

WESTERN STATE COLLEGE OF LAW
SYLLABUS & READING ASSIGNMENTS – VERSION 1.0

COURSE: LAW PRACTICE MANAGEMENT & TECHNOLOGY
SECTION: 429-A
SEMESTER: SPRING 2015
TIME: M 6:30 to 9:45 P.M.
PROFESSORS: PEDERSEN & DILLINGER

I. **REQUIRED BOOKS.**

Jay G. Foonberg, How to Start and Build a Law Practice (5th ed. ABA Press 2004).

State Bar of California, The California Guide to Opening and Managing a Law Office (2008).

Richard Susskind, Tomorrow's Lawyers: An Introduction to Your Future.

Additional reading will be assigned from time to time throughout the semester from other sources other than these texts. You are expected to have read any relevant Rule of Professional Conduct or Business & Professions Code related to the material.

II. **OPTIONAL TEXT**

State Bar of California, The California Guide to Opening and Managing a Law Office (2008). This book is listed in both the required and optional categories because you are not required to purchase the book, but required readings will be assigned from it. There will be an adequate number of copies on reserve in the library for students to use.

III. **COURSE OBJECTIVES & GOALS.** Law Practice Management is a one-semester, three-unit course. It is an overview of the issues and concerns a person must take into consideration when he or she becomes a practicing attorney with a special emphasis on the decision to open his or her own law practice. It is not limited to the nuts and bolts of running a law *office*. Rather, the course material – readings and exercises – are intended to provide the student with an understanding of what is required to start and maintain a law practice that will provide not only a living wage but also a satisfying life. It is hoped that by the end of the course, each student will be able to decide whether this is a road he or she wants to travel.

Students will learn the basics of day-to-day operation of a law firm. They will be expected to conduct themselves as lawyers and keep accurate written records of what they do for the course – they will maintain time sheets and a journal, keep notes, respond promptly to communications (e-mails, phone calls) from their professors and classmates, and complete all assignments in a timely and professional manner. Students will also complete a number of individual and group assignments which, by the end of the semester, will provide them with documentation that they will be able to consult and use if they decide to start their own practice.

Every student will finish the course with a binder/notebook/disk that they will be able to consult in the event they pursue setting up their own practice. Specifically, students will become familiar with the kinds of furnishings, technology, and supplies a law firm requires. Students will gain an enhanced appreciation of their ethical responsibilities as lawyers, not only to their clients, but to their partners, the justice system, and the profession. Students will better comprehend that the baseline conduct denominated what is ethical (below which discipline is imposed) is substantially lower than conduct which is “good practice” and which will make and maintain their reputations. Ultimately, students will understand the importance of risk management in every aspect of their professional lives as a lawyer.

- IV. **CLASSROOM PARTICIPATION.** Legal education is a cooperative venture. You must be prepared to participate in each class. In fact, **25%** of your grade in this course is based on your classroom participation. See *also* Examinations and Grading, below. Each of you will be assigned to a “firm” or group that will work together throughout the semester. Many of the assignments are firm or group assignments. Not only must you be prepared on individual assignments, but you must also be prepared for each of the group assignments and presentations. You will not be able to delegate your responsibilities to someone else in your group and expect to be able to ride that person’s coattails. That does not mean that a firm cannot allocate responsibility on a particular assignment or presentation. You, however, will be responsible for your part of the assignment and/or presentation and your contribution to the presentation or assignment can affect the grade of your fellow members. It is important that you be prepared for every class. **If you “pass” or if you are demonstrably**

unprepared, you will lose 0.1 grade points (out of 4.0) on your final grade.¹ See V. Class Attendance, below.

V. **CLASS ATTENDANCE.** Attendance and participation are required for all classes.² Being on time for class is a simple courtesy to your fellow students and your professor. Coming late to class counts as a class absence.³ Leaving early or leaving for a prolonged period of time during class without prior permission, also counts as a class absence. Because of the cooperative nature of many of the assignments and the fact that other students in your firm are depending upon your contributions, students may have no more than one (1) class absence (out of the 14 class periods we meet). **Further, because of the nature of this class, you are required to notify the professors and the other members of your firm in writing at least 24 hours before you take an absence.** Students who accumulate more than the permitted number of absences will be administratively dismissed from the class. You -- and you alone -- are responsible for keeping track of your attendance; you will not receive a warning that you have reached the allowed number of absences.

VI. **EXAMINATIONS AND GRADING.** There will not be any examinations in this course. Your grade will be calculated as follows: Class Participation Grade: 25%; Business Plan Grade: 25%; Coursework Grade: 50%.

Class Participation Grade will be earned in following activities: In classroom participation in lectures and interactive discussions, including the quality of questions asked during lectures and other classroom exchanges, quality of participation in the two panel discussions, student survey participation, assessment by professors of completeness and comprehension of reading assignments by student.

¹ See footnote 2, below. The time allocations for topics being covered may have been over- or underestimated. Therefore, you may be responsible for material we cover during two succeeding class periods. It is *your responsibility* to keep track of how far we have gone each week & be prepared for material that you may have read a week before. See XIV. Course Schedule.

² Each student, however, may be excused for *any* reason from *participating* in an *attended* class *once* during the semester by requesting an excuse from us prior to commencement of class that day. If you request an excuse by *e-mail*, you must send the e-mail the day before class to both Professor Pedersen **and** Professor Dillinger Unless one of us confirms your request before class, however, you will not be excused. **This “one free pass” does not allow you to take an extra absence. NOTE: IT IS IMPORTANT THAT YOU ALSO INFORM THE OTHER MEMBERS OF YOUR FIRM THAT YOU ARE SEEKING TO BE EXCUSED FROM PARTICIPATING IN CLASS. THEY ARE DEPENDING UPON YOUR CONTRIBUTIONS, ACCORDINGLY, YOU SHOULD CLEAR ANY INSTANCES OF EXCUSED PERFORMANCE IN CLASS WITH YOUR FELLOW FIRM MEMBERS BEFORE YOU COMMUNICATE WITH THE PROFESSORS.**

³ In addition, you will be the first person we call on. **If you are unprepared, you will also lose 0.1 grade points (out of 4.0) on your final grade.**

Business plan grade will be earned in the following activities: Timely submission of each benchmark work, completeness of business plan, organization of thought, clarity of plan, effort put into building of plan. [Note: Grade will be assessed only to the final product, but a failure to have a minimally acceptable product at the milestones can result in a reduction of the overall grade].

Coursework grade will be earned in the following activities: Time Sheets (4 separate submissions); Journals (4 separate submissions); Partnership/Shareholder Agreements conceptual outline of financial terms and key terms; Technology Needs Follow-up research and reporting; Elevator Speech; Intake Application; Intake conflict memo; Intake Rejection Letter; Engagement Letter; Conflict Acknowledgement and Waiver; Office Security MCLE Presentations; Employment Agreement; Personnel Policy; Insurance Application, and Termination of Engagement Letter, and any other coursework designated as such.

All coursework assignments will be graded on a 4.0 scale with one-tenth increments (i.e., 4.0, 3.9, 3.8 etc.). Average score of all submissions will constitute coursework grade.

Note that many of the assignments are recurring, i.e., you will be given an opportunity to revise your submissions during the course of the semester. Your grade, however, will also be based on the drafts you submit to us during the course of the semester. Each draft will comprise a component of your grade so you must put in the effort during the course of the semester and not expect that a last-minute surge will overcome a lack of effort throughout the semester.

VII. **FORMAT OF ASSIGNMENTS.** Unless otherwise specified in this syllabus or in the assignment, all assignments are to be submitted on 8-1/2 x 11 inch paper, with one inch margins all around. Use **Arial 12 point** font. Include your Name on the front page of each assignment. Include page numbers, centered, on the bottom footer of each page. Page limits, if any, will be provided in the assignments themselves. Line-spacing requirements will be included with each assignment. Journals, however, must be double-spaced. **Put your name, not your student or exam numbers, on all assignments.**

VIII. **SUBMISSION OF ASSIGNMENTS, INCLUDING JOURNALS & TIME SHEETS.** All assignments, including journals and time sheets, must be submitted electronically by e-mail to both Professor Pedersen and Professor Dillinger at the following e-mail addresses:

Professor Pedersen: npedersen@pedersenlaw.com

Professor Dillinger: carolyn@dillingerlawfirm.com

Each submission should state in the Subject line precisely the following: [Last name or firm name - Assignment name from syllabus] For instance, Firm B's Conflict Memo submission should have a subject line that reads: Firm B – Conflict Memo. Multiple submissions sent on the same day must be sent in separate emails using this labeling protocol. One email with more than one attachment is not acceptable.

- IX. **DUE DATES FOR ASSIGNMENTS.** Unless otherwise specified in this syllabus or in the assignment, assignments must be submitted **by 11:59 p.m. of the day on which they are due.**
- X. **LATE ASSIGNMENTS.** Late assignments will be assessed a 0.1 reduction in grade point on your final course grade for each day the assignment is late, up to a total of five tenths of a grade point per late assignment. For example, if you fail to submit your business plan by the due date, but turn it in one day late, your final grade of 3.3 would be reduced to 3.2.
- XI. **JOURNALS.** Your journal is a very important part of the course and will be a large component of your final grade. Guidelines on keeping a journal will be provided to you on the first day of class.
- XII. **OFFICE HOURS.** As adjunct professors, Professor Pedersen and Professor Dillinger do not maintain an office on campus. However, they will make themselves available after class each night for one hour to meet with students either in the classroom, if it is open, or in a location to be determined. They will also make themselves available for meetings at Professor Pedersen's law office in Irvine, and Professor Dillinger's law office in Irvine, dependent on their work schedules. Finally, they will make themselves available for telephone conversations with students. To schedule a meeting or call please send an email to the email address provided above at least 24 hours prior to the requested meeting or call.
- XIII. **RECORDING CLASSES:** If you want to record a class, you must ask for permission ***in person in the classroom*** **before each** class you wish to tape. As a condition to recording a class, you must agree to making the recording available to every member of the class.
- XIV. **WEB COURSE:** There will be additional materials and communications made through the web course on Lexis-Nexis Blackboard©. You will be provided with login information are

expected to thereafter access the web course for assignment memos, course-wide communications and other content.

XV. **JUMPSTART GENIUS SOFTWARE:** This semester our class is taking part in a pilot program for a new software. Each student will be provided with a login for the JumpStart Genius website and, for no separate fee, will have his or her own software login for the duration of the semester. The primary purpose for using JumpStart Genius software is so that important content can be covered efficiently by the software outside of classroom time. This allows for the professors to use classroom time to include practical exercises that give the students hands-on experience. Certain modules of the software will be assigned to the students by the professors. Students will be required to take the module's diagnostic assessment prior to completing each module, and will take a corresponding diagnostic assessment after completing the module. The software will provide each student with a Certificate of Completion after proper completion of each module. The student will provide such Certificate of Completion to the professors, along with the diagnostic assessments to show that the module has been properly completed.

XVI. **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."

XVII. **Course Schedule.**

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
1	1/12/2015	<p>Introduction to professors, class goals, class syllabus, creation of firms and other administrative discussion</p> <p>Lecture: Time Sheets – the Lifeblood of Most Practices</p> <p>Discussion of on-going time sheet and journaling assignments</p> <p>Discussion of semester-long business plan assignment</p> <p>Panel Discussion: Attorneys who have been there and done that will respond to your questions about their decision to open their own firms</p>	<ul style="list-style-type: none"> • Understanding of course goals/objectives • Understanding of syllabus and assignments • Exploration of reasons to start a practice <p>Lecture will discuss importance of capturing time, and best methods to do so.</p> <p>Panel discussion will allow students to interact with alumni to discuss the critical decision to start your own practice vs. working for someone else</p>	Foonberg xxiii-xxviii, 3-42	<p>Complete Student Information Questionnaire and Self-Assessment Survey (Found on the web course. Must be filled out and returned by email no later than 11:59 p.m. 1-19-15)</p> <p>Time Sheet Assignment (Assignment memo will be found on the web course.) First time sheet submissions due no later than 11:59 p.m. 2-02-15</p> <p>Journaling Assignment (Assignment memo will be found on the web course.) First journal submissions due no later than 11:59 p.m. 2-02-15</p> <p>Business Plan Assignment (Assignment memo will be found on the web course.) First submissions due no later than 11:59 p.m. 2-02-15</p> <p>Working for Yourself or Others Interactive Discussion Assignment Memo handed out for discussion next week.</p> <p>Every student must prepare at least <u>one question</u> he or she wants answered by the panel. Some suggestions to get you started:</p> <ul style="list-style-type: none"> • Why did you start a practice? • How/when did you go about it? • What changes have you made? • What would you do differently? • What do you wish you had known? • Mentors/advisors? • Family obligations? • Family support?

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
2	1/26/2015	<p>Debrief of the panel discussion</p> <p>Interactive discussion of decision to work for yourself or others</p> <p>Lecture –practice area selection, and locating your business</p> <p>Lecture - forms of practice</p>	<p>Class Discussion:_Review of panel discussion during the previous class.</p> <p>Evaluate options of working for self or others, and working alone or with co-owners</p> <p>Lectures should help students to understanding various ways to practice law, selection of the areas of practice, where to site your business</p> <p>Lecture is an introductory discussion on business entities for law firms, including sole proprietorships, corporations, partnerships, and more complex structures.</p>	<p>Foonberg 43-44, 47-48, 61-67, 523-532, 586-587</p> <p>Cal Guide 23-38</p>	<p>Technology Needs Discussion Project assigned. This is a firm assignment: Firms will be assigned to research either (i) hardware or (ii) software, to determine the needs for their firm, and to create a checklist of hardware and software needs of the firm, respectively. Due at beginning of next class.</p> <p>Partnership/Shareholder Agreement Project assigned. Conceptual outline of financial terms and outline of key terms (1 per firm) due before 11:59 p.m. on 2-16-15</p>
3	2/02/2015	<p>Lecture: Housing the Practice, Furnishing and Supplying the Practice</p> <p>Technology Needs of the Practice</p> <p>Lecture: Business Development and Marketing – An Introduction</p>	<p>Students learn various alternative ways to house the business and adequately provide the business with furniture and supplies necessary to run the business.</p> <p>Interactive discussion regarding various technology resources available to the practitioner, and the practical implementation of that technology into the practice</p> <p>Students will be introduced to the concept of branding as a fundamental form of marketing and business development</p>	<p>Foonberg 45-46, 68-85, 94-130, 134-143, 489-507</p> <p>Cal Guide 53-83, 241-267, 291-328</p>	<p>Technology Needs Follow-up Project assigned. Firms to turn in final project no later than 11:59 p.m. on 2-09-15</p> <p>Elevator Speech assignment given. Student should be prepared to give polished elevator speech during next class.</p>
4	2/09/2015	Lecture: Business Development and Marketing, Part One –	Students will be introduced to the dynamics of developing legal business, including using their unique personality	Foonberg 175-182, 203-219	Intake Application Project assigned. Students to turn in final application no later than 11:59 p.m. on 2/16/15.

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
		Becoming a Rainmaker Elevator Speeches Identifying problem Clients	traits, and to personal relationship marketing, as well as commonly used business development techniques Interactive video vignettes with lecture and discussion related to identifying red flags of potential problem clients or troublesome situations to avoid.	Cal Guide 447-532	Intake Interview practicum assigned
5	2/17/2015 Note: Tuesday class	Lecture: Intake Practices and Considerations Practicum: Intake Interview Lecture: Feedback on Journal and Time Sheet efforts	Students will be provided with insight the process of procuring new clients once a potential client is identified, and methods of making the intake process efficient and effective. Students will engage in a mock intake interview exercise with feedback from the professors following each interview Students will receive detailed feedback on journaling efforts and time sheet acceptability	Foonberg 234-247, 393-405	Intake Rejection Letter project assigned. Submission due by 11:59 p.m. on 2-23-15. Conflict Memo project assigned. This is a firm project. Submission due by 11:59 p.m. on 2-23-15 Engagement Agreement Assignment distributed. One member of each firm to submit draft of their Engagement Agreement no later than 11:59 p.m. on 3-16-15.
6	2/23/2015	Lecture: Engaging the Client Lecture: Time Management for the Busy Attorney	Students will learn about the legal, ethical, and practical aspects of forming the attorney-client relationship, including: terms & conditions of engagement K, forms of fee arrangements, ethics of engaging in A-C relationship (CRPC 3-300, 4-200, etc., practical considerations of engaging in A-C relationship, statutory requirements: B&P 6147, 6148, fee divisions - paying of referral fees, conflicts of interest issues Second part of class will provide students with methods to avoid the loss of valuable time in their practices and lives.	Foonberg 220-227, 255-266 Cal Guide 120-157 CRPC 2-200, 3-100, 3-300, 3-310, 3-400, 3-410, 4-200, B&P §§ 6147, 6148	Conflict Acknowledgment and Waiver Assignment announced. One member of each firm to submit draft of their Conflict Acknowledgment and Waiver no later than 11:59 p.m. on 3-16-15.
7	3/02/2015	Lecture: Business Development and Marketing, Part Two	The first part of class will discuss more nuts and bolts approaches to procuring new business for the firm.	Foonberg 147-160, 448-464, 476-488	

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
		Lecture: Office practices, policies and procedures	The second part of class will discuss common office practice and procedures, such as filing, mail and other communication management, conflict checking, calendaring and other critical processes	Cal Guide 85-119, 329-368	
		Lecture: Essential relationships for the attorney business owner	The final part of the class will discuss a substantial list of vendors and other key relationships that all law businesses should form and nurture to assure a successful practice		
8	3/16/2015	Lecture: Care and Feeding of Clients	The first part of class will deal with best practices and ethical obligations of an attorney to his or her client, including communications, managing expectations and ways to improve the client experience	Foonberg 161-174, 190-202, 228-233, 248-251, 267-332, 465-475, 515-516, 533-575, 588-589, 617-625	Termination of Engagement Letter Assignment announced in class. Due 3/23/15 at 11:59 p.m.
		Lecture: Changes in the attorney-client relationship	The second part of class will discuss situations where the client or attorney seek to modify the relationship or to sever it altogether, as well as dealing with the natural end of the relationship	Cal Guide 533-540	
9	3/23/2015	Lecture: Financial Issues in running a law practice	Lecture will explore the various financial issues involved in running a law business including budgeting, accounting, banking and related concepts.	Foonberg: 89-93, 414-435, 440-447, 576-581, 606-612	Insurance Application Assignment handed out in class. Firm assignment. To be turned in by 11:59 p.m. on 3-30-15
		Lecture: Insuring the Practice	Lecture will assist in understanding various insurance options available, and will provide a basic primer on the terms and conditions needed to be a good consumer of the insurance products	Cal Guide 159-240	
		Trust Account and Banking Practicum	Practicum will allow students to experience interactive, hands-on exercises related to trust accounting and banking of checks		

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
			that come into a law office, with a focus on best practices to avoid trust accounting mistakes.		
10	3/30/2015	Lecture: Law Office Security Issues Lecture: Future of Practice of Law,	The first part of class will deal with physical safety protocols, as well as methods to safeguard client confidences and firm confidential information from physical and cyber attack. In the second part of class students will be introduced to national and international trends in the practice of law, including the use of technology to form altogether new business models	Foonberg 335-370, 508-514 Susskind 1-61 Selections from the October 2014 Issue of <i>The Bottom Line</i> , by the State Bar of CA, Section of Law Practice Management and Technology	Office Security Presentation Assignments announced. Firm Assignment. Presentations will be given on 4/20/2015. The reading selections for The Bottom Line will be posted in the Webcourse
11	4/06/2015	Lecture: The Attorney as Employer	The majority of this class will deal with the decisions and dynamics of bringing on employees, as well as the duties of the law office employer and management of office employees.	Foonberg 131-133, 436-439, 517-519 Cal Guide 369-446	
12	4/13/2015	Practicum – Handling Employee Issues Lecture: Maintaining Competence	The first part of class will be interactive student exercises related to management of law office employees The second lecture will deal with the lifelong pursuit of competence and excellence in the student's desired practice area(s). It will discuss methods of doing so.	Foonberg 371-392, 406-408, 593-605, 613-616	
13	4/20/2015	MCLE Presentations on Office Security Issues	Students will present professional quality MCLE programs on their assigned office security topics	No reading assigned	Panel Discussion Question Assignment announced. Each student to formulate at least two questions for the panel discussion

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
					next week. In addition, students must prepare a 15-20 second "elevator speech" to introduce themselves to the panelists
14	4/27/2015	Panel Discussion Lecture: Surviving and Thriving in the Practice of Law	Attorneys with experience in opening and running a practice answer your questions. Final lecture of the semester discusses the darker side of the practice of law, how to avoid becoming a victim of the consequences of the stress associated with the profession, and how to balance your life and love what you do	Foonberg 641-647 Cal Guide 541-576	Semester End Student Surveys handed out in class, to be turned in on 5/1
	5/01/2015				Final Business Plan, semester end student surveys and final Journal and Time Sheet entries due by midnight today