



TEXAS SOUTHERN UNIVERSITY
THURGOOD MARSHALL SCHOOL *of* LAW

CIVIL LAW CLINIC
LAW 935 – SEC 2
FALL 2019

THELMA L. HARMON
ASSOCIATE PROFESSOR

***“BEING UNPREPARED
IS
PREPARATION FOR FAILURE”***

THE PROFESSOR

NAME: Thelma L. Harmon, Associate Professor

TELEPHONE: 713.313.1144

EMAIL: Thelma.Harmon@tmslaw.tsu.edu

LOCATION: Suite 100K

OFFICE HOURS:

Tuesday: 10:00 AM – 12:00 PM

Wednesday: 10:00 AM – 2:00 PM

Thursday: 10:00 AM – 12:00 PM

All Other Times by Appointment Only

COURSE BOOKS AND MATERIALS

REQUIRED: Family Law Clinic Manual (“Clinic Manual”)
Clinical Legal Studies Program Student Manual (“Student Manual”)
Joan Jenkins, *O’Connor’s Family Code 2019*, (herein “Fam. Code”)

MISC: All training materials and Family Law forms are either provided on the Family Law Clinic’s TWEN page or in the file folder on the Family Law Clinic subdirectory on the “K” Drive. Additional training materials can be found on the TexasbarCLE website.

Course Description, Requirements, and Expectations

COURSE DESCRIPTION

The Civil Law Clinic (Family) is a four-credit course designed to develop the student's skills set. 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 Thelma L. Harmon. The Family Law Clinic serves dual purposes: to represent real people with real family law issues and instruct future lawyers in the necessary skills of their profession. **The Family Law Clinic may or may not offer students an opportunity to participate in a trial.**

GENERAL COURSE REQUIREMENTS

Weekly Supervisor Meetings: Students must meet with their supervising attorneys on a weekly basis on each active case the student is assigned. Attendance is MANDATORY. There are no EXCUSED ABSENCES. If you have no choice and must miss a weekly meeting due to documented illness, religious holidays, or emergency, discuss this immediately with your supervising attorney. The day and time of these meetings will be decided as soon as possible; we will try to minimize conflict with your other classes. Read Family Law Manual for further requirements.

Rules and Regulations: Each student is expected to comply with TMSL's Honor Code, CLSP Student Manual, Family Manual, TMSL Student Rules and Regulations, the Texas Disciplinary Rules of Professional Conduct, and the Texas Creed.

Work During Break/Holiday: **ATTORNEYS WORK THE CASES NOT THE HOURS.** Client cases do not follow our semester system. You may be required to do client work during school holidays or semester break. You are responsible for your cases until the end of the semester (not the last day of class). You might have a trial, a mediation, discovery, who knows? Depending on the particular case, the work may be intense. **Remember, you are a professional. Your clients depend on you. The practice of law involves sacrifice, but it is worth it to your clients, and to your development as a lawyer.**

Clinic Work Hours: You will be assigned "work hours" in the Clinic. You are required to be in attendance in the Clinic during your scheduled work hours. There are NO EXCUSES. If you have no choice and are unable to perform your clinic hours and duties due to documented illness, religious holidays, or emergency, you MUST immediately contact your supervising attorney and inform her and of the reason.

EXPECTATIONS

Duties: As a student attorney, you are expected to meet/consult with your clients, confer with court personnel—as needed, and generally work on your cases—learning the requisite skills necessary for excellent representation. A student attorney is expected to devote an average of 10-12 hours per week, excluding CLE training and courtroom observation, towards your successful completion of the clinical course.

Independence w/Guidance: One of the Clinic's primary goals is to instill in students a spirit and habit of independence. We want you to leave the clinic able, or on the path to being able, to practice law. Often, we emphasize that students should independently consider, research, study, analyze, learn, "review the subject" before asking us "what do I do now" or "how do I do it."

Self-Management of Your Case Load: As you will soon learn, student attorneys are given significant latitude and independence in handling their cases. We strive to keep you busy but not overloaded, and your supervising attorney will do her best to monitor this. However, sometimes it is hard for supervising attorney to know precisely how much time your cases are consuming. It is your responsibility to notify your supervising attorney if your cases are too slow (you might need another one) or too "hot" (you might need some help). Keep in mind, as you assess your workload, a fundamental theme of this clinic: You get from it exactly what you put into it.





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Casework Expectations: Your minimum casework requirements include:

- Attendance at all trials, hearings, mediations, pre-trial conferences, negotiation conferences, client meetings, and other client events at which you are lead counsel;
- Appropriate and timely handling of case tasks that you and your supervising attorney identify at weekly meetings.
- Timely meeting of all deadlines.
- Professional representation of clients.
- Full, complete, and timely preparation for all trials, hearings, mediations, negotiation conferences, client meetings, and other client events.
- Complete and contemporaneous documentation of client files.

Noncompliance with Manuals, Policies, Procedures, Requirements, and Expectations: Non-compliance with any manuals, policies, procedures, requirements, and expectations issued by the legal clinic, law school, and the university will subject the student to administrative sanctions including, but not limited to:

- Grade Reduction
- Course Failure
- Dropped from the Course
- Incomplete Grade
- Contact the Texas State Bar

THIS NOTICE CONSTITUTES NOTICE OF OUR REQUIREMENTS. WE ARE NOT REQUIRED TO PROVIDE ADDITIONAL NOTICE BEFORE IMPOSITION OF THE ABOVE SANCTIONS, PARTICULARLY WHERE THE NONCOMPLIANCE IMPACTS ON CLIENT REPRESENTATION.

STUDENT LEARNING OUTCOMES

After completion of the course, students will be able to:

SLO #1: conduct a thorough factual investigation.

SLO #2: draft appropriate pleadings for proceedings in family law courts.

SLO #3 demonstrate competency in basic law office management.

GRADING

TASK	WEIGHT	ASSESSMENT DESCRIPTION
FINAL STUDENT EVALUATION	60%	FORMATIVE-COURSEWORK
COURT OBSERVATIONS	10%	N/A
TRAINING MODULES	20%	N/A
REFLECTION JOURNAL	10%	ESSAY

A. Student Evaluation: There will be two graded evaluations: Mid-term (formative evaluation) and Final Evaluation (summative evaluation). The student's final evaluation will be worth 60% of your grade. As a student attorney, your work will be continuously evaluated throughout the semester. The Student Evaluation will be used for the Family Law Clinic and is attached to the Class syllabus."

The evaluation of student performance has three stages: (a) self-evaluation/feedback; (b) mid-semester evaluation is a formative evaluation; and (c) final evaluation is a summative evaluation. The first stage of the process will occur towards the end of 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 Supervising Attorney to discuss your self-evaluation and to receive feedback about your work in the clinic.





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The second stage of the process will occur towards the end of October. You will meet with the Supervising 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

B. FINAL GRADES ARE SUBJECT TO THE COMPLETION OF THE 180-HOUR REQUIREMENT AND COURT OBSERVATIONS AND TRAINING MODULE HOURS. THE REFLECTION JOURNAL MUST BE SUBMITTED, ALSO. IF THE HOURS ARE NOT COMPLETED AND THE REFLECTION JOURNAL SUBMITTED BY THE END OF THE SEMESTER, THE STUDENT WILL RECEIVE AN “I” GRADE UNTIL SAID HOURS OR REFLECTION PAPERS ARE COMPLETED/SUBMITTED. SEE STUDENTS RULES AND REGULATIONS, ART. III SECTION 7 FOR REMOVAL OF INCOMPLETE. UPON COMPLETION OF ALL REQUIREMENTS HEREIN, GRADES WILL BE AS FOLLOWS:

A	90-100	Exceptional
B	80- 89	High
C	70-79	Satisfactory
D	60-69	Fair
F	59 & below	Unsatisfactory

C. Court Observation: As part of the student’s grade, each student is required to complete a minimum of 10 hours of observation in any Family Law Courts in Harris County. Each observation must be recorded on the Court Observation Form located on the Family Law Clinic’s K-drive under the directory “Forms.”

D. Training Modules: Every student is required to complete a minimum of 30 hours of online CLE training modules. Upon completion of each training module, each student is required to provide the supervising attorney with a copy of the course certificate or acknowledgment form (generated by the training module) as evidence of compliance. The List of Online CLE training modules is located on Family Law Clinic’s TWEN page labeled “CLEs.”

E. Reflection Journal: A reflection journal is a personal record of students’ learning experiences. It is a journal where students record and reflect upon their observations and responses to situations from a personal perspective, which can then be used to increase students’ understanding and learning. A reflection journal IS NOT a diary. Students are to reflect on their experiences and articulate their emotional and intellectual responses to the situations they encounter in the context of the family law process. **STUDENTS WILL BE REQUIRED TO PREPARE A “FINAL REFLECTION JOURNAL.”** The guidelines for the Final Reflection Journal are located on the Family Law Clinic’s K-drive under the directory “Forms.”

POLICIES AND PROCEDURES

- 1. Student Mid-Term/Final Evaluation:** The supervising attorney will meet with each student individually for mid-term and final evaluations. The mid-term assessment must be scheduled the week of the Mid-Term Exams with the Administrative Assistant. The final assessment must be scheduled May 14 – May 18, 2018, with the Administrative Assistant.
- 2. Meeting Deadlines:** A significant percentage of the clinic’s work is drafting litigation documents and legal correspondence. The nature of the legal profession requires strict adherence to deadlines and timetables, therefore, so does this course. You must meet deadlines with your drafts in time to give the supervising attorney ample opportunity, accounting for her busy schedule, to review the draft, edit the draft, and review the revised draft containing the edits.





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3. **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. 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.

4. **NO EXAMS:** There will be no Mid-Term or Final Exams.
5. **NOT A CONTRACT:** This syllabus is NOT a contract and is subject to change. Changes will be announced in class with as much warning as possible.
6. **Mid-term/Final Student Evaluation:** See below



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MID-TERM/FINAL STUDENT EVALUATION

Family Law Clinic

Name: _____

Date: _____

1. CLIENT INTERVIEW. The student attorney demonstrates excellence in putting the client at ease and ascertaining the client's goals and concerns while maintaining a professional relationship. The student attorney summarizes the client's goals and concerns to assure accuracy and invites additional information or correction from the client. _____ of 10

____ Shows a basic lack of understanding and knowledge of this skill/procedure/processes including how to perform this routine skill/procedure/process in implementing task/assignment that requires the use of this skill/procedure/process, even after repeated orientation. Frequently requires assistance from supervisor or others in order to complete task due to lack of knowledge. Requires high levels of supervision to effectively complete tasks/assignments. Lacks the ability to acquire the necessary skills/knowledge that will allow them to contribute to the fulfillment of zealously representing a client. **(UNSATISFACTORY)**

____ Shows a very basic understanding and knowledge of this skill/procedures/process including how to perform this routine task/assignment. Requires average level of supervision on most tasks to be effective. Accepts performance feedback and demonstrates a willingness to apply such information to improving performance. Has demonstrated desire to acquire additional skills/knowledge that will allow them to contribute to the fulfillment of zealously representing a client. **(FAIR)**

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____ Demonstrates thorough understanding and knowledge of this skill/procedure/process required to effectively perform all assignments. Very rarely needs help regarding how to execute a given assignment. When a new aspect of this skill/procedure/process is introduced in subsequent cases, learns quickly and begins efficient application. Consistently produces quality work under minimal supervision. Uses performance feedback to effectively alter and improve subsequent performance. Often seeks ways to expand job knowledge to support the fulfillment of zealously representing the client. **(HIGH)**

____ Possesses job knowledge and understanding of this skill/procedures/process that is demonstrated thorough understanding in all subsequent cases. Demonstrates thorough understanding of how to perform regular work assignments that requires incorporation of this skill/procedure/process as well as how this skill/procedure/process relate to zealously representing the client. Serves as resource to others regarding work processes and procedures. Significantly exceeds expectations on all tasks that employs this skill/procedure/process. Continuously strives to further improve job knowledge and understanding and application of this skill/procedure/process. Constantly solicits feedback from others regarding their performance. **(EXCEPTIONAL)**



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2. MANAGEMENT OF EFFORT: The student attorney demonstrates excellence in working to ensure that he/she is using the time allocated for tasks wisely. Manages time/resources to produce optimal legal services. Evaluates assigned tasks and prioritizes the most critical or important tasks and get those done first. _____ of 8

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3. CLIENT RELATIONSHIP: The student attorney demonstrates excellence in developing a working relationship with the client, professionally interacting with the client, establishing appropriate boundaries, employing a “client-centered representation” by focusing on the client’s goals and treating the client as an active collaborator in problem-solving, and developing a trusting and professional relationship. _____ of 8

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4. WRITTEN/ORAL COMMUNICATION: The student attorney demonstrates competency in drafting petitions, motions, orders, and correspondence. The student writes clearly and concisely. Edits are written effectively. Uses proper wording, tone, formatting, punctuation, grammar, spelling, and citation form. Written and oral communications are well organized, not verbose. _____ of 8

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5. UNDERSTANDING AND PROPERLY APPLYING LEGAL PRINCIPLES: The student attorney demonstrates excellence in understanding Texas family law and procedure, and accurately applying that understanding in legal arguments, legal briefs, and motions, or during strategy development. **___ of 10**

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6. PROFESSIONAL RESPONSIBILITY AND ROLE: The student attorney develops sense of responsibility for professional choices and their consequences, which entails the recognition of ethical issues and relevant professional norms and standards. Demonstrates reliability and integrity. Demonstrating the highest ethical standards in all activities involved in any cases assigned to the student. The student attorney demonstrates excellence in civility and respect when interacting with client, supervising attorney, opposing counsel, court personnel, and clinic staff and colleagues in all modes of contact, including in telephone conversations, emails, letters, personal conversations, and pleadings. The skill also involves completing assigned tasks and reporting to work, court, docket call, appointments, and meetings on time and producing quality work product. _____ of 8

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7. LEARNING SKILLS: The student attorney developed ability to obtain, reflect on, and learn from the explicitly and implicitly feedback of experience by developing the ability to diagnose lawyering competencies that need improvement, and develop good learning agendas. Ability to recognize and use opportunities for improvement of lawyering competencies. Ability to reflect on/learn from own experience. Ability to reflect on/learn from others' experience; to provide useful feedback to peers. Ability to provide useful feedback to supervisors. Ability to elicit and use feedback from peers. Ability to elicit and use feedback from supervisors. Ability and inclination to consult with, rather than seek direction from, peers and supervisors.

— of 10

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8. INITIATIVE: The student attorney developing the competency to take initiative. The student works with drive and determination. Takes personal responsibility for getting things done. Takes pride in his/her work. Demonstrates intellectual curiosity and commitment to life-long learning. Student displays initiative in the workplace when working with a client in that student learns to take time to understand client objectives, and evaluate all options to achieve the objectives. The student's efforts manifest in defining and considering various solutions to a client's problems and suggest multiple alternative courses of action and the pros/cons of each. The student eagerly looks for opportunities to volunteer for additional projects, tasks, or assignments when appropriate, and can say "no" when it is not realistic to take on another assignment.

____ of 10

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- ____ Shows a very basic understanding and knowledge of this skill/procedures/process including how to perform this routine task/assignment. Requires average level of supervision on most tasks to be effective. Accepts performance feedback and demonstrates a willingness to apply such information to improving performance. Has demonstrated desire to acquire additional skills/knowledge that will allow them to contribute to the fulfillment of zealously representing a client.
- ____ Demonstrates a more than basic understanding and knowledge of this skill/procedure/process including how to perform this routine task/assignment. Knows resources to seek guidance for clarification as needed. May seek clarification on new assignments, but once understood does not need additional support and can apply process to a similar assignment. Willing to expand job knowledge with supervisory guidance. Seeks and accepts feedback regarding performance and demonstrates a willingness to apply such information to improving performance. Has demonstrated desire to acquire additional skills/knowledge that will allow them to contribute to the fulfillment of zealously representing the client.
- ____ Demonstrates thorough understanding and knowledge of this skill/procedure/process required to effectively perform all assignments. Very rarely needs help regarding how to execute a given assignment. When a new aspect of this skill/procedure/process is introduced in subsequent cases, learns quickly and begins efficient application. Consistently produces quality work under minimal supervision. Uses performance feedback to effectively alter and improve subsequent performance. Often seeks ways to expand job knowledge to support the fulfillment of zealously representing the client.
- ____ Possesses job knowledge and understanding of this skill/procedures/process that is demonstrated thorough understanding in all subsequent cases. Demonstrates thorough understanding of how to perform regular work assignments that requires incorporation of this skill/procedure/process as well as how this skill/procedure/process relate to zealously representing the client. Serves as resource to others regarding work processes and procedures. Significantly exceeds expectations on all tasks that



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employs this skill/procedure/process. Continuously strives to further improve job knowledge and understanding and application of this skill/procedure/process. Constantly solicits feedback from others regarding their performance.

- ___ Shows a basic lack of understanding of job knowledge skills, procedures, and processes including how to perform routine tasks/assignments, even after repeated orientation. Frequently requires assistance from supervisor or others in order to complete task due to lack of knowledge. Requires high levels of supervision to effectively complete tasks/assignments. Lacks the ability to acquire the necessary skills/knowledge that will allow them to contribute to the fulfillment of zealously representing a client.
- ___ Shows a very basic understanding of job knowledge, skills, procedures, and process including how to perform routine tasks/assignments. Requires average level of supervision on most tasks to be effective. Accepts performance feedback and demonstrates a willingness to apply such information to improving performance. Has demonstrated desire to acquire additional skills/knowledge that will allow them to contribute to the fulfillment of zealously representing a client.
- ___ Demonstrates a more than basic understanding of all job knowledge skills, procedures and processes including how to perform routine tasks/assignments. Knows resources to seek guidance for clarification as needed. May seek clarification on new assignments, but once understood does not need additional support and can apply process to a similar assignment. Willing to expand job knowledge with supervisory guidance. Seeks and accepts feedback regarding performance and demonstrates a willingness to apply such information to improving performance. Has demonstrated desire to acquire additional skills/knowledge that will allow them to contribute to the fulfillment of zealously representing the client.
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9. FACT INVESTIGATION/GATHERING: The student attorney demonstrates excellence in identifying relevant, potentially available information, choice and sequencing of source, skill and efficiency in eliciting, organizing, and recording information; ability to recognize unsought, but valuable, information; eliciting detailed information concerning the facts of the client's current problem and all additional data relevant to the problem under discussion. _____ of 10

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10. CASE PROVE-UP IN CONTESTED/UNCONTESTED CASE AND ETIQUETTE: The student attorney demonstrates excellence in preparation for and performance in a contested/uncontested court proceeding, including motions, direct examination, cross-examination, legal argument, factual argument, and citing appropriate law to the court. The skill includes properly employing the rules of evidence in contested proceedings. Preparation of notebook for trial, hearings, or mediation. The student attorney demonstrates excellence in proper deportment in the courtroom, including dress, general courtroom procedure, and the ability to address the court in representing a client. The student attorney demonstrates excellence in preparation for and performance in a contested/uncontested court proceeding, including motions, direct examination, cross-examination, legal argument, factual argument, and citing appropriate law to the court. The skill includes properly employing the rules of evidence in contested proceedings.

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11. LEGAL ANALYSIS: The student attorney demonstrates competency in issue identification, analysis of the issue(s), and formulation of legal arguments that address and resolve the issue(s). Demonstrates proficiency at (a) examining legal authorities (e.g., case law, statutes, etc.) and applying them to a factual situation (real or hypothetical); (b) analogizing and distinguishing facts and precedents appropriately (i.e., understanding and being able to explain why the legal rule or policy applied in one factual situation should, or should not be, applied in another, similar situation); and (c) understanding the broader legal principles and how they might affect the resolution of issues at hand for a client or desired outcome. The student attorney developed the ability to formulate legal arguments. This skill includes the ability to make arguments based on precedent, analogy, fact distinctions, policy, and legislative history. The student attorney persuades others of the appropriateness of, their arguments based on analysis and reasoning.

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- Shows a basic lack of understanding and knowledge of this skill/procedure/processes including how to perform this routine skill/procedure/process in implementing task/assignment that requires the use of this skill/procedure/process, even after repeated orientation. Frequently requires assistance from supervisor or others in order to complete task due to lack of knowledge. Requires high levels of supervision to effectively complete tasks/assignments. Lacks the ability to acquire the necessary skills/knowledge that will allow them to contribute to the fulfillment of zealously representing a client.
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effective. Accepts performance feedback and demonstrates a willingness to apply such information to improving performance. Has demonstrated desire to acquire additional skills/knowledge that will allow them to contribute to the fulfillment of zealously representing a client.

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12. LAW OFFICE MANAGEMENT: The student attorney demonstrates excellence in meeting deadlines, following office policies and procedures, file organization, opening new files (hardcopy & CLIO), entering and updating case activity log and providing enough information to fully understand the activity, maintaining level of productivity that conformed to applicable standards, and completed the 180 hours in a timely manner. — of 8

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- Demonstrates a more than basic understanding and knowledge of this skill/procedure/process including how to perform this routine task/assignment. Knows resources to seek guidance for clarification as needed. May seek clarification on new assignments, but once understood does not need additional support and can apply process to a similar assignment. Willing to expand job



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knowledge with supervisory guidance. Seeks and accepts feedback regarding performance and demonstrates a willingness to apply such information to improving performance. Has demonstrated desire to acquire additional skills/knowledge that will allow them to contribute to the fulfillment of zealously representing the client.

- Demonstrates thorough understanding and knowledge of this skill/procedure/process required to effectively perform all assignments. Very rarely needs help regarding how to execute a given assignment. When a new aspect of this skill/procedure/process is introduced in subsequent cases, learns quickly and begins efficient application. Consistently produces quality work under minimal supervision. Uses performance feedback to effectively alter and improve subsequent performance. Often seeks ways to expand job knowledge to support the fulfillment of zealously representing the client.
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SCORING:

NOTE: ONLY ELEVEN CATEGORIES LISTED ABOVE WILL BE USED TO DETERMINE POINT VALUE AND GRADE

8 Pointer

- 0 - Unsatisfactory
- 2 - Fair
- 4 - Satisfactory
- 6- High
- 8 - Exceptional

10 Pointer

- 0 - Unsatisfactory
- 2 - Fair
- 4 - Satisfactory
- 6 - High
- 7 - Exceptional