

POLICY REGARDING CONFLICTS OF INTEREST RELATED TO STUDENTS' OUTSIDE EMPLOYMENT WHILE ENROLLED IN THE CLINIC

Many students at Seattle University School of Law work, either for pay or as volunteers, for law offices during the school year. This work takes place in non-profit and private firms and also government agencies. The School of Law believes this work outside the school is valuable for students both in their development as lawyers and also in the concrete task of securing long-term post-graduate employment. Thus, the School seeks to encourage these rewarding educational and career-development opportunities.

The faculty in the Ronald A. Peterson Law Clinic believe that these experiences can enrich the casework and classroom experiences of all Clinic students. However, as a law firm, the Clinic must take care to avoid conflicts of interest and to fully protect the confidentiality and other important interests of its clients. Moreover, as a unitary law firm, the Clinic must ensure that the work experience and affiliations of any student in the Clinic do not pose conflicts for any of the Clinic's clients. Students who register for clinic courses often overlook these considerations and assume that as long as their proposed extra-Clinic work does not conflict with the work of the Clinic in which they plan to enroll, everything is fine. This is inadequate. The relatively open design of the Clinic work space, the need to share information electronically, and the pedagogical imperative of having students share their experiences all make it impractical to erect effective screens in many such instances.

Accordingly, the Clinic has adopted the policies set out below, which are intended to allow for the broadest possible participation by Clinic students in work outside the Clinic while enabling the Clinic to efficiently and fully comply with its obligations.

It is impossible to anticipate the forms that possible conflicts might take. Students will be responsible for reading this policy and operating in conformity with its letter and its spirit. Any student who considering employment which might implicate the policies discussed in this document should contact the Clinic Director as early as possible to make sure these issues are resolved in a timely fashion and before any final commitments (to an employer or to a set of courses) are made.

Preface: To be absolutely clear, the policies set forth here do not intend and will not in any way restrict the activities of any student not enrolled in the Clinic. In other words, Seattle University School of Law students who are not enrolled in the Clinic may work for any organization they wish without restriction by any policy described herein. In fact, it is perfectly compatible with this policy for a Seattle University law student to work on a matter on behalf of a party who is directly adverse to a clinic client.

Part 1: Students enrolled in any clinic course may not work for any law office whose work routinely and necessarily places it in an adverse posture to that of the Clinic. Examples of such offices include the **Office of the King County Prosecuting Attorney** (which prosecutes clients of the Youth Advocacy Clinic), the **United States Department of Homeland Security** (which seeks to deport clients whom the Immigration Clinic represents), and the DSHS Division of the Washington Attorney General's Office (which is the adverse party in Administrative Law Clinic cases).

Students enrolled in any clinic course other than the Youth Advocacy Clinic may work for prosecution entities other than the KCPA, but only if the Clinic Director determines that such work will not present any jeopardy of compromising the Clinic's duties to its clients.

Part 2: Students enrolled in the Youth Advocacy Clinic may not work for a King County public defense agency (i.e., **SCRAP, ACA, Northwest Defender Association**) other than The Defender Association while enrolled in the Youth Advocacy Clinic.

Comment: Although allied in the mission of providing excellent representation to the people accused of crime in King County, the various defender agencies necessarily represent adverse parties on a regular basis. This is especially true with respect to juvenile offender cases, the work of the Youth Advocacy Clinic, as juveniles are notoriously likely to commit crime in groups. This Part of the Policy is intended to prevent the situation in which a YAC student winds up working for an agency which is representing the co-respondent of a YAC client.

Part 3: Students enrolled in any clinic course other than the Youth Advocacy Clinic may work for any King County public defense agency but may not work on Juvenile Offender cases for any such agency (except for The Defender Association) during their time in the Clinic. In addition, students working for a King County public defense agency may not work on any case for that agency on behalf of a client whose interests are adverse to those of any Youth Advocacy Clinic client.

Comment: This is designed to prevent direct involvement by current clinic students in matters adverse to current Clinic clients. Under this policy, a student enrolled in the Family Law Clinic (for example) could work for ACA in their misdemeanor or felony unit. However, if a YAC client was charged with an offense in which an ACA client was also implicated, the Family Law Clinic student could not work on behalf of that ACA client. The Family Law Clinic student would have to avoid all contact with any information about the case in either office setting (i.e., the Clinic or ACA).

This part of the policy would also prohibit a non-YAC student from working on behalf of a client who was a witness for the state in a case against a YAC client. To make this concrete, assume that YAC represents Johnny Brown, a 16-year old charged with Taking a Motor Vehicle. The owner of the car in question is an adult male named Terrence Winters. If Mr. Winters happened to have a criminal case in which he was represented by an other public defense agency, no student from any clinic would be able to work on his case even if that case itself had nothing to do with YAC client Johnny Brown.

Part 4 Students enrolled in any clinic may work for a defender agency outside King County.

Part 5: Students working for any prosecution or defense agency while enrolled in the Clinic will be stationed in a separate workroom from the students in the Youth Advocacy Clinic. Such students are not permitted to enter the Youth Advocacy Clinic workroom nor to discuss any YAC Cases or view any YAC files, either on paper or on the computer. It is the responsibility of the Clinic Director and YAC faculty to make sure that all YAC students are aware of the identity of any Clinic students working for any prosecution or defense agency. YAC students shall be responsible for avoiding disclosure of any case-related information to any students working for any prosecution or defense agency.