

Youth Defender Clinic

SPRING 2026

Throughout your legal career, I hope you will do meaningful, challenging, and exciting work that you love. When you look back on law school, this class will likely stand out as one of the most challenging but rewarding experiences you had, during which you learned a lot about lawyering skills and the type of lawyer you wanted to become. This semester you will begin a lifelong process of planning your legal work, executing it, and reflecting on it in order to serve your clients well and improve your skills. I hope that in the process you will find value in serving your clients and working together to strengthen the community in which you live.

LEARNING OUTCOMES

These are our 7 learning outcomes for the semester. Everything we do this semester is designed to achieve these goals. If you don't see how something we do is related to these outcomes, let's talk about it.

During this semester you will:

- 1) Take initiative to advance your clients' interests, engage respectfully with others, meet deadlines, and be on time and prepared for classes and meetings in order to demonstrate the essential work practices of legal professionalism.
- 2) Explain how race, class, and gender interact with decisions to police, arrest, charge, prosecute, and sentence children in the South Carolina juvenile legal system in order to recognize the social determinants of involvement in the juvenile legal system.
- 3) Commit to zealously and ethically advocate for children facing loss of liberty and other harms from the juvenile legal system in order to apply the ethical rules governing our profession.
- 4) Build fundamental legal skills including interviewing and counseling clients, legal research and writing, and oral presentation and advocacy in order to graduate from law school ready to practice.
- 5) Explore the science related to adolescent development in order to understand how these concepts shape juvenile law and create special obligations for juvenile defenders in representing the expressed interests of their adolescent clients.
- 6) Become a reflective practitioner capable of responding to criticism, critically assessing, and taking responsibility for individual work product and team outcomes in order to learn how to learn from experience.
- 7) Situate the clinic's work in the broader context of the criminal and juvenile legal systems and reform movements in South Carolina and across the country in order to grasp the roles of individual defenders and the role of defenders in partnership with social movements.

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COURSE INFORMATION

Mondays 2:40-4:45 p.m.
Fridays 10:45-12:50 p.m.
Classroom 388

LAW

COURSE COMPONENTS

CLIENT REPRESENTATION

As a student attorney, you are entrusted with the responsibility to zealously represent your client under the supervision of your professor. Your clients rely on you to protect their liberty and guard against the collateral consequences of juvenile adjudication. Our clients are indigent, and thus entitled to free legal representation. Our goal is to provide excellent representation that wealthy clients would be willing to pay for.

Zealous representation requires close collaboration between you, your colleagues, and your professor, as well as other experts, such as social workers. You will achieve the best results when following the plan-do-reflect model of clinical education, in which each stage of the learning process is equally important. Please keep in mind that for every minute spent in court or with a client, extensive preparation is required and expected.

REFLECTION MEMOS

John Dewey said “We do not learn from experience. We learn from reflecting on experience.” Throughout the semester, you will share short written reflections with your supervisor. You will be prompted to discuss things that surprise, delight, disgust, or bore you about your experiences in the clinic or you will be prompted to take a wider angle lens on the work you’re doing. Writing these memos will give you practice reflecting critically about your work, an essential skill for successful professionals.

CASE WORK AND SUPERVISION

Students will work in teams of two to represent a small number of clients during the semester. Teams will likely represent no more than two or three clients; this low caseload is designed to enable students to provide high quality holistic representation and to address legal needs (such as special education, housing, or other issues) that impact our clients’ goals. During the course of your case, you will interview your client, identify and evaluate potential case strategies based on your legal research, counsel your client, and represent your client in court or other hearings.

Close supervision is an essential element of the Clinic. As a matter of legal ethics, Clinic students represent clients pursuant to South Carolina’s student practice rule (Rule 401), which requires students to practice under the professor’s supervision (and the professor’s law license), so close supervision is mandatory. The professor will supervise all of your work, will join you at all court appearances and some out-of-court meetings, and will co-sign all of your legal pleadings.

Supervision is not designed, however, for the professor to direct how to handle your cases – although that may occasionally occur. Rather, supervision is designed to help students develop their legal skills and take increasing responsibility for each case. I want you to take as much leadership on your cases as possible.

Case teams will have weekly supervision meetings. Students will be required to prepare agendas in advance of the supervision meetings. These supervision meetings are your chance to practice every aspect of lawyering; this is where you will see the most progress on our learning outcomes.

Students should not wait for supervision meetings to raise questions or issues with the professor. Rather, students should raise such issues as they arise, especially when they are time sensitive.

As importantly, students are expected to collaborate with your case partners. Teamwork is a vital lawyering skill, and few lawyers work alone. Unless it is a time sensitive emergency, I expect that you will have discussed issues with each other and done legal research before raising them with me. (You do not need to resolve every issue, but you should at least have discussed them.)

Your motivation and initiative is essential to success in the Clinic. You will learn the most from this hands-on course if you are participating in a hands-on manner. You must get involved in your client's case. Your clients depend on you and on your independent thought. You should identify issues present in clients' cases, and propose strategies for how to address them – not wait for the professor to do so for you.

STUDENT HOURS

Students are required to work 11 hours per week (on average) on their cases outside of the weekly seminar. This means that students must log 143 (11 x 13) case work hours over the course of the semester. This number of hours applies to all USC clinics and is based on the ABA's credit hours requirement. This hours requirement factors in the requirement for all School of Law Classes that students do 42.5 hours of work per credit hour. That means you should expect to do approximately 8.6 hours per week of seminar class time and seminar class preparation. Please keep this in mind when scheduling your obligations this semester.

Three related details warrant explanation. First, as with any litigation work, the workload will fluctuate. It is students' responsibility to keep track of their overall hours and to manage their workload across the semester. Any student concerned about their hours should discuss that concern with the professor.

Second, students need to keep track of their hours. Students will do so using Clio, the clinic's case management software. Clio allows students to easily and accurately report their hours as they work on a case. Therefore, students are required to report hours contemporaneously with their work; hours should never be reported more than 24 hours after completing any work. Further information about how to do this will be provided in the first week of the semester.

Third, as with any legal work, a client's needs come first. The clinic is designed to provide excellent legal representation to all our clients. Occasionally it is difficult for students to put in the time necessary to provide such representation—either because a case becomes particularly time-consuming or because a student confronts unexpected personal issues. If this occurs, students should discuss that with the professor as soon as possible. You are not required to share personal details. However, if you cannot complete the tasks necessary for a particular case, you are required to inform the professor early, so that alternative arrangements can be made. Because we use teamwork and have a relatively small case load, alternative arrangements are virtually always possible.

COURSE COMPONENTS (CONT.)

FILE CONTENTS AND MANAGEMENT

The clinic is also designed to prepare you for some of the record-keeping expectations of modern legal practice. These include keeping thorough, organized, and accurate case files, and doing so with both paper documents and electronically.

It is very important that you document all of your work. This is good, professional practice because at times it may be necessary to utilize such information in motions or proceedings before the court. Additionally, it will help to ensure that we have a record of our efforts when it is no longer possible to reconstruct those efforts from memory alone, and further, it will assist us in monitoring cases. (Clear documentation of your work is also a part of good billing practices with clients. The clinic represents clients for free, so this issue will not directly affect your clinic work, but it is an additional reason to get in the habit of documenting your work.)

Generally, you should document work on cases in typed notes or memoranda in the file, and sharing those notes with others on the legal team. These memoranda should be prepared immediately after the event they document and a copy sent to your faculty supervisor (and in most cases to the rest of the legal team). All memoranda, correspondence, email communications, and written notes regarding a case must be placed in the client file immediately after they are sent. It is not acceptable to wait until the end of the semester—or even the end of the week—to update the hard file and Clio file. Note that email constitutes written communication so if you are communicating about a case or a client with others outside our firm, you must treat any substantive email as if it were a letter and submit it to your faculty supervisor for review before it is sent. A more detailed document explaining case file keeping procedures can be found on the “How To” Documents tab on Blackboard.

The clinics use Clio as a case management software. Clio is like many case management systems used by small and large firms, and we use Clio to both efficiently maintain case records and to prepare you to use similar software in your practice. As noted above, you are expected to record your hours in Clio contemporaneously with your work. You are also expected to keep case notes there, upload all documents and communications, and otherwise maintain a complete case file. Clio is user friendly and accessible remotely (that is, out of the office), so meeting this expectation should not be difficult.

ETHICS, CONFIDENTIALITY & PRIVILEGE

Your work in the clinic is real legal work. You act as a lawyer under the student practice rule and all rules of ethics apply to you. You must follow them. When in doubt, discuss an issue with the professor. Part of the clinic experience is intended to make you feel the ethical responsibility that comes with practicing law, and to help you identify and resolve real ethical issues that arise.

The University of South Carolina Law Clinics form a law firm. That means the cloak of confidentiality and attorney-client and work product privileges surround everything the clinics with regard to clients and their cases. Several specific rules apply (these, of course, are not exhaustive):

- Do not remove client or case materials from the clinic office suite, unless you are bringing them to court or have specific authorization from the professor to do so.
- Only use laptops that are encrypted, and delete all case-related files at the end of the semester. (More information will be provided about this.)
- Do not talk about confidential details of your cases with people who are not in the clinic (even your partner, good friend, family member, or roommate); and when you do discuss cases with appropriate people, do so in a place and manner in which you cannot be overheard. Protecting confidentiality is both our professional obligation and a matter of respect for our clients in the midst of a stressful matter.
- Only use your USC email and other USC technology for clinic cases. During the semester you are in clinic, you may not forward your USC email to another personal email address. This is a matter of security.



COURT OBSERVATION

Court observation gives attorneys a feel for the judges, prosecutors, and other players in the courts in which they appear. Observation is an important learning tool, and we encourage students to ask questions during and after court observation. During the first three weeks of the semester, students are required to spend a minimum of six hours observing court. Students are encouraged to spend time in both sections of court and observe as many different hearings as they can. There is no limit to the number of hours a student can accumulate through court observation.

CLINIC OFFICE PROCEDURES

The clinic is an operating law firm and has what a typical law office has, including a photocopier, fax machine, scanner, and multiple workstations. Your orientation will include a tour of the office. Please do not hesitate to ask any questions of the professor or of Lisa Davis, the clinic office manager.

SEMINAR

Seminar time will be used to learn substantive law, practice lawyering skills through simulations, hear from guest speakers, and discuss our cases in case rounds. Students who want to do well in this class will be on time and actively participate in class. These are important professional skills you will use every day of your legal career, and you will get a chance to practice them in seminar. Likewise, just as you would be expected to give prior notice for missing work, you are expected to communicate if an emergency will cause your absence from class as soon as possible. Attendance in seminar is mandatory, and you will not perform well in this class if you are repeatedly tardy, absent, or inattentive. These behaviors will detract from seminar and undermine the clinic community we will build together. If these behaviors interfere with case work, you will be removed from live client work and will be unable to earn a passing grade.

The Clinic seminar will meet for an average of three hours per week. As you have already noticed, four hours of seminar time is blocked off each week. This schedule permits us to front-load the seminar so that we can cover more material earlier in the semester and take more time later in the semester to devote to case work. We will use all four class hours more frequently earlier in the semester, and fewer hours later in the semester.

The law school's attendance policy applies to our clinic seminar. Missing more than 10% of seminars requires an attendance waiver from the associate dean, and missing more than 30% requires a waiver from the faculty. Since every seminar is not of equal length, the policy is to calculate percent of time missed by the number of hours. The seminar meets for a total of 39 hours. If you miss 4 or more hours, you will miss more than 10% and need a waiver from the associate dean.

GRADING AND EVALUATION

Students will receive a letter grade for the clinic. There is no final exam for the course. Grades will be based on students' work throughout the semester, both on cases and in the clinic seminar. Grades will reflect hours worked—but the quality of work will matter far more than quantity of work.

Grades will follow these standards:

A

Displays excellent ability, initiative, creativity, and productivity. Anticipates and takes the initiative in managing all aspects of the representation and legal work. Is able to anticipate and take the initiative in client relations, negotiations, investigation, research, drafting, and record keeping. Handles complicated hearings and administrative proceedings in a highly competent and professional manner. Anticipates and takes the initiative in suggesting and implementing tasks to be performed on behalf of the client. Takes the initiative and is creative in identifying and examining issues of fairness and justice that arise out of client representation and in developing strategies for change where needed. Displays excellent research and writing skills, documents, all client-related work, and maintains well-organized, up-to-date files. Is an active and prepared participant in class, taking the lead in connecting course work with the representation and larger social issues. Collaborates exceedingly well with the legal team and treats other professionals courteously and respectfully, using clear and timely communication. Supervision of the student takes the form of discussing complex issues arising from the representation and reviewing work.

B+

Displays very good ability, initiative, creativity, and productivity. Is able, with supervision, to take the initiative concerning client relations, negotiation, investigation, research, drafting, and record keeping. Performs in a highly professional manner in hearings and in court with necessary supervision. Takes major responsibility for suggesting and implementing tasks to be performed on behalf of the client. Identifies issues that arise out of representation. Is making progress in being able to manage the majority of tasks associated with the representation and legal work. Collaborates very well with the legal team and treats other professionals courteously and respectfully, using clear and timely communication. Is an active and prepared participant in class, able to connect course work with the representation and larger social issues.

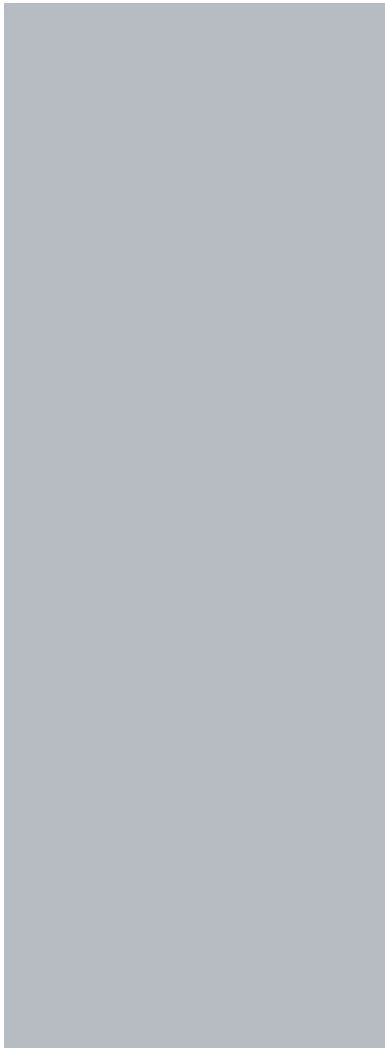
Supervision of the student takes the form of discussing when, and how, to proceed on matters arising from the representation and reviewing work. Student does not need prompting to meet deadlines, perform office procedures, or document work.

B

Displays basic ability in the areas of client relations, initiative, creativity, and productivity. Is able, with considerable supervision, to perform average work in the areas of client relations, negotiation, investigation, research, drafting, and record keeping. Requires close supervision in order to ensure that tasks are performed according to the client's needs and legal interests. Performs adequately in hearings and in court on relatively uncomplicated matters. Needs direction as to how to work well with legal team members and other professionals, such as direction regarding tone or content of communication or reminders regarding the necessity of communication with clients or team members. Is prepared for, and participates, in class. Supervision of the student requires considerable direction. Student needs prompting to meet deadlines, perform office procedures, or document work.

C+, C, D+, D or F

Displays poor ability in the areas of client relations, initiative, creativity, and productivity. Requires intensive supervision to perform minimal work in the areas of client relations, negotiation, investigation, research, drafting, and record keeping. Requires intensive supervision to ensure that tasks are performed according to the client's needs and legal interests. Unable to participate in hearings and other case related appearances without significant direction and support. Does not work well with legal team members and other professionals. Is unprepared for class. Supervision of the student requires constant direction and re-direction. Student always needs prompting to meet deadlines, perform office procedures, or document work.



MID-SEMESTER REVIEW

I want to provide you with feedback in order to learn and improve your skills. Responding to feedback is an important part of the learning cycle. You and your supervising professor will use the mid-semester evaluation form to measure your progress toward meeting our learning objectives. At the midway point in the semester you will use the form to do a self-assessment and check it against your professor's assessment using the same tool. This mid-semester evaluation is the rare thing in life—the chance to get unvarnished feedback on your work and help to improve. Take advantage of it! The results of this mid-semester evaluation are just for your benefit and will not count towards your final grade. Although the different components of the course (seminar discussions, case rounds, writing assignments, case work, etc.) aren't measured independently, you should expect your professor to account for your contributions in all class activities when using the evaluation rubric.

COURSE MATERIALS

- Selected readings posted to Blackboard.
- The clinic's Blackboard website has a page devoted to an Electronic Library for case research. Students should browse through the library throughout the semester, as it will contain relevant information on a variety of topics relevant to our cases.

The primary authority governing juvenile delinquency cases are a set of South Carolina statutes (especially its Children's Code and Criminal Code), some federal statutes, the state and federal constitutions, and state and federal caselaw. I do not provide these documents to you—even when assigned for seminar—as lawyers must be fluent in finding relevant legal authorities quickly.

CLINIC SCHEDULE AND CASE WORK SCHEDULE

- The clinic seminar meets Wednesday s from 2:40-4:45 p.m. and Fridays from 10:45-12:50 p.m.
- Each team of students will meet each week with the professor. Regular times for these meetings will be selected in the second or third week of the semester.
- Student attorneys are required to work on cases for an average of 11 hours weekly during the course of the semester.
 - The seminar does not count toward this 11 hour obligation. Students may bill facility tours and court watching toward their 11 hour obligation.
 - Student attorneys are required to track their hours in Clio. As in your post-graduation practice, accurate timekeeping is important. Intentional misrepresentation of hours is an Honor Code violation (just as intentionally misrepresenting hours billed to a client is an ethical violation).
 - If there are unique events during the semester relevant to juvenile justice (such as a particular speaker or legislative hearing) I will announce the event and whether students can bill time for attending such events.

ADDITIONAL POLICIES

DIVERSITY & INCLUSION

USC Law recognizes that our individual differences can deepen our understanding of one another and the world around us, rather than divide us. In this clinic, people of all ethnicities, genders, gender identities, religions, ages, sexual orientations, disabilities, socioeconomic backgrounds, regions, and nationalities are strongly encouraged to share their perspectives and experiences. If you feel your differences may in some way isolate you from our community, or if you have a need for any specific accommodations, please speak with the professor early in the semester about your concerns and what we can do together to help you become an active and engaged member of our class and community. Please respect your fellow students' opinions and refrain from personal attacks or demeaning comments of any kind. Threatening, demeaning, or disrespectful behavior, including violations of ethical rules governing our profession, directed toward other students, professors, or anyone else we interact with as a clinic will be grounds for removal from casework and status to practice as a student attorney.

OFFICE HOURS

I do not maintain formal office hours during clinic. Instead, you should visit my office, call, or email me as questions arise. When in doubt, please contact me. I want you to err on the side of asking questions, discussing issues you have identified, and seeking feedback. This is especially important because our cases are often time sensitive, and some issues should not wait for weekly supervision meetings.

I am usually available in my office during business hours if I do not have other meetings. Clinic students all have walk-in privileges—talk to your partner, then come find me, and do not wait to do so. If I am not available in my office, please call or email. If something urgent comes up outside of business hours, text is usually the fastest way to reach me.

USE OF LAPTOPS AND CELLPHONES DURING SEMINAR

Please be responsible about your use of electronics. Phone, tablets, and laptops can be a great tool, but they can also be very distracting for you, your colleagues, and your instructor. Please behave as you would in an office setting.

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