

# LAW 783 – REFUGEE AND HUMAN RIGHTS CLINIC

## Spring 2022 Semester

### Instructor Information

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### Course Information

#### Meetings:

- Student casework is done on an individual schedule Monday-Friday
- Weekly case review meetings with supervisor
- Case Rounds, **Mondays, 3:00-4:30 pm**

**Locations:** Clinic, area courts and agencies, and remote work (possibly some classrooms)

**Credit Hours: 4 or 6 (depending on whether enrolled in Lawyering Skills for Clinical Practice)**

### Textbook/Course Materials

- Refugee and Human Rights Clinic Student Manual (on Brightspace)
- *Lawyers, Clients & Narrative: A Framework for Law Students and Practitioners*, Carolyn Grose & Margaret Johnson (2017) (available through University eBookstore)
- Additional readings and other materials to be assigned and available through Brightspace

All Clinic faculty, staff, and students use Google Calendar as a central calendaring system. Students must also have (or obtain) and use a personal task, deadline, and date-tracking system (electronic or on paper) and preferably one that uses alerts or other reminders. All dates on this Syllabus should be entered into that system now, and court appearances and other important Clinic-related dates should be entered as soon as they are scheduled. Students will be responsible for ensuring that certain information is on the Clinic Google Calendar; additional information about the calendaring system will be provided during Orientation.

### Learning Management System -- Brightspace

There is a single [Brightspace](#) site for all Cumberland Legal Aid Clinic courses (with a submodule for the Refugee and Human Rights Clinic) to which you have access. This site functions as a critical information hub for students and faculty. We post current versions of this

syllabus, assignments, announcements, links, useful resources, and other important information. It is your responsibility to check the site frequently for new postings. You can access Brightspace through the [MyLaw Portal](#).

## Course Description

The Refugee and Human Rights Clinic (“RHRC” or “the Clinic”), a program within the Cumberland Legal Aid Clinic, provides a challenging opportunity for students to advocate on behalf of low-income immigrants in a broad range of cases and projects. Clients include, for example, asylum applicants who have fled human rights abuses in their home countries and are seeking refuge in the United States, immigrant survivors of domestic violence, immigrant victims of certain crimes, and abandoned, neglected or abused children seeking legal status in the United States. Project work includes impact litigation before the federal courts, Know-Your-Rights (KYR) and educational outreach to Maine’s immigrant populations, outreach to immigrants being held in some of our nation’s immigrant detention centers (Laredo and Strafford), among a range of other projects. Under faculty supervision, student attorneys not only develop their substantive knowledge of immigration law and human rights laws and norms but also build core legal skills relevant to the general practice of law.

Please note that the work you will do in the Refugee and Human Rights Clinic may involve topics of a sensitive and troubling nature, including, but not limited to, murder, assault, domestic violence, rape and other forms of sexual assault, crimes against children, detention, torture, and racism, homophobia, misogyny, and other forms of prejudice. If you have concerns that any of this work, including our discussions around this work, could be particularly disturbing for you, including triggering signs or symptoms of PTSD, such as flashbacks or reliving past trauma, please feel free to speak to a faculty supervisor privately. And, if you feel triggered or other forms of distress *during* one of our class discussions, you may leave the room without explanation and excuse yourself from a conversation. Keep in mind that during confidential discussions with a faculty supervisor, you need not divulge any personal experiences, opinions or other reasons for why you might wish to discuss alternative assignments and/or whether you wish to refrain from certain class discussions.

While Clinic faculty in the Refugee and Human Rights Clinic provide instruction and supervision, the students are, in every respect, the lawyers for the Clinic’s clients. Students’ clinical work includes, *e.g.*, interviewing clients and preparing their testimony, conducting factual and legal investigation and marshaling of evidence, analyzing and presenting human rights documentation, preparing factual affidavits and testimony, preparing expert witness affidavits and testimony, writing legal briefs, and appearing in administrative hearings.

Another significant component of the Refugee and Human Rights Clinic is Case Rounds, student-led classes modeled after “rounds” in the medical setting. In each rounds, one or more students will present a particular case or project (generally one in which a challenge of some kind has arisen) to the group, and all students discuss the issue and help the student develop a plan. Rounds are scheduled for Mondays at 3:00-4:30 p.m. in Room 506, unless a Lawyering Skills for Clinical Practice class is taking place at that time.<sup>1</sup> All students are expected to be

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<sup>1</sup>See [Clinic Spring 2022 Schedule of Classes, Assignments, and Topics for All Clinic Courses](#).

prepared and engaged participants in each case rounds. Attendance at all case rounds is required unless you receive *prior* approval of a faculty supervisor.

Each student who has completed Evidence, Trial Practice, and Professional Responsibility is required to participate in the Protection from Abuse Project, in which Clinic student attorneys represent victims of domestic violence, stalking, and sexual assault in protection from abuse cases in Lewiston District Court (generally on Fridays), on at least two occasions during the course of the semester.

**Clinic requires a *significant* time commitment from the student attorneys.** Each student must maintain a regular schedule of office hours in two 2-hour blocks each week and attend weekly seminars and case rounds, in addition to the client meetings and court dates that are a part of clinic practice. Students will also have regularly scheduled (and unscheduled) case and project review meetings with faculty supervisors. Students must record all time spent on Clinic-related work, other than time spent in case rounds (because that time is already counted). Each student is expected to spend, on average, approximately 15 hours per week (for those taking it for four credits) and approximately 20 hours (for those taking it for six credits) doing Clinic-related work pursuant to the Law School's policy on Determination of Credit Hours for Coursework. Case- and project- related work should be completed during regular business hours while in the Clinic building, at court, working remotely from home, or other locations related to a case or project.

Clinic is a combination of classroom learning and real world work with clients who have real problems. What you do as a student lawyer has serious and permanent consequences for those clients. There is much hard work to be done on every case, and it needs to be done on the terms and schedule of the court or other tribunal. While the effort and time you spend on your clinic work is, of course, very important, the *quality* of the work, as measured by what the court or administrative agency requires of you to ensure that your client has the best chance of winning, is critical.

What this means is that just showing up for Clinic and doing the various tasks associated with your cases, while necessary, is not sufficient. You will need to do the work competently and with the same degree of care, attention, and skill that you would want *your* lawyer to do on a case involving your life. Your clients deserve nothing less. We emphasize this important point now, before you have started the semester, because we do not want any student to take Clinic thinking that, because there is no final exam or major paper, all one has to do is show up, put in the time, and do some work. That is not how the practice of law works, and it is not how the Clinic works. Good lawyers are not just advocates for their clients' positions; they provide that advocacy effectively, professionally, and properly in the appropriate tribunal. This is what we expect you to do, and your grade in Clinic will reflect the extent to which you are a good lawyer.

The Clinic faculty will spend the time and energy needed to teach you how to be a good lawyer. You (the student) will need to spend the time and energy every day, every week, all semester to do quality work and therefore to be a good lawyer. The faculty cannot, and will not, do that for you.

Because our clients' cases do not and cannot be paused during exams or law school breaks, **you will remain counsel of record and there responsible for your cases until the last day of the semester, May 20, 2022.** However, with advance planning and some help from your fellow student attorneys, this responsibility does not mean that you cannot set aside time to study for and take final exams nor does it mean that you cannot take time off from your Clinic work during the semester and during law school breaks.

Supervision Meetings and Feedback: All students are required to meet on a weekly basis with your faculty supervisor. During the first week of classes, students will be assigned a weekly meeting time. Because you are primarily responsible for the development, planning, and performance of client and project work, you manage our supervision meetings. Before each meeting, students are expected to submit an agenda, as well as an updated "To-Do" list. The agendas and "To-Do" lists are due at least 24 hours before the meeting. See the RHRC Student Manual for more information and samples.

In order to provide you with high-quality feedback, we generally require 48 hours (during business days, not weekends) to review your more substantial work product (client affidavits, legal memos, etc.). That means that if you provide us with a draft of your work product by 12 p.m. on Monday, we will review it by 12 p.m. on Wednesday. If you need something reviewed faster, please let us know. Note, however, that less substantial work product (draft emails, letters, etc.) will be reviewed in a shorter time frame.

Students will also meet individually with us at the beginning of the semester (at which point you will set your learning goals), and again at the mid semester point, both to engage you in a reflective dialogue about what you have learned during the semester and to reflect on your experiences to date.

**Be sure to calendar all of the dates and deadlines on this Syllabus and the [Schedule of Classes, Topics, and Assignments](#) now.** Note in particular that there are additional classes during the first several weeks of the semester, as well as a significant amount of written material to review, including before the semester begins. This schedule is essential to ensure that, as you start to work with clients, you are fully oriented to Clinic procedures and have some background on the legal issues with which we deal most often.

### Course Goals & Learning Objectives<sup>2</sup>

GOALS	OBJECTIVES	ASSESSMENTS
Upon successful completion of this course, students will know/understand:	Upon successful completion of this course, students will be able to:	How the student will be assessed on these learning objectives:

<sup>2</sup> Note that the Lawyering Skills for Clinical Practice course is specifically designed to complement your client and project work in the Refugee and Human Rights Clinic, and your client work will enhance your learning in that course. The goals and objectives described here pertain only to the Refugee and Human Rights Clinic.

The “Lawyering Skills and Competencies” described in Refugee and Human Rights Clinic Casework Rubric, including the following:	Perform the skills and competencies described in the Casework Rubric well with minimal supervision and be ready to work with clients, including in the following specific areas:	(1) Ongoing feedback from Faculty Supervisors on case and project work; (2) Evaluation of the student’s level of achievement in the specific criteria described in the Clinic Rubrics
Skills and competencies related to professional relationships and communication	Develop and manage professional relationships with clients and others	“”
How to develop a meaningful and effective attorney-client relationship	“”	“”
How to develop and cultivate a cultural humility framework as you explore and learn from the perspectives of your clients, peers, and instructors in the clinic	Be a compassionate and effective advocate.	“”
Develop key professional and leadership skills that you will use in your first few years as an attorney, including: planning for and running meetings; setting agendas; time management; file maintenance; email and letter etiquette; receiving and giving feedback; and deep listening	Use a range of tools and practices when lawyering that will ensure work is done ethically, efficiently, professionally, appropriately, and effectively.	“”
Skills and competencies related to case theory	Develop and implement a case theory	“”
Skills and competencies related to fact investigation	Develop and implement a fact investigation strategy	“”
Skills and competencies related to written advocacy	Engage in effective written advocacy on behalf of a client	“”
Skills and competencies related to negotiation	Effectively negotiate a legal matter on behalf of a client	“”
Skills and competencies related to client counseling	Effectively counsel a client about critical decision in their case through client-centered practices	“”
Skills and competencies related to oral advocacy	Effectively advocate for a client in court or administrative proceedings	“”
Skills and competencies related to reflection and developing a professional identity	Engage in ongoing reflective lawyering and use insights for continuous growth and improvement as a lawyer; learn from mistakes	“”

Skills and competencies related to organizing and managing work	Effectively organize, prioritize, and manage work	“”
Skills and competencies related to managing ethical issues	Identify ethical issues and address them appropriately	“”

### Course Requirements and Grading:

We require the following of all Clinic students:

- Attending and preparing for all orientation sessions, court appearances, case rounds, supervision meetings (unless excused by faculty in advance)
- Professionally, responsibly, ethically, and competently managing case and project load (generally 2-5 cases), including maintaining regular contact with clients
- Meeting specific deadlines set by faculty supervisors for work on individual cases
- If applicable, participating in Protection from Abuse Project on at least two occasions per semester (additional participation may be required to ensure that we have adequate coverage for all dockets)
- Accurately recording and reporting all time spent on Clinic-related work
- Completing assigned readings
- Completing writing assignments
- Completing a faculty-approved case summary for each case that will be transferred to a new student attorney next semester. **First drafts are due on April 29** (additional information on the deadlines and requirements for these will be provided during the semester)
- Complying with all Clinic policies and procedures
- Collaborating with fellow clinicians

The Refugee and Human Rights Clinic employs the Law School’s letter grading system; the Pass-Fail option is not available. Students’ final grades will be based on all aspects of their clinical work throughout the semester. The rubrics and explanation of our grading procedures are posted on Brightspace under the “Refugee and Human Rights Clinic” module.

Please note that students who receive a grade lower than a “B–” for this course will not be permitted to enroll in a subsequent Cumberland Legal Aid Clinic course, regardless of their lottery placement.

## COURSE POLICIES

The Refugee and Human Rights Clinic's policies and procedures are set forth in detail in the [Refugee and Human Rights Clinic Practice Manual](#). The specific reading assignments for the Manual are noted in the [Schedule of Classes, Topics, and Assignments for All Clinic Courses](#).

### Academic Integrity Policy

Each student should know the standards of conduct and expectations of academic integrity. Violations of academic integrity include any actions that attempt to promote or enhance the academic standing of any student by dishonest means. Cheating on an examination, plagiarism, making statements known to be false or misleading, falsifying the results of one's research, improperly using library materials or computer files, or altering or forging academic records are examples of violations of this policy. Acts that violate academic integrity disrupt the educational process and are not acceptable.

Evidence of a violation of the academic integrity policy will normally result in disciplinary action, including referral to the UMS Student Conduct Code process. A copy of the complete Academic Integrity Policy is available on the [University of Maine System website](#) or the [MyLaw Portal](#).

**Please note that because Clinic students are working with actual clients, our responsibility to the public may require a student's immediate dismissal from the course if there is an infraction.**

### Inclement Weather

For information on campus closings, please call the storm line at 207-780-4800 or sign up for USM text alerts. If the University of Southern Maine closes the campus or cancels classes, this always applies to the Law School. In rare circumstances, the Law School closes before USM. In this situation, an email about closings will be sent to students through the email listserv.

If the Law Building is (1) closed for the day, (2) open late and our class is scheduled to start before the law school opening, or (3) closed early and our class is scheduled to end after the building closes, then classes may be held remotely. If this is the case, students will be notified and sent a ZOOM link. If you are unable to attend class due to the inclement weather, you should notify a member of the Clinic faculty.

If a class is canceled, we will let you know about scheduling a make-up.

**Please note that even if school is closed due to the weather, you may still need to appear in court for a scheduled hearing or other appearance.**

### Participation/Attendance

All students must be on time for and attend all orientation sessions, court appearances, case rounds, and supervision meetings unless their attendance has been excused by a faculty supervisor *in advance*. Students are expected to be prepared for and fully engaged during all case

rounds and supervision meetings and to demonstrate the highest level of professionalism, ethics, competence, and diligence to all aspects of their work in Clinic.

COVID-19-Related Attendance Policy: If you have any concerns about your own health or that of your immediate family, please do not come into the Law School. A health-concern based absence will not count against your grade during the COVID-19 pandemic.

### **Teaching Methods**

As we will describe in more detail during Orientation, we employ an extensive range of teaching methods in Refugee and Human Rights Clinic, including both classroom and individualized instruction.

### **Class Recording**

As a general rule, the recording of all classes is prohibited without permission. If you will be absent from class and wish to record a missed class session, you must first contact me for permission. If permission is granted, you must arrange for a classmate to facilitate the recording. (Suggested mobile apps for self-directed audio recording can be found in the MyLaw Portal.) All class recordings are for personal use only and may not be uploaded to the internet or otherwise shared, transmitted, or published without the prior consent of the professor. If permission is denied, then you must find an alternative method for making up the missed material.

If you are requesting the recording of classes pursuant to the Americans with Disabilities Act or in the case of exceptional circumstances, such as severe illness or hospitalization, you should contact the Dean of Students.

If you are requesting the recording of classes for reasons related to COVID-19 isolation, quarantine, or family care, please contact me before the class to request the recording. Recordings will be provided by me for absences in these cases. If you anticipate missing multiple sessions of a class for health, family care, quarantine, or other reasons, please contact the Dean of Students.

## **MAINE LAW POLICIES AND RESOURCES**

### **Disability Accommodations**

The Law School is committed to providing students with disabilities equal access to all programs and services. If you think you have a disability and would like to request accommodations, please contact the Disability Services Center (DSC). Timely notification is essential. The Disability Services Center can be reached by calling 207-780-4706 or by email [dsc-usm@maine.edu](mailto:dsc-usm@maine.edu). If you have already received an accommodation letter from the Disability Services Center and would like to discuss your accommodations for this course, please contact Dean of Students Scheherazade Mason who serves as the liaison to the DSC. If you would like to discuss your accommodations with us, you can email one of the Clinic faculty directly.



## **Health and Wellness Resources for Maine Law Students**

Maintaining your physical and mental health is essential to learning the law and succeeding in law school. Law school is a setting where mental health or substance use struggles can be exacerbated. If you ever find yourself struggling, do not hesitate to ask for help. Maine Law is committed to promoting wellness for all students. We encourage all of you to review the [Health & Wellness Resources](#) listed on the MyLaw Portal. The resources include confidential counseling through USM Counseling Services (207-780-4050) and the Maine Assistance Program for Lawyers and Law Students (207-266-5951). You can also contact the Maine Law [Office of Student Affairs](#). Please let us know if you have any questions.

If you are facing illness, injury, the birth of a child, death in the family, or other extraordinary circumstances that may impact your participation in this course, you should contact one of us in advance of missing classes or any assignment deadlines. Stressful situations like these may lead to diminished academic performance or may reduce your ability to participate in daily classroom activities. Law School services are available to assist students with handling these stressful events. In an emergency situation and in cases of unforeseen circumstances, you should contact Dean of Students Scheherazade Mason as soon as possible. *For examination conflicts or emergency situations during the examination period, please see the Registrar.*

## **Statement on Religious Observance for Maine Law Students**

Maine Law respects the religious beliefs of all members of the community, affirms their rights to observe significant religious holy days, and will make reasonable accommodations, upon request, for such observances. If your religious observance is in conflict with the academic experience, you should inform us of the class or other functions that will be affected. It is your responsibility to make the necessary arrangements and follow our agreed upon accommodation.

## **Title IX Statement**

The University of Maine School of Law is committed to making our campuses safer places for students. Because of this commitment, and our federal obligations, faculty and other employees are considered mandated reporters when it comes to experiences of interpersonal violence (sexual assault, sexual harassment, dating or domestic violence, and stalking). Disclosures of interpersonal violence must be passed along to members of the University of Maine System's Title IX team who can help provide support and academic remedies for students who have been impacted. More information can be found online at <https://mainelaw.maine.edu/student-life/title-ix/>. You may contact USM's Deputy Title IX Coordinator, Sarah E. Holmes at [usm.TitleIX@maine.edu](mailto:usm.TitleIX@maine.edu) or 207-780-5767 or the UMS Title IX Coordinator, Liz Lavoie at [titleix@maine.edu](mailto:titleix@maine.edu) or 207-581-5866. You can also reach out to Maine Law's Office of Student Affairs for support and referrals.

If students want to speak with someone confidentially, the following resources are available on and off campus: University Counseling Services (207-780-4050); 24 Hour Sexual Assault Hotline (1-800-871-7741); 24 Hour Domestic Violence Hotline (1-866-834-4357).

## PRE-ORIENTATION DEADLINES

### Monday, January 3, 4:00 pm

- Complete and turn in signed Student Attorney Certification Form (hard copy) to Karen Murphy at the Clinic (contact Karen at [karen.murphy@maine.edu](mailto:karen.murphy@maine.edu) for more information)

### Friday, January 7, 12:00 pm

- Complete and submit [Student Information Form](#)

### Friday, January 14, 12:00 pm

- Complete and turn in [Orientation Assignment](#) Part I with signed Certification Form to Professor Anna Welch (hard copy)

## ORIENTATION WEEK SCHEDULE

Attendance at all Orientation Week events, including the First Clinic Meeting, is required for all students who wish to be in the Clinic. If you will have any difficulty attending one or more of these events, you must contact staff or faculty at the Clinic as soon as possible.

A. **First Clinic Meeting: Tuesday, January 18, 12:15-1:15 p.m., Room 118**

***IMPORTANT:*** *As a requirement for your swearing in, you will need to certify in writing before the First Meeting that you have read and are familiar with the following: Maine Rules of Professional Conduct, Federal and Maine Rules of Civil Procedure, Federal and Maine Rules of Criminal Procedure, and Federal and Maine Rules of Evidence. Please see the Orientation Assignment posted on Brightspace for more information.*

B. **Swearing In:** You will be sworn in as student attorneys on **Wednesday, January 19 at 8:00 a.m. at the Maine Supreme Judicial Court Courtroom at the Cumberland County Courthouse.** If there is any reason that you suspect you will not be able to attend, please inform a faculty member immediately. Also, if you have already been sworn in as a student attorney (such as for an externship, a position in a District Attorney's office, or prior work in CLAC), please inform Karen Murphy, CLAC Administrative Manager.

C. **Protection from Abuse Cases: Wednesday, January 19, 12:15-1:15 p.m., Room 118**

***Assignment:***

- Clinic Student Manual: Ch. 9
- PFA Project Procedures videos posted on Brightspace
- Handouts posted on Brightspace

**D. General Orientation: Wednesday, January 19, 3:00-4:30 p.m., [TBD]**

***Assignment:***

- Clinic Student Manual: Chs. 1-3, 12, 13
- Introduction to Clinic videos posted on Brightspace
- Complete Part II of Orientation Assignment

**E. Computer Training: You will attend *two* (initial and follow-up) computer training sessions. All trainings take place in the RHRC student workspace:**

*Initial Training:* TBD

*Follow-up Training:* TBD

**See [Spring 2022 Schedule of Classes, Topics, and Assignments Table](#) for the remainder of the semester.**