



TEXAS SOUTHERN UNIVERSITY  
THURGOOD MARSHALL SCHOOL *of* LAW

**CIVIL TRIAL CLINIC**  
**WILLS, PROBATE, & GUARDIANSHIP**  
**LAW 935**  
**SPRING 2022**

**MARTINA E. CARTWRIGHT**  
**ASSOCIATE PROFESSOR**

## Professor/Managing Attorney

**NAME:** Martina E. Cartwright, Associate Professor

**TELEPHONE:** 713.313.1019

**EMAIL:** [martina.cartwright@tmslaw.tsu.edu](mailto:martina.cartwright@tmslaw.tsu.edu)

**CELL PHONE:** 713.927.1195

**LOCATION:** Suite 100L

**OFFICE HOURS:** MONDAY: 10:00 AM – 1:00 PM  
WEDNESDAY: 10:00 AM– 1:00 PM  
THURSDAY: NOON – 2:00 PM

ALL OTHER TIMES BY APPOINTMENT ONLY

ALL OTHER TIMES BY APPOINTMENT ONLY—VIA COURSE ROOM OR ZOOM

## **COURSE BOOKS & MATERIAL**

### **REQUIRED TEXT/MANUAL:**

1. Martina E. Cartwright, Wills, Probate, & Guardianship Clinic Manual, (Blackboard/TWEN)
2. CLSP, Student Attorney Manual (Blackboard/TWEN)
3. O'Connors, Estates Code Plus, 2020-21, O'Connor's Texas Litigation Series

### **TRAINING MATERIALS:**

All training materials are either provided on Blackboard or located in the "Student Training Materials" file folder on the Wills, Probate, and Guardianship subdirectory on the "Z" Drive. Additional training materials can be found on the TexasbarCLE website.

### **RECOMMENDED WEBSITES/BLOGS:**

1. Glenn Karisch's Texas Probate – <http://www.texasprobate.com>
2. Texas Estate Planning and Probate blog-- <http://texprobateblog.blogspot.com/>
3. Texas Probate & Guardianship Blog-- <http://blog.fordbergner.com/>

### **BLACKBOARD**

Any and all announcements and pertinent course materials will be posted on Blackboard.

## **COURSE DESCRIPTION, REQUIREMENTS, EXPECTATIONS, AND LEARNING OUTCOMES**

### **DESCRIPTION:**

The Wills, Probate, & Guardianship Clinic is a semester long, four credit-hour experiential learning course. Individuals enrolled in the Clinic serve as student attorneys, with student bar licenses from the Texas Supreme Court. All activities within the Clinic, including but not limited to: interviewing, drafting of pleadings, and all aspects of client representation, will be supervised by Professor Martina E. Cartwright.

### **REQUIREMENTS:**

The Clinic will focus on legal problems individuals encounter related to estate planning, probate, and guardianship. Student attorneys have an opportunity to observe the practice of others and to represent clients, whether in drafting testamentary instruments, durable powers of attorney, physician's directives or handling matters related to guardianship (seeking to be appointed the legal guardian of an individual determined to be incapacitated—as defined by the Texas Estates Code), or representing clients in cases involving testate or intestate estates.

Cases are assigned to you. However, you can request certain types of cases in order to enhance skills you wish to develop during your semester-long clinical experience. As a student attorney, you will have the opportunity to develop the following skills: interviewing and counseling, legal research and analysis, fact investigation, writing in a range of contexts, law office management, evidentiary hearings, recognizing and resolving ethical issues and – perhaps the core lawyering skill – problem solving.

### **COVID-19 PROTOCOLS**

This year's clinic promises to be challenging, due to the COVID-19 pandemic. The university has instituted new protocols for the protection of students and faculty, which greatly impact the work of the clinic. Despite these restrictions, the work of the clinic continues and requirements for student attorney performance, remain the same—with some adjustments.

First and foremost, as a student attorney, you are expected to consult with your clients, confer with court personnel—as needed, and generally work on your cases—learning the requisite skills necessary for excellent representation. In the case of elderly or infirmed clients, in-person meetings are generally not permitted, the bulk of communications will have to take place via email or videoconferencing. You are NOT allowed to use your personnel email to communicate with clients. You will use either your law school email or the Clinic's email for client related correspondence

Second, student attorneys are required to attend weekly staff meeting to discuss the progress of their cases. This will be scheduled during the first week of school, and meetings will take place, **IN HOUSE!**

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## TEXAS SOUTHERN UNIVERSITY THURGOOD MARSHALL SCHOOL *of* LAW

Beginning April 2020, all hearings and trials in the county courts at law and statutory probate courts were held via ZOOM. Harris County Courts are continuing to conduct hearings on their UNCONTESTED DOCKETS via Zoom. Please ensure that you have downloaded the ZOOM app and set up an account to allow your participation in these hearings.

**\*\*CONTESTED MATTERS AND TRIALS WILL BE IN PERSON.\*\***

All interactions with court staff and personnel and opposing counsel are to be handled remotely, via telephone and/or videoconferencing. Any visits to the courthouse/Probate Clerk's office continue to be by APPOINTMENT. CALL BEFORE YOU GO DOWN TO THE COURTHOUSE.

Finally, Student attorneys are expected to devote an average of 12-14 hours per week, excluding CLE training and courtroom observation, towards the successful completion of the clinical course.

### **EXPECTATIONS:**

My expectations of you as future professionals are different from my expectations of you as student attorneys. As future professionals, I hope that you leave the Clinic relatively secure in your lawyering and decision-making skills. I hope that you have developed sensitivity to the particular needs of the clients you may represent in the future if you choose probate or elder law as a career path. I hope you are an ethical and understanding member of the bar. I hope that you have developed keen problem solving, analytical skills.

As a student attorney, my expectations are that you commit yourself to be an able and enthusiastic advocate for your client. I expect you to be prepared for each weekly seminar and staff meeting. I expect you to be respectful and courteous to all who seek help, regardless of their status or socioeconomic background. I expect you to expend the maximum amount of effort in representing your client's interest.

On a more basic level, my expectations of the work you produce in the clinic is as follows: draft at least one (1) will, represent an applicant in one (1) guardianship proceeding, and represent one (or more clients) in matters involving testate or intestate estates. As a student attorney, you are expected to comply with the rules and regulations set out in the Clinical Legal Studies Program Student Attorney/Intern Office Policies and Procedures Manual, the Student Rules and Regulations, and the Texas Disciplinary Rules of Professional Conduct. As an emerging professional, I expect you to take control of your own development. Do not wait to be assigned task, seek challenging opportunities to improve on your skill set and grow as a provider of legal services



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## STUDENT LEARNING OUTCOMES:

After completion of the practicum and seminar, students will be able to:

- (a) conduct effective client and witness interviews;
- (b) conduct thorough and comprehensive factual investigation;
- (c) effectively negotiate with opposing counsel on clients' behalf;
  
- (d) identify and execute client objectives in either a transactional or litigation setting;
- (e) draft appropriate pleadings for proceedings in probate courts;
- (f) effectively advocate for clients in either a hearing (uncontested) or trial (contested) setting; and
- (g) work collaboratively with other counsel, in executing client objectives.

## GRADING

**A. Assessment:** See Student Evaluation

**B. Grading:** FINAL GRADES ARE SUBJECT TO THE COMPLETION OF THE 180-HOUR MINIMUM REQUIREMENT BY THE STUDENT. IF THE MINIMUM 180-HOUR REQUIRMENT IS NOT COMPLETED BY THE END OF THE SEMESTER, THE STUDENT WILL RECEIVE AN "F" GRADE.

A	90-100	Excellent
B	80- 89	Above Average
C	70-79	Average
D	60-69	Needs Improvement
F	59 & below	Poor

## C. Skills Training/Professional Development

Your time in the clinic will be devoted to developing and honing professional skills which define the lawyering profession. Throughout the semester, there will be discussion on and lectures about ethics and professional responsibility. However, the chart below demonstrates the % of time devoted to various lawyering skills.



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### PARTICIPATION, ATTENDANCE & PROFESSIONALISM

**STAFF MEETINGS (ONLINE):** Attendance is MANDATORY. There are no EXCUSED ABSENCES. Pursuant to Article III.9 of the Student Rules and Regulations, if you miss more than the allotted number of staff meetings in accordance with Article III.9, your grade may be reduced up to one (1) letter grade.

**CLINIC:** You are expected to complete work in the Clinic. However, while you are in office, I will ensure that your presence in the office is compliant with the University's COVID-19 Protocols. Social distance and mask wearing—while not required—are strongly encouraged.

The clinic is in the process of moving intranet electronic files onto a web-based server to allow virtual access to files. As a student attorney, you will assist with this process, migrating existing intranet files and paper files onto the Clinic's web-based server. You will also need to prepare pleadings in house.

If you are unable to perform your duties as required, during to an emergency or unforeseen circumstances, you MUST call your supervising attorney and inform them of your absence and the reason. Except in extraordinary circumstances discussed in advance, you must be available for every court appearance, deposition, meeting, etc., on behalf of your clients.



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**OBSERVATION:** Each student is required to complete a minimum of 30 hours of observation in either one of the four Harris County Probate Courts, County Courts in Montgomery County or Fort Bend County. All of the Courts have YouTube sites that allows viewing, during hearings and/or proceedings. Please check the court's docket schedules to ensure that you are able to view court proceedings.

**TRAINING MODULES:** Each student is required to complete a minimum of 50 hours of online CLE training modules.





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**ADA, COVID-19 INFORMATION, AND TITLE IX**

**ADA:**

Students who have questions should contact:

Amy L. Ratra, Associate Dean – TMSL

Student Services and Instructional Support, 713-313-7909

or

SASO via email [DisabilityServices@tsu.edu](mailto:DisabilityServices@tsu.edu) or phone 713-313-4210.

**COVID-19:**

Students who contract the COVID-19 virus must report the information to:

Amy L. Ratra, Associate Dean – TMSL

Student Services and Instructional Support, 713-313-7909

and

the Student Accessibility Services Office (SASO), by phone at 713-313-4210 or by email at [disabilityservices@tsu.edu](mailto:disabilityservices@tsu.edu).

Additionally, if a student experiences a crisis outside of regular business hours, the student can call 833-848-1765.

**TITLE IX:**

Texas Southern University's Office of Title IX is responsible for ensuring members in the Texas Southern University community enjoy an inclusive and welcoming university environment free from sexual discrimination, harassment and violence.

The Office's approach is consistent with the mission of Texas Southern University, the University's tradition of excellence, and all Federal Regulations, State Laws and University policies.

Students who have Title IX questions may contact:

Bobby Brown

Title IX Coordinator

Hannah Hall, Suite 106

713-313-1371

[bobby.brown@tsu.edu](mailto:bobby.brown@tsu.edu) or [titleix@tsu.edu](mailto:titleix@tsu.edu) or

Students may speak confidentially to the University Counseling Center. Please feel free to visit its website [www.tsu.edu/ucc](http://www.tsu.edu/ucc) for more information about the Center's services.



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## STUDENT EVALUATION

As a student attorney, your work will be continuously evaluated throughout your semester-long “internship.” A fundamental part of learning is a feedback. Feedback is how we improve, develop new skills and competency.

The evaluation of student performance in the Clinic has three parts: (a) self-evaluation/ feedback; (b) mid semester evaluation; and (c) final evaluation.

The first stage of the process will occur in September. You will be responsible for completing a self-evaluation, focusing largely on your performance as it relates to the 10 categories upon which you are graded for the semester. You will then meet with the Managing Attorney to discuss your self-evaluation and to receive feedback about your work in the clinic.

The second stage of the process will occur in October. You will meet (either in person, or via ZOOM or Blackboard) with the Managing Attorney to discuss your performance at the mid-semester point. In order to do so, you must prepare a mid-semester report, detailing your work to date. The managing attorney will rate your mid-semester performance—within the requisite categories of student learnings outcomes, and provide you with feedback to assist you or help you improve in the clinic.

The final stage occurs at the end of the semester, following your submission of the student reflection piece, detailing your clinic experience. You are expected to meet with the Managing Attorney to discuss each of the performance measures, your reflection on the impact the clinic has had on your professional development, and your future goals.



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### EVALUATIVE CRITERIA

Below is an outline of the criteria used to evaluate your performance as a student attorney in the Wills, Probate, & Guardianship clinic. This is not exhaustive list of all of the skills that you will be exposed to or develop while in the Clinic, however, this list should serve as guide regarding the expectations you as a student attorney and the standards by which you can evaluate yourself once you begin the practice of law.

The listed criteria and the points assessed for each of the categories is how you will be evaluated throughout your semester long internship and will be utilized to demonstrate competence and/or improvement.

#### **I. Attorney-Client Relationship**

- develops relationship and maintains contact with clients
- prompt response to client inquiries
- builds rapport with client; shows concern for client and client's needs
- listening skills (including empathy, reflective listening)
- explains applicable law in a digestible manner (plain English!!)
- uses appropriate words and tone when speaking to client

#### **II. Professional Responsibility/ Ethical Considerations/ Professionalism**

- zealously represents client
- identifies potential ethical issues in cases
- conducts one's self with candor, honesty and courtesy in relationships with clients, ad litem, opposing counsel, court staff and personnel

#### **III. Investigation/Analysis**

- conducts effective interviews
- identifies and develops factual issues of case
- identifies, researches and develops legal issues in case
- demonstrates creativity, flexibility, innovation in problem-solving
- integrates client's concerns and needs

#### **IV. Execution of Lawyering Objectives**

- follows a course of action, adapting to changes in facts and/or circumstances
- carries out lawyering tasks skillfully and with adequate preparation
- organizes and facilitates effective client meetings
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### **V. Oral & Written Product**

- written work product is clear, precise, and concise
- written work product is free of grammatical and spelling errors
- prepares thoroughly for all hearings, trials, and client meetings

### **VI. Reflective/Self Evaluation Skills**

- ability to critique self, accept constructive suggestions and feedback; applies appropriately
- ability to reflect on own strengths and weaknesses
- takes responsibility for own learning

### **VII. Law Practice Management**

- ability to manage time, meets time requirements
- timesheet entries thorough, completed on a timely basis
- consistently follows office procedures outlined in WPG Manual
- meets deadlines
- thorough, clear closing memos and transfer memos
- case file organized
- initiates contact with supervisor on a regular basis

### **VIII. Collegial Responsibility**

- ability to collaborate with colleagues on cases and projects
- develops positive working relationships with supervisor, administrative staff and colleagues
- accessible to supervisors, administrative staff and colleagues
- proactive in accepting and handling team responsibilities

### **IX. Improvement and Effort**

- demonstrates improvement in the above criteria over the course of semester
- demonstrates a commitment to providing high-quality legal services and addressing needs of client
- incorporates self-critique, supervisory feedback and concepts learned in classroom discussion into clinical work