorney at RMIAN. The HIP seminar will be taught by Professor Graybill.

For an explanation of the grading system to be employed in the HIP, see section I.E, *infra*.

D. Experiential Learning Methodology

Accepting responsibility for one's own learning is a key underpinning of experiential education philosophy. Additionally, the practice of law imposes its own set of responsibilities that may differ from those you have assumed thus far in your legal education. Specifically, clients expect, and the rules of professional responsibility require, that lawyers accept responsibility for the interests of others. Thus, in the HIP, you will have primary responsibility for client representation and for the quality of your educational experience.

An essential tool for evaluating your progress and success as a student attorney is the capacity for reflection, that is, the ability to observe your own ways of working and to learn from your experiences. Moreover, observation and analysis of the actions of others-clients, witnesses, institutional partners, co-counsel, adversaries, decision-makers, etc.-can contribute to your understanding of lawyers' work. In the HIP, written and oral critique of the readings, casework, and simulations are integral to your learning experience.

Implementing these practices has been described as the "plan-do-reflect" method of learning, and in the HIP, you will be asked to employ this method at both the macro level (i.e., your

entire HIP experience) and the micro level (i.e., each lawyering task). Professor Alex Scherr has described reflective practice as having three primary goals:

[First,] it encourages you to extract the most learning you can from your experience, and avoids the risks of transient understanding that usually come from temporary, part-time jobs. [Second,] it allows you to manage your experiences in [the experiential learning program] with greater confidence: identifying and seizing opportunities, noticing and overcoming limits, and deepening your own sense of what's interesting (or irritating) [about practicing law]. [Third,] it strengthens your ability to manage your own development in the long-term, exercising your ability to self- assess, to change and to improve.¹

Professor Scherr also has observed that reflective learning has "recognizable phases." He explains:

It starts with **experience**, the act of doing or of observing things being done. While this happens, and especially at the start, you're likely to focus on understanding what's happening, performing well and achieving your goals, without reaching for broader insight. Over time, however, you'll find yourself with distinct reactions to your work: brief, focused insights into one or another aspect of your experience. You may have reactions to things that interest, puzzle, confuse, amuse or anger you, and usually relate to very specific events or occurrences. They may not add up to much, and may disappear as quickly as you notice them.

Eventually, patterns of reaction usually emerge. You draw connections between related experiences, or between your reactions and the material from the class or from elsewhere in your life. These patterns become broader **abstractions** about your experience: a lesson that you've learned; a rule (or practice) that you've come to understand; a conclusion that you've reached that seems to apply generally.

Some abstractions need no adjustment, but far more often, a lesson you've learned needs **analysis**: critique and alteration of the idea as you apply it to new experience. Analysis helps you test the conclusion and assess how it might serve you when the same or a similar situation arises. This process of experience, reaction, generalization and analysis has a formal name: a cycle of experiential learning. You fluctuate between concrete and abstract thinking, between immediate expression and cautious critique.

¹ Alex Scherr, Public Interest Practicum Manual, University of Georgia School of Law (2004-05) at 17-18.

People who succeed use it regularly. They learn from what they've done, and apply that learning to what they will do.²

To facilitate the development of your reflective skills, you will be responsible for the timely completion of four reflective writing assignments during each semester. The specific assignments will be of several different types. **The first assignment** involves the preparation of a memorandum describing on your learning goals for the semester, and is attached as Appendix A to this Handbook Supplement. The **fourth and final assignment**, due at the conclusion of the semester, requires the preparation of a written self-evaluation regarding your own sense of what you have learned and the quality of your performance in field and course work. The Final Self Evaluation Form is attached as Appendix B to this Handbook Supplement so that you may begin to familiarize yourself with it immediately. **These assignments are separate from and in addition to the forms required by the Legal Externship Program.**

There will also be **one guided writing assignment** on issues raised by the readings assigned for class discussion. The purpose of this assignment is to spur critical thinking about lawyering and to facilitate preparation for in-class discussions. Specific questions or issues to be addressed will be distributed ahead of time. This paper should be 4-5 double-spaced pages and will be due the day before the relevant classroom discussion.

In addition, there will be **several unguided writing assignments**, where you are encouraged to express your reflections on what you have been doing. The purpose of these assignments is to provide you with additional opportunities to clarify in writing your sense of your clients and your reactions to your lawyering experiences and to provide your supervising attorneys with additional information about how you are grappling with your lawyering responsibilities. These unguided reflections should not be only an account of what you have done or a listing of complaints. Nor should they be a substitute for the midyear or final self-evaluation. Rather, they are an opportunity to work through in writing an issue that you find particularly interesting or troubling about a case or course issue, event, relationship, reading, etc. The ability to take explicit lessons learned from one's experiences is an important practical skill (just like interviewing or negotiating). It is the kind of skill that often separates exceptional attorneys from the rest of the bar. Each unguided writing assignment should be no less than 4-5 double spaced pages. You are encouraged to fully develop your thoughts and not to hesitate to exceed the minimum page limit.

² *Id.* at 18.

E. Feedback

Your active engagement in your own learning experience is a critical component of experiential learning. As you know, the HIP is the first single-organization based experiential learning program DU has offered and it is the first hybrid clinical-externship program as well. Given the uniqueness of your experience as the first HIP class, and as we discussed during your interviews, part of your reflective experience this semester will include providing critical feedback as the semester progresses on readings, class topics and assignments, guest speakers, and other issues that might normally be part of your final course evaluation. This is to enable me to adjust course assignments as we go along, with the intention of refining both the content and process of the course in real time.

To that end, at the beginning of the semester, you will be asked to identify potential class topics of greatest interest to you. While the needs of our partner organization and clients may to some extent dictate the classes that are selected, and we may not be able to accommodate all preferences, our goal is to develop a syllabus that meets your needs and interests as well as our teaching goals and the clients' and partner organization's needs and interests. Please review **Appendix F** and rank the potential class topics in order of your interest.

Additionally, at the end of each class, you will be asked to complete a very brief evaluation of the content and structure of that seminar. Your input is anonymous and will not in any way affect your grade. I will put the form on Blackboard. A draft is attached as **Appendix G**.

Finally, your feedback process starts with this Handbook and will continue through the semester. Please identify questions, comments or suggestions you have about this Handbook and provide your feedback to Professor Graybill during the first class.

II. GRADING

You will receive two grades for the semester: one grade for your field work, and one for your seminar work.

A. Field Work

The 3-credit field work component of the HIP will be graded the same way all Legal Externship Program field work is graded: Pass or Fail, based on the student's completion of the requirements set forth in the LEP Handbook.³ Please note that 50 hours of field work are

³ Please see the LEP Handbook at page 9 for a description of the grading methodology in the Legal Externship Program.

required for each field credit, so each HIP student must complete a minimum of 150 hours of field work over the course of the semester to receive credit for the field work component.

B. Seminar and Course Work

The 3-credit seminar and course work component of the HIP will be graded as follows:

- Fifty percent (50%) of your grade will reflect your ability to be self-reflective and thoughtful in classroom discussions, supervisory sessions, case reviews and in other oral exchanges regarding simulation exercises and case handling performance. Widespread and continuing oral participation is an especially important part of your work in this course.
- Fifty percent (50%) of your grade will be based on the perceptiveness and thoughtfulness you express in the reflective writing assignments.

Appendix B to this Supplement is the Final Self-Evaluation form. The criteria included in this evaluation are those by which you and your supervising attorney(s) (which for HIP will include Professor Graybill and may include your Supervising Attorney at RMIAN) will assess your performance. These are also the criteria I will use in determining your course grade. I encourage you to review these criteria early and often so that you will know exactly what factors will be taken into account in assigning your course grade.

At the end of the semester, you will be required to schedule a conference with me to review your work in the HIP. In anticipation of this meeting, you will be asked to complete the Final Self Evaluation form, which will serve as the basis of your meeting. During the meeting, I will discuss with you the criteria included in the form and your work in the HIP, and will provide you with feedback about your performance.

I recognize the magnitude of what I am asking you to do. I know that working in the HIP (1) involves responsibility for a matter of grave importance to another person and (2) often requires performance that is very different from traditional coursework. I also know that this form of experiential learning is a highly developmental process. I do not expect any of you to achieve perfection, which is impossible. It is quite possible to get a very high grade (even an A) while making mistakes along the way. In fact, it is impossible to get an A or any other grade without making mistakes. What I will be looking at is: (1) what kind of mistakes do you make (i.e., did you fail to prepare or otherwise anticipate something that was fairly easily predicted?) and (2) what do you do when those mistakes come to light (i.e., did you acknowledge them; did you repeat them; did you change practices to reduce the chances of their recurring?). The developmental nature of HIP work means that strong performance in a given area toward the end of the term can essentially erase weaker performance in that same area as far as grading is

concerned. This is true, of course, only to the extent that the weakness of the early performance is a result of the fact that it came early and not that the student was ill-prepared, exercised poor judgment or otherwise did not perform to the level of his/her ability.

Having provided the survey of the items I consider when grading, I offer the following profiles as descriptions of student performance that merits various grades:

- a. A student receives an A for outstanding performance. "Outstanding" has a somewhat literal meaning here. The student who receives an "A" will have produced both field and course work that is identifiably better than that of his/her peers in various ways. Often, what distinguishes the work of students who receive an A from those who receive an A- is the initiative, thoroughness, creativity, and judgment they demonstrated. In order to receive an A or an A-, students will have to demonstrate high quality in many of the skills and attributes described above. Their analysis is sharp; their research complete. They attend to their field work consistently. The student who earns an A does so by generating the ideas that drive his or her work with less need for prompting from the faculty. Moreover, the student who earns an A explores and tests those ideas independently in a manner that anticipates the questioning s/he will receive when presenting those ideas to the faculty. A and A-students both demonstrate an impressive ability to learn from their experience and to critique the justice system.
- A student who earns a "B" has done good work, including field work that the HIP is proud to have provided to the clients whom HIP students have represented and course work that is solid. Moreover, it should be clear that a student who gets a B has worked hard. It is impossible to do quality field or course work without working hard. Often, students mistakenly believe that the mere fact that they have stayed up all night or have worked all weekend to get something done means they deserve an A or A-. In the HIP, hard work is something to be expected, not something that merits special notice. A student who earns a B does this hard and good work but with some identifiable flaws. His/her analysis was not always as sharp or complete as it might have been. She generated fewer ideas and did not follow through as quickly on them. The work took longer and often for reasons that were either not apparent or not sufficient. The B student's written or oral communication was adequate, but perhaps lacked the force that an A student produced. The B student did not fully comply with office procedures, but the flaws were not so grave as to warrant a lower grade. It should go without saying that the grade is not tied to the outcome of representation in the course of field work. Representation may result in an extremely favorable outcome for a client despite less than excellent lawyering, and outstanding work does not always produce the results the client seeks.

Students who miss internal deadlines (missing external deadlines is not something faculty or Supervising Attorneys will permit), fail to communicate well with partners, faculty and staff, or fail to attend and/or participate in class will receive grades below B. There are, of course, many ways to perform poorly or well, and I cannot describe them all here. If you have any questions or concerns about the grading methodology for HIP, please see me at your earliest convenience.

III. TIME COMMITMENT

All students are required to make a significant commitment of time to the HIP. Students should be aware that much of their field work in the HIP will be on an unscheduled basis and may vary considerably from week to week, depending on the demands of their field work. Nevertheless, students should anticipate devoting an average of 20-25 hours of work in the HIP each week, including both class and field work. This time may be significantly higher during client representation. All students are expected to regularly attend the classroom sessions and designated HIP meetings, consult with their supervising attorneys (Professor Graybill and/or the RMIAN Supervising Attorney as appropriate) on a regular basis, regularly check case calendars, complete and update file memos, check their email accounts regularly at intervals during each day (including weekends) for messages, and keep case files organized, updated and the progress of assigned client matters current.

At the beginning of the semester, you will be given a form on which to provide the HIP administrative staff and faculty and the Supervising Attorney at RMIAN with a schedule of your classes and telephone numbers where you may be reached in the event that it becomes necessary to contact you regarding your cases. Should any of this information change during the semester, it is your obligation to immediately notify HIP staff and faculty.

IV. PLAN OF SUPERVISION

As an experiential learning faculty member, I am dedicated to ensuring that appropriate supervision is provided to each of you in your field work and your course work. Because the HIP is a hybrid clinical externship program, you will, in effect, have two Supervising Attorneys. In addition to teaching the seminar portion of the course, I will supervise or co-supervise your work on the policy project and legal education component of the HIP. A Supervising Attorney at RMIAN, who meets all the standard criteria for a Supervising Attorney in the Legal Externship Program, will supervise your case and client work.

Generally, each HIP client representation or project will be staffed by 2-3 student attorneys under faculty and Supervising Attorney supervision. The faculty and/or Supervising Attorney

will meet on a weekly basis with each case or project team and additionally will be available as much as possible to assist and consult with you on an informal basis.

A. Case/Project Team Meetings

At the beginning of the semester, each case/project team will establish a schedule for weekly case/project team meetings. These case/project team meetings will function as the centerpiece of case/project supervision, so I have attempted to describe in some detail below my goals and expectations for these meetings.

1. Weekly meetings

a. Supervision Meeting

Each team will meet with weekly the supervising attorney responsible for his/her case or project assignment. As soon as case/project partners are assigned, please consult with Professor Graybill and the RMAIN Supervising Attorney to schedule a standing meeting time. While supervision meetings may occasionally need to be rescheduled, please do your best to establish a time at which both members of the case/project team can reliably be available for at least 2 hours.

Student attorneys will develop and execute a written agenda for each case team meeting, although supervising attorneys may propose additions to it when the meeting begins. The agenda will describe, at least briefly, each of the issues to be addressed, and a copy will be provided to the supervisor no later than one hour prior to each case team meeting. In our experience, most groups meeting to work on complex legal projects are more effective if they plan an agenda carefully. A formal agenda also helps a group to complete its work within any applicable time limits. In addition, a written agenda allows all members to understand what has to be accomplished so that time is appropriately allocated to each item. Student attorneys (rather than supervisors) should prepare the agenda, because you will best know what issues (regarding both case and other matters, such as interpersonal relationships or questions arising in class) need to be addressed in a meeting. We have found that for most teams, fairly detailed agendas specifying particular issues (as opposed to agendas saying "discovery" and "research") are most likely to produce meetings in which most, if not all, student concerns may be addressed.

b. Case/Project Team Meeting

Prior to each supervision meeting, the student attorney members of the case/project team will meet with each other to discuss thoroughly the issues they expect will arise in meeting and, if

decisions have to be made, the students will make at least tentative decisions before the meeting. This procedure requires students to be prepared for each meeting and, by insisting that you canvass options and reject inferior ones, empowers you to make effective decisions. Case/project team meetings will be more valuable to you if discussions of issues begin by focusing on particular action plans, whether or not those plans are modified as a result of the meetings. Student attorneys may wish to draft their proposed agendas for their supervision meetings during their team meetings. While it is certainly possible to exchange ideas and develop an agenda via email, I encourage you to meet at least once week in person with your team. In my experience meeting in person is both more efficient than meeting via email and more effective, to the extent it reduces the likelihood of miscommunication. ***I recommend you establish a standing weekly time for a case/team meeting at the beginning of the semester, as soon as your teams are assigned.***

2. Preparation and Collaboration

Both preparation and collaboration are key not just to effective case/project meetings, but to effective lawyering as a whole.

Before and during case team meetings, student attorneys will give explicit consideration to which questions of law, procedure, and strategy they want their supervising attorney to try to answer informally, and which questions they want to research independently. Asking questions is often a good way to do research on legal and strategic issues. Research through personal conversations, e-mail, and telephone calls can often avoid long and inefficient searches of books and databases. I encourage students to pose questions often, to HIP supervisors as well as to each other and to people with knowledge or expertise outside of the HIP, though I do expect you to struggle with these questions first (and, of course, to maintain confidentiality). Also, keep in mind that all conversation-based research can be hazardous. Apparent authorities provide a surprisingly high proportion of erroneous information, or information as to which other authorities disagree. In addition, asking for information from some authorities may create ethical issues and/ or may prematurely lock those authorities into positions that turn out to be adverse to RMIAN clients.

Effective collaboration requires a willingness both to communicate and to listen. Students are encouraged to reflect individually and together with their case/project partners on their skills and abilities as collaborative members of the team at regular intervals. When appropriate, time will be spent in team meetings on how the team members are working together and how the members feel about the work. Team members will try to help each other to become more aware of how emotions relate to practicing law. The presence of this procedure confirms that each member of the team is willing to talk during meetings about interpersonal relationships

and about emotions and reactions as they relate to the team's work. The procedure helps to remind us of these issues, which are easy to overlook in the heat of legal advocacy work.

3. Attendance/Participation

All members of the case/project team should be present at all case team meetings, unless other arrangements are agreed upon in advance, or an unforeseen event precludes the attendance of a member. At case/project team meetings, something is likely to happen that will affect the future of the case/project. The attendance of each student attorney is important so that s/he is not left out of a critical process of evaluating decisions or helping to modify the direction the case/project team is taking. If a student attorney can anticipate a necessary absence (e.g., for an out-of-town job interview), he or she should discuss it in advance so that the group can consider whether to reschedule the meeting or adopt some other plan. The procedure provides that a meeting can go forward without a member in the unusual case of a sudden, unforeseen absence (e.g., a student attorney becomes ill).

B. Other Supervision Matters

All correspondence (including e-mail correspondence), pleadings, documents and briefs must be submitted to the case/project supervisor (either Professor Graybill or the RMIAN Supervising Attorney) for written approval before a document is sent to anyone outside the HIP.

All pleadings and correspondence must contain an approval line for the case/project supervisor's initials (for correspondence) or signature (for pleadings). Sending out a document without a supervising attorney's written approval may subject the student to a failing grade in the course. Similarly, students should always consult with other case team member(s) and with their supervising attorney(s) before taking significant action on a case or project, such as calling or sending an email to opposing counsel, contacting the media, etc. Doing so will ensure that the client's interests are protected, that professional responsibility obligations are met, and that your learning experience is as broad and deep as possible.

Additionally, it is imperative that you keep other members of your case/project team and your supervising attorney(s) posted as to any developments that occur in your case/project. Consequently, if you receive a letter, motion or other significant document related to one of your case/projects or have a telephone call or meeting with someone related to your case/project, you should notify the other member(s) of your case/project team and your supervising attorney immediately. This means routing correspondence, pleadings, discovery requests, etc., and drafting memoranda documenting any other significant events that occur in the case/project.

V. TIME RECORDS

You are expected to document the time you spend on HIP cases contemporaneously with your work by completing the Legal Externship Program Time Sheet. This means that you should create a time note for each lawyering task you perform on a case or project. You must create a time note entry for every activity you perform for each client or project. Consequently, if you have a case-related meeting, write a letter, make a phone call, conduct research, etc., each of those activities should be entered on your time sheet.

The time sheets serve several purposes. First, to fulfill the field component of the HIP, you must fulfill the standard Legal Externship Program requirement of completing 50 field hours for every credit awarded. The HIP field work component is worth 3 credits, so each student must complete at least 150 hours of field work over the course of the semester, and you must document your time.

Second, the time sheets are a resource for you and the HIP faculty and Supervising Attorney to use in assessing one aspect of your performance—that is, the amount of time it took you to complete a particular task, such as researching an issue, drafting a document, etc., and whether there might be ways to improve your skills to help you work more efficiently and effectively.

Third, by completing the time sheets you will cultivate the habit of regularly recording your time, which is necessary in many areas of legal practice. For example, most law firms, large and small, bill their clients by the hour. Accordingly, associates are required to document the time they spend on each matter, generally in 6 minute increments. Salary and bonuses are often determined by how many hours an associate billed in the course of the year. Other firms and many solo practitioners set a flat fee for a particular kind of representation, such as completing a U Visa packet for an immigrant seeking legal status in the United States. Lawyers who have a sense of the time and effort this representation will take are better able to establish a flat fee which fairly compensates them for their work. While neither we nor RMIAN will be billing any clients for your time in the HIP, developing this practice habit will stand you in good stead once you enter practice.

Finally, some kinds of cases, including civil rights cases, involve statutes that contain "fee-shifting" provisions. These provisions permit a prevailing plaintiff in a case to petition the court to have her attorneys' fees paid for by the defendant. Attorney's fees in this context are separate from and can be in addition to any damages paid to the client. Fee shifting provisions were (and continue to be) placed in many civil rights statutes by Congress in recognition of the fact that many of the people whom the statutes were designed to protect have difficulty obtaining counsel to represent them, either because of a lack of financial resources or because their cases (or the clients themselves) might be unpopular. By inserting these provisions that help ensure payment of the attorneys who represented the plaintiffs (at least when they win

their cases), Congress hoped it might make it easier for plaintiffs to find counsel to represent them.

While students in the HIP will be engaging in direct representation in immigration court and not civil rights litigation in federal or state courts, I want you to be aware of fee shifting provisions to the extent they may be relevant to you, depending on the kind of law you ultimately practice. In assessing an attorneys' fee petition, the court will scrutinize attorneys' time sheets, as these are the only contemporaneous evidence of the amount of time spent on each task in the representation. In some cases, courts have found that the entries on the time sheets are not sufficiently detailed or descriptive and have reduced or even denied an award. Accordingly, cultivating the habit of recording your time will serve you well if and when you are ever in the position of petitioning a court for attorney's fees.

V. DOCUMENTS, EMAIL, FILE MAINTENANCE AND ORGANIZATION

A. Document Standards

Although you are still a student, you have already started your professional career as a lawyer. The way you present yourself in written documents or in emails will often be the first impression your opposing counsel or the court have of your professionalism and your skill as a lawyer. It should go without saying that all written product, including emails, memos and letters, must be carefully reviewed, proof-read, and substantively edited before submission to your colleagues or your supervising attorney. Your goal should always be for your reader to review only for content, not for typographical or grammatical errors. Always put your name and the date on every document you submit, whether in hard copy or by email. Include page numbers for any document that is more than one page long, and include a table of contents for any document that is more than 10 pages long. All legal citations, even in drafts or emails, should be in complete Bluebook form.

B. Use of Email

To protect the confidentiality and integrity of client and project information, HIP students will use only their official university of Denver Sturm College of law email accounts to communicate about any and all aspects of HIP case/project work. Additionally, all of the expectations set forth above regarding written product apply to emails.

C. File Maintenance

It is the responsibility of the student attorneys assigned to a case/project to keep the file up to date at all times. Any lawyer should be able to pick up the case/project file and after a quick

review, know exactly what has happened to date and what is the next thing to be done. Please keep in mind that some cases/projects may continue on after you have completed your part of the representation or project, and the file should document the history of the representation or project as thoroughly as possible to minimize the effects of transfer of the file. Please be fastidious in your compliance with the protocol set forth below.

One of your duties to your client is to ensure his/her case is properly managed. Ensuring all documents in the case are secure is important piece of doing so. While this may appear mundane, it is important to take the time to file all documents appropriately. The same is true for project work. Because the HIP is a new program and also a hybrid which combines elements of both a clinical program and an externship program, we are developing a new filing system. There are bound to be kinks along the way, but please do your best to maintain the files according to the protocol. Please advise me if you have suggestions or feedback about to improve this filing system. I want the filing system to be as useful and intuitive as possible

*****PROTOCOL TBD*****

VII. AURORA DETENTION CENTER

In the course of your work in the HIP you will be visiting immigrants at the Aurora Detention Center. The Detention Center is located at 3130 North Oakland St., Aurora, CO 80010, and the facility phone number is (303) 361-6612.

A. Before Your Visit

- Please familiarize yourself with facility's policies regarding visitation, which are available online at <http://www.ice.gov/doclib/dro/facilities/pdf/denicdf.pdf>.
- Note that you may not set up appointments to meet with detainees in advance, but you may call the facility when you are on your way to meet with a detainee and ask that s/he be ready when you arrive.
- Avoid trying to meet with detainees during shift changes and court sessions, which occur from 8-9:30 am and 1:30-3 pm.
- Note that evenings are generally the best time for planning detainee meetings because fewer visitors come to the facility in the evening hours.

B. During Your Visit

- Dress professionally in either a suit or business casual attire.
- ***Bring your government –issued photo ID and your clearance letter every time you go to the facility.*** You will not be permitted to enter the facility without showing these documents.

- Conduct yourself professionally at all times in your interactions with detainees, detention center personnel, government officials, and court personnel. If at any point you are uncomfortable with something you observe or hear at the detention center, do not attempt to resolve the issue yourself, but bring it to the immediate attention of your supervising attorney.
- Be mindful at all times of protecting client confidentiality with respect to other detainees, other visitors, and detention center personnel.

APPENDIX A



STUDENT ACKNOWLEDGMENT
Hybrid Immigration Externship Program (HIP)

I have read the Legal Externship Program Handbook (LEP Handbook) and the HIP Supplement to the LEP Handbook (HIP Supplement), and I acknowledge and agree to the following obligations:

1. I understand that the HIP is a substantial time commitment, and I expect to commit an average of 20 -25 hours per week in order to fulfill class and field responsibilities. I also understand that my field work may occasionally require me to work significantly more than 20 hours a week and that field work and meetings may occur in the evening or during the weekend.
2. I understand that compliance with of all HIP obligations is essential and agree to be bound by the following attendance policy:

Attendance at seminars, team meetings, supervision meetings, client meetings, office hours, legal orientation programs or legal education workshops, and all other HIP obligations is a primary responsibility of student participants. Unexcused absences are not acceptable and any unexcused absence will negatively affect the student attorney's grade.

3. I understand that all e-mail correspondence must follow the guidelines outlined in the HIP Supplement, including, but not limited to, the exclusive use of a law.du.edu account. I shall not forward any HIP-related messages to any other e-mail account(s), and I shall not use any other e-mail account(s) for HIP-related correspondence.
4. I will comply with the Colorado Rules of Professional Conduct, the policies set forth in the LEP Handbook, the policies set forth in this HIP Supplement to the LEP Handbook, and any policies provided by the Rocky Mountain Immigrant Advocacy Network (RMIAN).
5. I am committed to participating in the HIP, and I understand that late decisions to drop the course are unfair to my fellow students, faculty, and clients.

Student

Signature: _____

Printed Name: _____

Date: _____

APPENDIX B

WEEKLY CALENDAR & CONTACT INFO

The purpose of this calendar is to assist me and/or your Supervising Attorney at RMIAN in planning meeting and projects. Please fill in all your classes, including class time, title, and professor, and any other standing commitments or appointments you have. Please list the time of your commitment specifically (e.g., 9:30 – 11:45 pm.), not simply “afternoon” or “evening.” Note that the HIP seminar is already filled in and use that format as a model.

Please include both your weekday evening and weekend commitments and emergency contact info, as weekend work may occasionally be necessary. **Please submit your completed calendar electronically to me and to Kati Olivares no later than January 16, 2014.** It is your responsibility to update the calendar should your schedule change. Please do your best to keep the calendar to one page, even if that requires using smaller font.

Name: _____

DU Email: _____

Backup/Secondary email: _____

Telephone (Primary – Cell) _____

Telephone (Secondary – Home/Other) _____

| | SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY |
|------------------------------------|--------|--------|---------|-----------|---|--------|----------|
| Morning (8 am – 12 pm) | | | | | | | |
| Afternoon (12 pm – 5 pm) | | | | | 2:30 – 5:15 PM HIP SEMINAR Prof. Graybill | | |
| Evening (5 pm- 10 pm) | | | | | | | |

APPENDIX C

CASE AND PROJECT ASSIGNMENT FORM

This project scheduling form will be used to help DU faculty and RMIAN staff assign students to cases and projects to student teams. Please indicate your work allocation preference below by placing a 1, 2, or 3 to indicate in the boxes below to indicate your preferences as to which focus area you would prefer to prioritize each month. When the form is completed, you should have designed a 1, 2, or 3 for each month horizontally and a 1, 2, or 3 for each project vertically. I have provided a model below.

Please note that it is difficult to estimate how much time will be necessary to adequately represent your client. Once you have a client, the rules of professional ethics require that you adequately represent him or her. Accordingly, client representation will necessarily take precedence over other commitments, both academic and personal. Therefore, I recommend that as you complete this form, you think first about which month you would prefer for client representation considering your other academic and personal commitments, and work from there.

Please submit this form electronically to me with a copy to Kati Olivares on or before January 16, 2014. I will make every effort to accommodate each student's preferences to the extent possible. If you have a personal concern either with scheduling or with a potential project partner, please see me before January 16. Modifications to the assignments may not be possible once assignments are made.

| MONTH | CLIENT REPRESENTATION SA = Megan Hall | POLICY WORK SA = Prof. Graybill (w/Charanya Krishnaswami) | LEGAL EDUCATION SA = Prof. Graybill and Megan Hall |
|----------|--|---|--|
| FEBRUARY | 2 | 1 | 3 |
| MARCH | 1 | 3 | 2 |
| APRIL | 3 | 2 | 1 |

APPENDIX D

MEMO

To: HIP Students
From: Professor Graybill
Re: First Reflective Writing Assignment: Learning Goals

Your first reflective writing assignment is to prepare a memo describing your learning goals this semester. This assignment is intended to supplement, not replace, the Legal Externship Program (LEP) Learning Agenda. You may use the questions on the Learning Agenda as a guide, but I encourage you to think broadly about your goals and objectives for this semester and draft a narrative that demonstrates insight and reflection as to your abilities, strengths, challenges, interests and priorities as a student attorney. You will review your Learning Agenda and your memo with Professor Graybill and a Supervising Attorney at RMIAN.

Your memo should be at least 3 pages, typed and doubled-spaced in 12 point font, but you should feel free to go beyond that. Before you submit your memo, please review the HIP Supplement guidelines on written documents (Section V.A) and ensure your memo complies with these guidelines.

Your memo is due on or before 5:00 pm on Thursday, January 16 2014 by email to lgraybill@law.du.edu. Please include "First Written Assignment" in the subject line of your email.

APPENDIX E

Hybrid Immigration Externship Program Final Self-Evaluation

This Final Self Evaluation is your last required reflective writing assignment for the HIP. The first step of this process is for each of you to write a detailed self-evaluation in which you will assess your performance in all aspects of your field and course work in the HIP. The second part of the evaluation process is a one-on-one meeting with your supervising attorney(s), which in this context will include Professor Graybill and may include your Supervising Attorney at RMIAN. In this meeting you will provide and receive feedback about your performance this semester. Your completed self-evaluation will serve as the basis for the end-of-year conference, and must be provided to your supervising attorney(s) **at least 24 hours prior to our meeting.**

Like your other reflective exercises, this Final Self Evaluation is one of the aspects of your HIP performance that we will assess in determining your course grade. With that in mind, I expect you to put *significant thought and work into the self-evaluation*. Below is a copy of the self-evaluation form, which I will provide to you in electronic format via Blackboard so that you can fill it out electronically; indeed, to do the self-evaluation properly, I anticipate that your answers necessarily will exceed the space provided on the form (by several orders of magnitude).

It is *your* responsibility to schedule your final conference with me through Kati Olivares, kolivares@law.du.edu, any time between April 28 and May 8 (please allow about one hour for your conference). We will post a sign-up sheet on Blackboard identifying the available times. Because of the complexity of everyone's schedules at this time of year, I encourage you to schedule these meetings as soon as possible. I look forward to reading your self-evaluations and meeting with all of you. As always, please see me with any questions.

I. FIELD WORK

Please note that to the extent the field work component of HIP is graded pass/fail based on the criteria set forth in the LEP Handbook and your submission of all required LEP forms, your responses to the questions in this section will not affect your grade. However, I encourage you to take the time to reflect and be thoughtful in documenting your responses to the questions in this section to the extent this reflection will serve you in your development as a lawyer.

A. Attorney-Client Relationship

1. Have you developed an effective attorney-client relationship with your client(s)?
What basis are you using to assess the effectiveness of the relationship?

2. Have you helped your client define his/her problems, and understand and choose among options? How well did you answer your client's questions? Have you been sensitive to the full range of client needs?

B. Research/Analysis/Writing

1. Has your research been thorough and accurate? Have you been able to develop effective research strategies? Are you comfortable using a variety of research resources?
2. How effectively were you able to analyze cases and statutes? How well have you been able to apply the law to the facts to develop a specific and coherent theory?
3. Were your written products accurate, well written, organized, thorough and concise? Is the intended audience taken into account?
4. What are your writing strengths? What are your weaknesses?

C. Case Planning/Fact Investigation/Theory Development

1. Did you develop a strategy/approach for each assignment on your case in order to develop a plan for using the facts and the law to benefit your client?
2. Did you take the time and make the necessary effort to think through the ethical, strategic and interpersonal issues arising from your assignments?
3. How effective was your fact investigation? Have you made sufficient attempts to obtain all necessary data?
4. How creative have you been in developing theories of the case to accomplish your client's goals? Did you conduct sufficient legal research and factual investigation to identify all possible theories and relevant issues?

D. Case Management

1. How effectively did you work with your supervising attorney? How effectively did you work with the other members of your team? Did your partner(s) and you divide tasks evenly? Did real collaboration take place in your work? Were you sensitive to the interpersonal dynamics of group settings?
2. Did you maintain appropriate relationships with clients and administrative and court officials?
3. Were you sensitive to and respectful of the needs of support staff?
4. Have you promptly and consistently updated your files? Have you consistently and diligently written memos about your meetings with your client?

E. Professional Responsibility/Professionalism

1. Have you been alert to ethical issues as they arose in your cases? Did you initiate discussions of these issues? How did you approach resolving ethical dilemmas?
2. In performing your assignments, was a zealous attempt made to present the best possible case? Did you demonstrate initiative and creativity or only minimal effort to get the work done?
3. Have you been punctual with regard to appointments and assignments? Are your files and records properly organized and maintained? Have you met all deadlines?
4. Did you take initiative with your case in terms of determining what needs to be done next? Did you take time to think of extra steps you could be taking in the case?

II. SEMINAR AND COURSE WORK**A. Class attendance and participation.**

1. Did you regularly attend class and participate in class discussions? How well did you share your points of view in class discussions?
2. How well did you analyze the issues raised in the readings prior to class?

3. Did you participate effectively in classroom exercises?
4. Did you integrate your experiences on your case(s) and your interactions with your client(s) with the themes of the readings?

B. Case/Project Rounds

1. How effectively did you prepare for the case rounds sessions?
2. Were you able to provide a description of the facts and legal issues in your case in a way that was understandable to the rest of the group?
3. How well did you identify, present and facilitate issues for class discussion?

C. Writing Assignments

1. How rigorously did you use the guided writing assignment to further explore and analyze the lawyering process and some of the issues that were the focus of class discussions?

D. Educational Responsibility

1. How did you respond to criticism?
2. Did you take the initiative in seeking educational experiences and time to meet with your supervising attorney(s)? If you were unclear about an assignment, did you seek appropriate clarification?
3. When you had a question about your project, what steps did you take to resolve it before consulting with your supervisor(s)?
4. How effectively did you use the 'clinical method' (i.e., plan-do-reflect) in your HIP project work? Have you been reflective about learning in your project and course work? How do you know?

E. Project Management

1. How effectively did you work with your supervising attorney? How effectively did you work with the other members of your team? Did your partner(s) and you divide tasks evenly? Did real collaboration take place in your work? Were you sensitive to

- the interpersonal dynamics of group settings?
2. Were you sensitive to and respectful of the needs of support staff?
 3. Have you promptly and consistently updated your files? Have you consistently and diligently written memos about your meetings with your client?

F. Reflective Skills Development

1. How effectively were you able to critique your own performance? Have you been able to identify your strengths and weaknesses in various areas of legal work?
2. How much have you learned about your future role as an attorney? Are you developing a vision of the kind of lawyer you want to be?

III. FINAL QUESTIONS AND COMMENTS

- A. Please review the learning goals memorandum you drafted at the beginning of the year. How effective were you in meeting the goals you set for yourself? To what do you attribute your success (or lack thereof) in meeting those goals? Do you have the same goals for the next semester? For your next externship or first legal job? Why or why not?
- B. Finally, is there anything not covered by these questions that you want to convey about your performance in your case and coursework and/or your development as an attorney?

APPENDIX F

HIP SEMINAR TOPICS

Please rank the following potential seminar topics in order of your preference, with "1" being your highest preference.

- A. Ethical Issues in the Practice of Immigration Law and Working with Detainees _____
- B. Modes of Lawyering/Multi-Modal Advocacy Tool (impact litigation, direct representation, legislative advocacy, policy reporting, community legal education and organizing) _____
- C. The Rhetoric of Immigration: Media and Messaging _____
- D. The Role of Policy Advocacy, Policy Reports, and Legislative Advocacy in Immigration Reform _____
- E. Client –Centered Representation in Direct Representation and Impact Litigation _____
- F. "Crimmigration" and the Intersection of Criminal Law and Immigration Law _____
- G. The Structure and Stakeholders in Immigration Enforcement: DHS, Private Prison Companies, Local Law Enforcement Entities, Immigrants and Advocates _____
- H. Working with Vulnerable Populations: Women, Children, Gender Non-conforming and Mentally Ill Detainees _____
- I. The Role of Collaboration in Legal Advocacy _____
- J. Cross-Cultural Lawyering, Lawyering Across Difference, and Working with Interpreters _____
- K. Migrant Youth: Deferred Action for Childhood Arrivals (DACA), Special Immigrant Juvenile Status (SIJS), and Unaccompanied Minors _____
- L. The Role of Community Legal Education and Organizing in Legal and Social Justice Reform _____
- M. Other Topics of Interest to You:

APPENDIX G

HIP INDIVIDUAL SEMINAR EVALUATION - TBD