

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

**COURSE:** LAW PRACTICE MANAGEMENT & TECHNOLOGY  
**SECTION:** 429-A  
**SEMESTER:** FALL 2014  
**TIME:** M 6:30 to 9:45 P.M.  
**PROFESSORS:** PEDERSEN & DILLINGER

- I. **REQUIRED BOOKS.** The required books must be brought to all classes. You are expected to have read any relevant Rule of Professional Conduct or Business & Professions Code related to the material.

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.

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 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.**<sup>1</sup> See V. *Class Attendance, below.*

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<sup>1</sup> See footnote 2, below. The time allocations for topics being covered may have been over- or under-estimated. 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.*

V. **CLASS ATTENDANCE**. Attendance and participation are required for all classes.<sup>2</sup> 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.<sup>3</sup> 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.

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].

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<sup>2</sup> 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.**

<sup>3</sup> 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.**

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; Partnership/Shareholder outline of 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.

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. 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

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. **Course Schedule.**

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
1	8/25/2014	<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"> <li>• Understanding of course goals/objectives</li> <li>• Understanding of syllabus and assignments</li> <li>• Exploration of reasons to start a practice</li> </ul> <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 <b>Student Information Questionnaire and Self-Assessment Survey</b> (Found on the web course. Must be filled out and returned by email no later than 11:59 p.m. 9-1-14)</p> <p><b>Time Sheet Assignment</b> (Assignment memo will be found on the web course.) First time sheet submissions due no later than 11:59 p.m. 9-15-14</p> <p><b>Journaling Assignment</b> (Assignment memo will be found on the web course.) First journal submissions due no later than 11:59 p.m. 9-15-14</p> <p><b>Business Plan Assignment</b> (Assignment memo will be found on the web course.) First submissions due no later than 11:59 p.m. 9-15-14</p> <p>Every student must prepare at least <b>one question</b> he or she wants answered by the panel. Some suggestions to get you started:</p> <ul style="list-style-type: none"> <li>• Why did you start a practice?</li> <li>• How/when did you go about it?</li> <li>• What changes have you made?</li> <li>• What would you do differently?</li> <li>• What do you wish you had known?</li> <li>• Mentors/advisors?</li> <li>• Family obligations?</li> <li>• Family support?</li> </ul>
2	9/8/2014	Debrief of the panel	<p>Class Discussion: Review of panel discussion during the previous class.</p> <p>Lectures should help students to</p>	Foonberg 43-44, 47-48, 61-67, 523-532, 586-587	<b>Technology Needs Discussion Project</b> assigned. This is a firm assignment: Firms will be assigned to research either (i) hardware or (ii) software, to determine the

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
		discussion  Lecture – The decision to work for yourself or others, practice area selection, and locating your business  Lecture - forms of practice	understanding various ways to practice law, selection of the areas of practice, where to site your business  Lecture is an introductory discussion on business entities for law firms, including sole proprietorships, corporations, partnerships, and more complex structures.	Cal Guide 23-38	needs for their firm, and to create a checklist of hardware and software needs of the firm, respectively. Due at beginning of next class.  <b>Partnership/Shareholder Agreement Project</b> assigned. Conceptual outline of financial terms (1 per firm) due before 11:59 p.m. on 9-22-14. Outline of key terms (1 per firm) due before 11:59 p.m. 10-27-14
3	9/15/2014	Lecture: Housing the Practice, Furnishing and Supplying the Practice  Technology Needs of the Practice  Lecture: Business Development and Marketing – An Introduction	Students learn various alternative ways to house the business and adequately provide the business with furniture and supplies necessary to run the business.  Interactive discussion regarding various technology resources available to the practitioner, and the practical implementation of that technology into the practice  Students will be introduced to the concept of branding as a fundamental form of marketing and business development	Foonberg 45-46, 68-85, 94-130, 134-143, 489-507  Cal Guide 53-83, 241-267, 291-328	<b>Technology Needs Follow-up Project</b> assigned. Firms to turn in final project no later than 11:59 p.m. on 9-29-14  <b>Elevator Speech assignment</b> given. Student should be prepared to give polished elevator speech during next class.  Students submit <b>Time Sheets &amp; Journals</b> for first 4 weeks by 11:59 p.m. on 9/15/14.  Students submit <b>Business Plan</b> skeleton outline by 11:59 p.m. on 9/15/14.
4	9/22/2014	Lecture: Business Development and Marketing, Part One – Becoming a Rainmaker  Elevator Speeches	Students will be introduced to the dynamics of developing legal business, including using their unique personality traits, and to personal relationship marketing, as well as commonly used business development techniques  Interactive video vignettes with lecture	Foonberg 175-182, 203-219  Cal Guide 447-532	<b>Intake Application Project</b> assigned. Students to turn in final application no later than 11:59 p.m. on 9/29/14.  <b>Intake Interview practicum</b> assigned

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		Identifying problem Clients	and discussion related to identifying red flags of potential problem clients or troublesome situations to avoid.		
5	9/29/2014	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	<b>Intake Rejection Letter project</b> assigned. Submission due by 11:59 p.m. on 10-6-14.  <b>Conflict Memo project</b> assigned. This is a firm project. Submission due by 11:59 p.m. on 10-6-14
6	10/6/2014	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	<b>Engagement Agreement Assignment</b> distributed. One member of each firm to submit draft of their Engagement Agreement no later than 11:59 p.m. on 10-13-14.  <b>Conflict Acknowledgment and Waiver Assignment</b> announced. One member of each firm to submit draft of their Conflict Acknowledgment and Waiver no later than 11:59 p.m. on 10-13-14.
7	10/13/2014	Lecture: Business Development and Marketing, Part Two  Lecture: Office practices, policies and procedures	The first part of class will discuss more nuts and bolts approaches to procuring new business for the firm.  The second part of class will discuss common office practice and procedures, such as filing, mail and other communication management, conflict	Foonberg 147-160, 448-464, 476-488  Cal Guide 85-119, 329-368	

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
		Lecture: Essential relationships for the attorney business owner	checking, calendaring and other critical processes  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	10/20/2014	Lecture: Feedback on engagement letter assignments  Lecture: Care and Feeding of Clients  Lecture: Changes in the attorney-client relationship	The first part of class will be a discussion about the various engagement letter drafts received, including supplemental material to assist all students in finalizing the engagement letter  The second 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  Exercise: Managing Client Expectations  The third 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	Foonberg 161-174, 190-202, 228-233, 248-251, 267-332, 465-475, 515-516, 533-575, 588-589, 617-625  Cal Guide 533-540	<b>Termination of Engagement Letter Assignment</b> announced in class. Due 10/27/14 at 11:59 p.m.
9	10/27/2014	Lecture: Financial Issues in running a law practice  Lecture: Insuring the Practice  Trust Account and Banking Practicum	Lecture will explore the various financial issues involved in running a law business including budgeting, accounting, banking and related concepts.  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  Practicum will allow students to experience interactive, hands-on	Foonberg: 89-93, 414-435, 440-447, 576-581, 606-612  Cal Guide 159-240	<b>Insurance Application Assignment</b> handed out in class. Firm assignment. To be turned in by 11:59 p.m. on 11-17-14

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
			exercises related to trust accounting and banking of checks that come into a law office, with a focus on best practices to avoid trust accounting mistakes.		
10	11/3/2014	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  The entire October 2014 Issue of <i>The Bottom Line</i> , by the State Bar of CA, Section of Law Practice Management and Technology	<b>Office Security Presentation Assignments</b> announced. Firm Assignment. Presentations will be given on 11/24/2014.
11	11/10/2014	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	<b>Personnel Policies and Employee Agreement Assignment</b> announced.
12	11/17/2014	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	<b>Practicum – Handling Employee Issues</b> assigned
13	11/24/2014	MCLE Presentations on Office Security Issues	Students will present professional quality MCLE programs on their assigned office security topics	No reading assigned	<b>Panel Discussion Question Assignment</b> announced. Each student to formulate at least two questions for the panel discussion next week. In addition, students must

Week	Date	Topic	Goals of the Class	Reading	Notes/Assignments
					prepare a 15-20 second "elevator speech" to introduce themselves to the panelists
14	12/01/2014	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	<b>Semester End Student Surveys</b> handed out in class, to be turned in on 5/2
	12/05/2014				<b>Final Business Plan, semester end student surveys and final Journal and Time Sheet entries due by midnight today</b>