



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

CIVIL TRIAL CLINIC
WILLS, PROBATE, & GUARDIANSHIP
LAW 935
FALL 2021

MARTINA E. CARTWRIGHT
ASSOCIATE PROFESSOR



THURGOOD MARSHALL SCHOOL OF LAW

COVID-19 INFORMATION SHEET

HEALTH AND SAFETY ON CAMPUS

1. The University does not require COVID-19 vaccination as a condition for attending school. As a protective measure, students are encouraged to get vaccinated. The St. Luke's vaccination clinic, located on campus in the Nabrit Science Building, is open and accessible to the entire University community, Monday-Friday, 9 a.m. – 7 p.m. There is no cost for the vaccination.
2. Students are expected to continuously self-screen for the symptoms of COVID-19. If you have symptoms and are not fully vaccinated, you should call the Student Health Center at (713) 313-7173. Please remember to exercise caution and be courteous of your fellow students.
3. Students who experience a medical emergency on campus should call (713) 313-7000. If off campus, call 911. Please inform the dispatch operator if you are experiencing shortness of breath, difficulty breathing, coughing, or have a fever.
4. Students who are unable to attend classes for health reasons, including those relating to COVID-19, should immediately contact the Associate Dean of Student Services, Amy Ratra (miamy.ratra@tsu.edu), for further guidance.
5. Students who contract the COVID-19 virus must report the information to the Associate Dean of Student Services, Amy Ratra, and the Student Accessibility Services Office (SASO), by phone at 713-313-4210 or by email at disabilityservices@tsu.edu.
6. Students who contract the COVID-19 virus will be required to quarantine under the advice of Student Accessibility Services Office (SASO). Such students are required to submit Release of Care documentation from a licensed health care professional to SASO and notify the Associate Dean of Student Services, Amy Ratra, before they return to the law school.
7. While on campus and in classrooms, students are encouraged to conduct themselves in a manner conducive to the health and safety of the entire TSU community.
 - a. Students should practice hand hygiene, cough etiquette, and general cleanliness.
 - b. Face coverings (over the nose and mouth) are not required as per the guidelines from the State of Texas. However, students are strongly encouraged to wear face coverings (over the nose and mouth) while in the law school building.

- c. Students should wash or disinfect their hands before each class and after physical interaction with other persons in the classroom.
 - d. Students should maintain classroom cleanliness. Students should create a clean classroom environment by putting away unnecessary personal items and cleaning their seating area intermittently.
 - e. Students who do not conduct themselves on campus in a manner conducive to the health and safety of those with whom they come in contact may be subject to discipline up to expulsion from law school.
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ATTENDANCE POLICY

8. Law school classes will be fully in-person this fall. The law school attendance policy will be strictly enforced.
 9. Students who contract the COVID-19 virus will be barred from attending in-person classes until submitting Release of Care documentation from a licensed health care professional to Student Accessibility Services Office (SASO). Such students will be required to study and keep up with the prescribed readings.
 10. Students that are excused from in-person class attendance because they contracted the COVID-19 virus should designate a student in each of their classes to make audio recordings of the lectures. Professors are required to allow such recordings to be made. Furthermore, professors are required to meet with such students to answer questions about the materials covered during their COVID-19-related absence.
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UNIVERSITY RESOURCES

11. COVID-19 TESTING
Location: H&PE 109
Hours of Operation: No appointments are necessary. Tuesday – Thursday 8 a.m. – 11:30 p.m.
Results will be available within 24 hours if the test is taken by 11:30 a.m.
12. The St. Luke's vaccination clinic is open and accessible to all University personnel and community, Monday – Friday, 9 am – 7 pm in the Nabrit Science Building.
13. STUDENT HEALTH SERVICES
 - a. Student Health Services is open 8:00 a.m. – 5:00 p.m. Monday – Friday by appointment only.

- b. A nurse is available at (713) 313-7173, Monday – Friday, from 8:00 a.m. – 5:00 p.m. to schedule appointments.
- c. Appointments will be scheduled virtually and in-person, as needed.
- d. If you are currently enrolled and need a copy of your immunization record go to <https://tsu.medicatconnect.com>.
- e. If you are off campus but in the local area and need assistance contact the Harris County Health Department COVID-19 hotline: www.ReadyHarris.org. If you don't have the internet, call (832) 927-7575 or Houston Health Department COVID-19 Call Center: (832) -393-4220.

14. UNIVERSITY COUNSELING CENTER

- a. The University Counseling Center (UCC) is providing convenient Telemental Health Services to all students.
- b. Students may call 713-313-7800 to request an appointment. If someone does not answer, please leave your T-Number, name, and a contact number. Students may also complete this form to request an appointment, and someone will contact them during business hours:
https://forms.office.com/Pages/ResponsePage.aspx?id=ViJL72KUK0Su4urH7Z-1ZFNJ2YNoWsVPstLk4r8W_X1UOUk2SUxMRVoyVEdQTVkzV09YRVBLNU5OTy4u.
- c. Students may receive a call from a blocked or private number, please answer, as it may be your counselor trying to contact you.
- d. If a student experiences a crisis outside of regular business hours, the student can call 833-848-1765.
- e. Other resources for support outside of the UCC include:
 - i. Crisis text line – Text Steve to 741-741.
 - ii. National Suicide Hotline - 800-273-TALK (8255).

Professor/Managing Attorney

NAME: Martina E. Cartwright, Associate Professor

TELEPHONE: 713.313.1019

EMAIL: martina.cartwright@tmslaw.tsu.edu

CELL PHONE: 713.927.1195

LOCATION: Suite 100L

OFFICE HOURS:

TUESDAY: 10:00 AM – 11:00 AM, NOON TO 1:00 PM

WEDNESDAY: 11:00 AM– 2:30 PM

THURSDAY: 10:00AM TO 11:00 AM; NOON – 2:30 PM

**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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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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POLICIES & PROCEDURES

ADA Policy

The Law School will make reasonable accommodations to individuals with documented disabilities. Such accommodations will not be provided, however, if they fundamentally alter the nature of the program or if they would be unduly burdensome either financially or administratively.

The term “disability” is defined by the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008, and Section 504 of the Rehabilitation Act of 1973. These federal acts mandate equal opportunities for qualified persons with disabilities in all public facilities, programs, activities, services, and benefits derived from them. In order to receive accommodations a student must have a documented mental or physical disability that substantially limits a major life activity. Some examples of major life activities that would impact learning are: seeing, hearing, concentrating, communicating, reading, and writing. Reasonable accommodations are recommended based on the application review process and supporting documentation.

For more information about the accommodation process, please contact the Office of Assistant Dean for Student Development.



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ACADEMIC CALENDAR 2021 – 2022

FALL SEMESTER 2021

FALL SEMESTER 2021 (SEVENTY DAYS OF CLASSES)

Orientation	Monday-Friday	August 9-13, 2021
First Day of Class	Monday	August 16, 2021
Last Day to ADD/DROP	Wednesday	August 18, 2021
Labor Day (NO CLASSES)	Monday	September 6, 2021
<i>Purge of all unpaid course selections</i>	Wednesday	September 15, 2021
Mid Term Examinations	Mon – Fri	October 11-15, 2021
Last Day to Drop a Class	Friday	November 5, 2021
Last Day of Classes	Tuesday	November 23, 2021
First Year Professors' Grades due	Tuesday	November 23, 2021
Reading Period	Wed	November 24, 2021
Thanksgiving Holiday	Thurs – Fri	November 25-26, 2021
Reading Period	Sat- Sun	November 27-28, 2021
Final Examinations	Monday - Friday	November 29-Dec. 10, 2021
Commencement Exercises	Saturday	December 11, 2021

Please note that the calendar events and /or dates are subject to change.



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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