****

**EXTERNSHIP SEMINAR**

**Wednesdays Evenings 4:20 - 6:20 p.m.**

**Professor Holly M. Woesner**

[**Hollydavis76@gmail.com**](mailto:Hollydavis76@gmail.com)

**Summer 2016**

**<><><><><><><><><><><><><><><><>**

**Required Text:**

Wortham, Leah; Brooks, Susan; Scherr, Alexander; and Maurer, Nancy, *Learning From Practice: A Text for Experiential Legal Education* (3d ed.) (2016)

You will also be provided and assigned supplemental readings such as practice guides, journal articles, newspaper articles, and book excerpts that I will either hand out in class or you can access via Westlaw or Lexis.

**Recommended Text:**

California Civil Practice Statutes and Rules, Annotated (Thomson Reuters 2016)

California Style Manual, 4th Edition (Thompson West 2001)

**<><><><><><><><><><><><><><><><>**

**COURSE OVERVIEW**

This is a graded Advanced Professional Skills course. It is taken in conjunction with a field placement in a non-profit, court office, government organization, or a private law firm doing pro bono work for academic credit. In this course, we will explore the meaning of being a lawyer and a member of the legal profession, as well as develop skills necessary for working in the legal field. Lawyers produce a wide variety of documents and utilize a wide variety of lawyering skills in representing clients. These fundamental professional skills are required during law school. You began building these fundamental professional skills in your first year in Legal Writing and Research I and II. This course is designed to further train you in the professional skills necessary for representing your clients competently and to “hit the ground running” when you begin to practice law. This course focuses on the following six lawyering skills, all of which are required for performing many lawyering tasks:

1. Solving a problem or accomplishing an objective for clients in practice settings;
2. Drafting legal documents in practice settings;
3. Drafting advanced persuasive and/or objective documents;
4. Communicating effectively with clients, including client counseling;
5. Using technology in practice settings;
6. Communicating effectively through oral advocacy.

Additionally, we will explore the lawyer-client relationship in various work settings, as well as the skills and tools required for being successful in the workplace. We will also carefully examine the ethical obligations of lawyers and how they play out in various practice settings.

Students will receive material and engage in discussions, which will call upon the need to exercise their analytical and advocacy skills. This class discussions will include simulations, in-class collaborative problem solving, role-playing, guest lecture(s), drafting exercises, graded written assignments, journaling, and review of the assigned reading. The students will be required to synthesize these skills which will prepare the student for the “every day” practice of law.

**GRADING/STUDENT RESPONSIBLITIES**

In order to receive a passing grade for the course, students must complete the following requirements during the term:

1. **Goals and Skills Assessment Form**

Complete the “Goals and Skills Assessment Form” provided as part of the Western State Civil and Judicial Externship Forms Packet (“Forms Packet”).

1. **Weekly Time Sheets**

Weekly Time Sheets must be filled out by students and signed by the field supervisor on a weekly basis. (See Forms Packet.) These Time Sheets require you to indicate the time you arrived at and left work, the total hours per day, time spent at lunch, and a detailed description of activities for each day worked. Do not count time taken for lunch (unless it is a working lunch) or personal errands; do not count a holiday on which you do not work; do not count time spent writing Journals and other assignments that do not constitute work product for your placement. Each three-unit externship requires 150 hours during the summer semester. Students typically work 20-25 hours per week at their placements during the summer.

1. **Journal Assignments**

You will also be required to keep a narrative journal to use as a tool for reflecting on your work, the workplace, and how it relates to your career goals. You must submit a total of three (3) journals throughout the summer term, each of which must be based on the provided prompts.

*Format:* Each journal should be no fewer than three (3) pages, double-spaced. Each journal submission must be clearly and separately labeled with your name, journal number, date, and faculty supervisor’s name.

*Content*: An important part of your learning experience this term will be the reflection and analysis you engage in while preparing your journal entries and other writing assignments. Journal entries should briefly describe any connections among the prompts provided, your placement assignments and activities, and the course assignments. Include in your journals reflections on topics such as:

* your approach to your assignments or activities
* difficulties or frustrations you encounter
* meetings or substantive discussions with your supervising (or another) attorney or judge
* feedback you receive
* comments on the attorneys, judges and other personnel that you observe at your placement
* operation of your office and other legal institutions
* how ethical issues are addressed
* your career goals.

Write not only about what you have done at work, but also what you are thinking and feeling, and how your experience fits or does not fit your conception of the legal profession and your role in it. Journals account for 20% of the course grade.

*Confidentiality:* Your journals are confidential and will not be discussed with any other members of the class without your permission. I will be the only one reading the journal; therefore, please be frank in your descriptions of people and events at your work and your reactions to them. If you discuss an issue that I think would be of interest to the entire class or important to share during a small group meeting, I will ask your permission before sharing the information you have provided.

That said, you should be aware of any confidentiality rules operative within your workplace and respect those rules in your journals (i.e., the attorney-client privilege). For example, you may need to refrain from including case or client names, or otherwise changing non-essential details in your written journal entries, in order to preserve client confidentiality.

1. **Other Written Assignments**

In addition to your journal writing, you must complete the following: in-class writing assignments, legal document preparation, and a motion in limine (civil externship) or a draft opinion (judicial externship). Some assignments will be collaborative in nature, while others will be independently produced. Throughout the term, students will engage in self-assessment of their written work, and they will participate in peer review exercises.

*Format:* Formatting requirements for other written assignments, whether in-class or otherwise, will be provided. In addition to course formatting requirements, you will be responsible for identifying and utilizing formatting requirements outlined in the California Rules of Court, local court rules, the California Style Manual and any other applicable authorities. Other than in-class assignments, grading criteria will be provided.

*Content:* Other written assignments are utilized to advance your competency in lawyering skills necessary for working in the legal field. Each such assignment is structured to reinforce the importance of understanding audience, purpose, and reader expectations. These other assignments include both legal drafting as well as assignments intended to provide you with opportunities to improve your advanced persuasive and objective writing skills.

*Grading:* In-class writing assignments, as well as student self-assessment and peer-assessment of assignments, will be graded on your good-faith efforts. These good-faith assignments will account for 20% of the course grade.

The motion/draft opinion assignment will account for 40% of the course grade.

**CLASS ATTENDANCE AND PARTICIPATION**

Students are expected to be present and ready to participate at each class and to stay for the entire class. A late arrival or early departure may be treated as an absence. You must be prepared to meaningfully participate in each class. This class is most productive (and fun) if you have read the required material and thought about it before class, and are willing to discuss it together. All viewpoints are welcome. I may provide a guest speaker this summer which will afford a unique opportunity to engage with a practitioner in the field. I may also from time to time assign additional reading in the form of short current event or scholarly articles. We will be fortunate to have a relatively small number of students which will allow this seminar to incorporate a great deal of participation and flexibility in attaining our objectives.

Because this is not a lecture course, it requires your active participation and engagement. Throughout the semester, you will be asked to assess your own writing, and also to exchange your assignment(s) with another student or group of students in class. Comments and questions from other writers will help you hone your own writing skills. You are expected to:

•Actively engage in in-class assignments and exercises;

•Actively engage in in-class discussions;

•Show you have prepared for class by reading and thinking about the assignment;

•Show you understand or are trying to understand the course concepts and principles;

•Ask clear questions and build on others’ contributions;

•Make connections between different subjects discussed;

•Use the material to generate your own insights and applications; and

•Exhibit willingness to experiment with new skills and approaches to material.

Western State’s Class Attendance Requirement as outlined in the 2015 Student Handbook apply to this class; “satisfactory attendance means attending at least 85% of scheduled classes during the semester.” Consequences for failing to meet the Attendance Requirement include receiving a failing grade.

Course participation will account for 20% of the course grade.

Please turn off or silence your cell phones during class and feel free to use your computer in the classroom in accordance with WSU computer use policy.

**Oral Advocacy**

You will also participate in oral advocacy exercises throughout the term. These exercises will be related to formal course assignments, as well as in-class collaborative problem solving exercises. You will be encouraged to share experiences and observations from your respective placements. You will also be asked to provide constructive feedback and self-assess your own efforts. Participating in oral advocacy exercises will be factored into your course participation grade.

**Writing Samples**

You are responsible for submitting one (1) substantial writing sample produced during your externship. This writing sample should be representative of the legal tasks you are performing at the placement. Generally, appropriate written work should evidence legal research and analysis and the application of legal principles. If your written work product consists of short documents, such as client letters, 2-3 such writings count as one writing sample.

The writing sample must include the comments provided by the attorney or judge who critiqued your work product. If your supervisor provides verbal feedback of your work, please reduce this information to writing and attach such to your draft product. If you submit a draft and a final product of a particular document, that will count as one writing sample.

Should your placement not involve the production of substantial written work, or should the work produced not be available for submission due to confidentiality concerns, you must submit an alternative writing sample on a topic approved by the Civil and Judicial Externship Director.

**Court/Attorney Meeting Observation**

If you are able to do so, you are encouraged to observe a court proceeding or formal meeting among attorneys as part of your externship. Your primary task is to observe and evaluate the performance of the lawyers and/or the judges. Are they well-organized? Well-prepared? Is their conduct professional? Allow yourself to observe any and all aspects of the proceedings. After the court proceeding or meeting, you should prepare a 1-2 page memorandum of what you observed. Please label the assignment “Court Observation/Attorney Meeting” and bring it to class. You will be asked to share your experiences. Any memoranda or oral presentations related to court/attorney observations will also be factored into your course participation grade.

**Additional Course Requirements**

* Review the Summer 2016 Western State’s Civil Practice/Judicial Trial Externship Program materials which outlines the educational goals of the Externship Program, the role of the supervising attorney/bench officer, and the student’s responsibilities (excerpts provided on first day of class);
* Review Western Sate’s Standards of Agreement for Supervision of Externship Students (provided on first day of class);
* Complete the required hours at your placement and perform your field placement work in a satisfactory manner;
* Complete and submit the Weekly Time Sheets (see Forms Packet);
* Submit placement supervisor’s signed Agreement to Supervise Student Extern (placement supervisor has been provided a blank form);
* Ensure completion and submission of placement supervisor’s Mid-Term Evaluation of Externship Student (see Forms Packet);
* Complete and submit Student Externship Evaluation of the placement and the placement supervisor (see Forms Packet);
* Complete an exit interview with your field supervisor; and
* Ensure completion and submission of placement supervisor’s Final Evaluation of Externship Student (see Forms Packet).

**DISABILITY SERVICES STATEMENT**

Western State College of Law provides accommodations to qualified students with disabilities. The Disabilities Services Office assists qualified students with disabilities in acquiring reasonable and appropriate accommodations and in supporting equal access to services, programs, and activities at Western State College of Law.

To seek reasonable accommodations, a student must contact Senior Assistant Dean Donna Espinoza, Student Services Director and Disabilities Services Coordinator, whose office is in the Second Floor Students Services Suite. Dean Espinoza’s phone number and email address are: (714) 459-1117; despinoza@wsulaw.edu. When seeking accommodations, a student should notify Dean Espinoza of her or his specific limitations and, if known, her or his specific requested accommodations. Students who seek accommodations will be asked to supply medical documentation of the need for accommodation. Classroom accommodations are not retroactive, but are effective only upon the student sharing approved accommodations with the instructor or professor. Therefore, students are encouraged to request accommodations as early as feasible with Dean Espinoza to allow for time to gather necessary documentation. If you have a concern or complaint in this regard, please notify Dean Espinoza; or please notify Associate Dean of Students Charles Sheppard at csheppard@wsulaw.edu or (714) 459-1152. Complaints will be handled in accordance with the College of Law’s “Policy against Discrimination and Harassment.”

**SYLLABUS**

**CLASS 1: Wednesday, June 8, 2016**

**Topic:** Introduction & Course Overview; Review of Program Materials; Tentative Rulings; Law and Motion

**Read:** Syllabus; *Learning from Practice* – Chapters 1, 2 & 8; California Civil Practice Statutes and Rules, California Rules of Court, Title 3, Civil Rules, Division 11 (Law and Motion), Chapter 5 “Noticed Motions,” Rules 3.1300-3.1312; O.C. Superior Court Local Rules, Civil Rules, Division 3, Ch. 4, Rule 382 “Tentative Rulings;” California Civil Practice Statutes and Rules, California Rules of Court, Title 3, Civil Rules, Division 11 (Law and Motion), Chapter 6 “Particular Motions,” Rules 3.1320-3.1354; Cal. Civ. Proc. Code §§ 430.10 – 430.90 and 435-437

**\*\*BEFORE THE FIRST CLASS MEETING: Please contact your field placement supervisor to begin discussing an appropriate schedule. Remember, there is a 150-hour requirement for the summer semester.**

**CLASS 2: Wednesday, June 15, 2016**

**NO CLASS, but you will need to submit Journal #1 + the Goals and Assessment Form via email to me by 4:20 p.m. PST that evening.**

**CLASS 3: Wednesday, June 22, 2016**

**Topic:** Motions in Limine **+** Draft Opinions

**Read:** Cal. Evid. Code **§** 402; Hon. George P. Schiavelli, “Effective Use of Motions in Limine”; Elizabeth Hernandez, “Motions in limine: Motions in limine play a critical role in pretrial and trial strategies;” David Lat, “How Should a Judge Be: In Defense of the Judge as CEO” and sample motions in limine and draft opinions (all reading for this class to be handed out except Evidence Code section)

**Due:** Timesheets for weeks 1 and 2

**CLASS 4: Wednesday, June 29, 2016**

**Topic:** Form and Format of Motions and Papers

**Read:** California Civil Procedure Practice Statutes and Rules, California Rules of Court, Title 2, Division 2, Chapter 1, Rules 2.100 – 2.110 (“Papers”); California Civil Practice Statutes and Rules, California Rules of Court, Title 3, Division 11 (Law and Motion), Chapter 2, “Format of Motion Papers,” Rules 3.1110 – 3.1116; California Rule of Court 3.20 (“Preemption of local rules”)

California Rule of Court 3.20 (“Preemption of local rules”)

**Due:** Timesheet + Journal #2 + Mid-Term Evaluation by Supervisor

**CLASS 5: Wednesday, July 6, 2016**

**Topic:** Trial Court Hearings + Oral Advocacy + Finding Your Voice

**Read:** Rutter Group, Cal. Prac. Guide Civ. Pro. Before Trial Ch. 9(I)-D (excerpts to be handed out)

Leslie A. Gordon, “Introverts in an Extroverts’ World” (to be handed out)

Tentative Ruling (to be handed out) for in-class exercise

**Due:** Timesheet

**CLASS 6: Wednesday, July 13, 2016**

**Topic:** Professionalism

**Read:** Chapters 9 & 24

**Due:** Timesheet + Journal #3 + One placement written assignment w/ feedback

**CLASS 7: Wednesday, July 20, 2016**

**Topic:** Practice Contexts + Billable Hours and Client Communications

**Read:** Chapters 15, 19 (if in a judicial externship) or 21 (if in public interest externship) or 23 (if in a transactional lawyering externship) – please see me for questions on this reading assignment

**In class:** Small group discussions + in class presentation; Billable hours in class exercise

**Due:** Timesheet + Final Evaluation by Supervisor + Motion in Limine or Draft Opinion + Student Final Evaluation of Externship

**<><><><><><><><><><><><><><><><><><>**

*In addition to your Weekly Time Sheets, which must be signed by your supervisor, some of your assignments require your field supervisor’s input. Please share with your supervisor due dates for such assignments in advance so that both of you can plan accordingly.*